



LAWS OF KENYA

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**COTTON ACT**

CHAPTER 335

Revised Edition 2012 [1990]

Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

[www.kenyalaw.org](http://www.kenyalaw.org)



**CHAPTER 335**

**COTTON ACT**

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## CHAPTER 335

## COTTON ACT

[Date of assent: 21st July, 1988.]

[Date of commencement: Part I-Part IV, Part V sections 19-21, Part VI sections 23(a), 24, 25(1)(a) and (c), 26-31, Part VIII, Part IX sections 40-43, Part X sections 44(1)-(5), (7)-(10): 1st September, 1989;

Part V section 22, Part VI section 23(1)(b), (2), Part VII sections 32(1)(a)-(d), (2)-(7), (33), Part VIII sections 35(1)(a)-(f), (2), (3), Part XI sections 44(6)(a)-(c): 1st January, 1992.]

**An Act of Parliament to establish the Cotton Development Authority and to provide for the promotion and regulation of the cotton industry and for connected purposes**

[Act No. 3 of 1988, L.N. 264/1989, L.N. 55/1992, Act No. 7 of 2006, Act No. 17 of 2006, Act No. 7 of 2007.]

## PART I – PRELIMINARY

**1. Short title**

This Act may be cited as the Cotton Act.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**application**” means an application for the first issue of a licence or for the renewal of or variation of a licence, as the case may be;

“**Authority**” means the Cotton Development Authority established by section 3;

“**Board**” means the Board of the Authority referred to in section 3A;

“**Chief Executive Officer**” means the chief executive officer of the Authority appointed under section 10(1);

“**co-operative society**” means a co-operative society registered or deemed to be registered under the Co-operative Societies Act (Cap. 490);

“**cotton lint**” means ginned cotton produced from raw cotton;

“**cotton seed**” means cotton seed (including planting seed) produced from raw cotton;

“**cotton zone**” *deleted by Act No. 7 of 2006, s. 3(d)*;

“**former Board**” means the Cotton Board of Kenya established under section 3 (now repealed) of the principal Act;

“**ginner**” means any person or company licensed under section 26;

“**infected area**” means an area, cotton ginnery or cotton factory declared to be an infected area under section 40(1);

“**inspector**” means a person appointed as an inspector in terms of section 34(1);

“levy” means a levy imposed under section 32(1);

“licence” *deleted by Act No. 17 of 2006, s. 53;*

“licence holder” *deleted by Act No. 17 of 2006, s. 53;*

“managing director” *deleted by Act No. 7 of 2006, s. 3(c);*

“planting seed” means seed for or intended for use for growing cotton;

“premises” includes any building or structure;

“raw cotton” includes unginned cotton and seed cotton;

“staff” means the managing director, secretary of the Board, officers and employees of the Authority.

[Act No. 7 of 2006, s. 3, Act No. 17 of 2006, s. 53.]

## PART II – THE COTTON BOARD OF KENYA

### PART II – THE COTTON DEVELOPMENT AUTHORITY

[Act No. 7 of 2006, s. 4.]

#### 3. Establishment of the Authority

(1) The Cotton Development Authority is hereby established as a body corporate.

(2) The Authority shall have all the powers necessary or expedient for the performance of its functions.

(3) Without limiting the generality of subsection (2), the Authority shall have perpetual succession and a common seal and shall be capable of—

- (a) suing and being sued in its corporate name; and
- (b) holding and alienating movable and immovable property.

[Act No. 7 of 2006, s. 5.]

#### 3A. Board of the Authority

(1) The Board of the Authority, which shall be responsible for the overall direction and management of the affairs of the Authority, shall consist of—

- (a) seven members, elected by cotton growers from each of the following provinces—
  - (i) Coast Province;
  - (ii) Central Province;
  - (iii) Eastern Province;
  - (iv) Western Province;
  - (v) Nyanza Province;
  - (vi) Rift Valley Province;
  - (vii) North Eastern Province;
- (b) four members, appointed by the Minister after being nominated by the following—
  - (i) the Kenya Cotton Ginners Association;
  - (ii) the Kenya Cotton Growers Association;
- (c) the following *ex officio* members—



*Cotton*

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- (i) the Permanent Secretary of the Ministry responsible for Agriculture;
- (ii) the Permanent Secretary of the Ministry responsible for finance;

- (iii) the Permanent Secretary of the Ministry responsible for co-operative development;
- (iv) the Chief Executive Officer.

(2) *Deleted by Act No. 7 of 2007, Sch.*

(3) The chairman of the Board shall be elected by the members of the Board from among the members elected under subsection (1)(a) or appointed under subsection (1)(b).

(4) The vice-chairman of the Board shall be elected by the members of the Board from among the members elected under subsection (1)(a) or appointed under subsection (1)(b).

(5) Each member elected under subsection (1)(a) or appointed under (1)(b) shall hold office for a term of three years and is eligible for reappointment or re-election but shall not serve for more than two consecutive terms at any one time.

(6) A member elected under subsection (1)(a) or appointed under subsection (1)(b) may resign by notice in writing to the Minister.

(7) The Minister may, with the concurrence of the Board, remove a member elected under subsection (1)(a) or appointed under subsection (1)(b) if the member

- (a) is absent from three consecutive meetings of the Board without reasonable cause;
- (b) is convicted of an offence and sentenced to imprisonment;
- (c) is incapacitated by prolonged physical or mental illness from performing his duties as a member;
- (d) conducts himself in a manner that the Minister, with the concurrence of the Board, consider inconsistent with his membership on the Board;
- (e) in the case of a member appointed under subsection (1)(b), if the member ceases to be a member of the organization that nominated him;
- (f) becomes unqualified under subsection (6);
- (g) is declared bankrupt.

(8) A person employed by the Authority, other than the Chief Executive Officer, is not qualified to be a member of the Board.

(9) If a member appointed under subsection (1)(b) ceases to be a member, the Minister shall request a new nomination from the organisation that nominated the member.

[Act No. 7 of 2006, s. 5; Act No. 7 of 2007, Sch.]

#### **4. Proceedings of the Board**

- (1) Meetings of the Board shall be presided over by—
- (a) the chairman;
  - (b) in the absence of the chairman, the vice chairman;

- (c) in the absence of both the chairman and the vice chairman, a member of the Board elected by the members for that purpose.

(2) The quorum for the meetings of the Board shall be eight, not including the Chief Executive Officer:

Provided that there shall be no quorum unless at least one member each under paragraphs (a), (b) and (c) of section 3(3) is present.

(3) All questions at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

The Chief Executive Officer shall not have a vote.

(4) If there is equality of votes, the person presiding at a meeting of the Board shall have a casting as well as a deliberative vote.

(5) The Board shall meet at least four times in each year, but the chairman may, and on written application by three or more members shall, convene a special meeting of the Board at any time.

(6) Subject to this Act, and to any general or special directions the Minister may give in writing, the Board shall regulate its own procedure.

[Act No. 7 of 2006, s. 6.]

## **5. Functions of the Board**

(1) The principal object of the Authority is to promote, co-ordinate, monitor, regulate and direct the cotton industry in Kenya.

(2) The functions of the Board include carrying on activities and doing things to further its principal object and without prejudice to those general functions, the particular functions of the Board are—

- (a) to plan, monitor and regulate cotton growing and cotton ginning;
- (b) to license and control ginners and other persons dealing with cotton;
- (c) to regulate and carry out quality control of raw cotton and cotton ginning;
- (d) to regulate the export or import of cotton lint or cotton seed;
- (e) to advise the Minister on the pricing of raw cotton;
- (f) to organize and supervise the multiplication and distribution of planting seed and to ensure good quality seed maintenance on the farms;
- (g) to carry out and promote research and development in cotton production and processing technology;
- (h) to provide training, either on payment or without charge, or co-ordinate training for any sector of the cotton industry;
- (i) to render any service prescribed by regulations made under section 41(1)(s);
- (j) to advise the Government on all policy issues related to the cotton industry;
- (k) to advise the Government on national strategies for cotton production, processing, and or trade in cotton and cotton products;

- (l) to generally monitor cotton production and advise on strategies to achieve the optimum levels in the production, in both the quality and quantity, of cotton;
- (m) to ensure that the production, supply and distribution of planting seed complies with such regulations as may be made under this Act;
- (n) to set standards, and to enforce compliance with the standards, for the assessment and grading of seed cotton;
- (o) to determine standards for lint classification, enforce compliance with such standards and monitor compliance with the international lint standards;
- (p) to establish, and maintain an up-to-date database for the cotton industry in the country;
- (q) to collect, analyse and disseminate information and statistics on the area under cotton, yields, cotton production trends, and costs thereof, and the markets, both local and foreign, for cotton and cotton products;
- (r) to promote and give technical or financial support to education programmes, courses, seminars, workshops, visits, tours and agricultural shows in furtherance of the development of the cotton industry;
- (s) to promote and give financial, technical and other support to sector associations within the cotton industry;
- (t) to represent the cotton industry at national and international fora; and
- (u) to collect data from every ginner to whom seed cotton is delivered for ginning.

(3) The Authority shall, if the Minister so directs, be the agent of the Government for all matters concerning international agreements made or to be made in relation to cotton.

(4) *Deleted by Act No. 7 of 2006, s. 7.*

(5) Notwithstanding any other provisions of this Act, the Authority may, during such period as may be determined by the Minister, own and operate the cotton ginneries which at the commencement of this Act are owned and operated by the former Board and for that purpose may purchase raw cotton and sell cotton lint and cotton seed and do all other things necessary for the effective operation of the ginneries.

[Act No. 7 of 2006, s. 7.]

## **6. Powers of the Board**

(1) The Authority may do anything which a body corporate may lawfully do and perform or which is necessary or helpful to carry out its functions.

(2) In particular, but without prejudice to the general powers specified in subsection (1), and subject to this Act, the Board may—

- (a) enter into contracts, arrangements or guarantees which are, in the opinion of the Board, necessary or expedient for carrying out its functions;

- (b) acquire, buy, sell, dispose of, rent or hire, pledge or mortgage any movable or immovable property or interest therein;
- (c) subject to the prior approval of the Minister, in consultation with the Minister for the time being responsible for Finance, borrow money;
- (d) accept gifts and donations;
- (e) make such investments of money as are allowed by law for the investment of trust funds or as are approved by the Minister;
- (f) make such charges for its services under this Act as it thinks fit;
- (g) appoint and employ agents to perform any of its functions or exercise any of its powers;
- (h) appoint committees, whether of its own members or otherwise, to carry out general or particular functions as specified by the Board;
- (i) by resolution delegate to any member, officer or employee of the Board, or to a committee appointed under paragraph (h), the performance of any of its functions or the exercise of any of its powers, either generally or in any particular case;
- (j) do anything required under this or any other written law to be done by the Board; and
- (k) do anything incidental to any of its powers.

[Act No. 7 of 2006, s. 8.]

### PART III – ADMINISTRATION OF THE BOARD

#### **7. Disclosure of interest**

(1) A member of the Board who is, or is likely to be, in any way directly or indirectly interested in a transaction or project of the Board shall, on the matter coming up before the Board for consideration, immediately declare and disclose the nature of his interest; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to the transaction or project.

(2) A member need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.

#### **8. Indemnity for members, etc.**

No action shall lie against any member of the Board, officer or employee of the Authority or any other public officer for any act done or ordered to be done in good faith in pursuance of this Act.

[Act No. 7 of 2006, s. 9.]

#### **9. Authentication of documents**

(1) The common seal of the Authority shall be authenticated by the signature of the chairman or of another member authorized by the Board to do so, together with the signature of the Chief Executive Officer.

(2) The Board shall keep a register showing the use of its common seal.

(3) All documents made by the Board, other than those required by law to be under seal, shall be executed, and all decisions of the Board shall be signified, under the hand of the chairman or a member or agent of the Board authorized by the Board to do so.

(4) A document purporting to be executed in accordance with subsection (1) or (3) shall be received in evidence and is, in the absence of evidence to the contrary, deemed to be so executed without further proof.

[Act No. 7 of 2006, s. 10.]

#### **10. Appointment of Chief Executive Officer, secretary, officers and employees of the Board**

(1) The Board shall appoint a Chief Executive Officer of the Authority who shall be responsible for the effective operation of the day-to-day activities of the Authority.

(2) In the exercise of his functions under this Act, the Chief Executive Officer shall act in accordance with such directions as he may, from time to time, receive from the Board.

(3) The Board shall appoint a secretary of the Board who, in addition to any other duties conferred under this Act, shall be responsible for convening all meetings of the Board, the proper recording of its decisions and the communication of those decisions to those who are required to act on them.

(4) The Authority shall appoint or employ such other officers and employees as may be necessary for the purposes of or in connection with its functions under this Act, on such terms and conditions as the Board may determine.

(5) The secretary, other officers and employees shall be under the administrative control of the Chief Executive Officer.

(6) The Chief Executive Officer, secretary, other officers and employees shall hold office on such terms and conditions as the Board may determine.

(7) The Authority shall provide for the training, career development and discipline of its officers and employees.

[Act No. 7 of 2006, s. 11.]

#### **11. Remuneration and expenses of members and staff of the Board**

(1) There shall be paid to the members of the Board, other than a public officer who receives a salary as such, such remuneration, fees and allowances for expenses as the Minister may determine.

(2) The Authority shall pay to its officers and employees such remuneration from the funds of the Authority as the Board may determine.

(3) The Authority shall refund travelling and other expenses reasonably incurred by the members of the Board, the officers and employees of the Authority in each case in the performance of their duties under this Act.

(4) The Authority may establish and make contributions to pension, superannuation, provident or medical funds, in each case for the benefit of its officers or employees, whom it may require to contribute to those funds.

(5) The Authority may grant pensions, gratuities or retirement allowances to its officers or employees from the funds established under subsection (4).

[Act No. 7 of 2006, s. 12.]

PART IV – FUNDS OF THE BOARD, ETC.

PART IV – FUNDS OF THE AUTHORITY, ETC.

[Act No. 7 of 2006, s. 13.]

**12. Funds and property of the Authority**

- (1) The funds and property of the Board shall consist of—
- (a) property, assets, powers, rights, obligations, interests, liabilities and contracts of the former Board vested in the Authority under section 44 (now repealed);
  - (b) money paid to the Authority as levy, commission, export or import agency fees and fees charged for anything done by it under this Act;
  - (c) money paid to the Authority as grants, subsidies, donations, loans, subscriptions, rent, repayments of principal, interest and royalties;
  - (d) money derived from the sale of property held by or on behalf of the Authority;
  - (e) sums due on any investment made by the Authority;
  - (f) other money and property lawfully received by the Authority for the purposes of the Authority;
  - (g) accumulations of income derived from any money or property of the Authority; and
  - (h) such sums as may be provided by Parliament for the purpose.
- (2) The Authority may from time to time apply its funds and property—
- (a) to the exercise and carrying out of any of its powers, duties, functions, responsibilities and operations under this Act;
  - (b) to the cost of the administration of the Authority;
  - (c) to the payment of the expenses of its members and of the salaries, gratuities, pensions and retiring allowances of its officers and employees;
  - (d) to the remuneration of any agents and other persons employed by or assisting the Authority in the carrying out of its powers, duties, functions, responsibilities or operations under this Act; and
  - (e) to the payment of interest in respect of any money borrowed under this Act.

[Act No. 7 of 2006, s. 14, Act No. 17 of 2006, s. 54.]

**13. Bank account of the Authority**

(1) All money belonging to the Authority shall, as soon as practicable after it has been paid to an officer authorized to receive money on behalf of the Authority, be paid into a bank account in the name of the Authority.

(2) No money shall be withdrawn from the bank account in the name of the Authority except on the signature of the Chief Executive Officer and any other officer authorized so to sign by and on behalf of the Authority.

[Act No. 7 of 2006, s. 15.]

**14. Financial duty of the Authority in conduct of its operations**

The Authority shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable to revenue including, in particular, proper provision for the depreciation of assets and allocation under section 16(2) to the general reserve fund.

[Act No. 7 of 2006, s. 16.]

**15. Estimates**

For each financial year the Authority shall prepare and submit to the Minister not later than such date as the Minister may direct, estimates of the income and expenditure of the Authority, including its capital budget, for the coming financial year and for any longer period required by the Minister.

[Act No. 7 of 2006, s. 17.]

**16. General reserve fund**

(1) The Authority shall establish and maintain a general reserve fund.

(2) At the end of each financial year, the Authority shall, after consultation with the Minister, from its revenue make a proper allocation to the general reserve fund.

(3) The Authority may apply the proceeds from the general reserve fund to carry out any of its functions.

[Act No. 7 of 2006, s. 18.]

**17. Accounts and audit**

(1) The Board shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

(2) Where funds have been received by the Authority for a specific purpose, the estimates and accounts of the Authority shall show the application of those funds.

(3) At the end of each financial year, the accounts of the Authority shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act (No. 12 of 2003).

[Act No. 7 of 2006, s. 19.]

**18. Annual report**

(1) Within four months of the end of each financial year or such longer periods as the Minister may approve, the Authority shall submit to the Minister an annual report dealing with its operation during the year; and the Authority shall publish the annual report in such manner as the Minister may specify.

(2) The Minister shall, upon receipt of the annual report under this section, lay the report before the National Assembly within a period of fourteen days of the day the National Assembly next sits after such receipt.

[Act No. 7 of 2006, s. 20.]



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PART V – PROVISIONS RELATING TO THE EXPORT,  
MARKETING AND PROCESSING OF COTTON

**19. Restriction on export and sale of cotton**

(1) Subject to this Act, no person shall—

- (a) sell raw cotton, cotton lint or cotton seed to any person unless such person has been licensed by the Authority in respect of the raw cotton, cotton lint and cotton seed to the extent and subject to the conditions considered necessary by the Authority;
- (b) purchase raw cotton from any grower other than a ginner licensed under this Act;
- (c) carry out the ginning of raw cotton unless he holds a ginner's licence granted under section 26.

(2) The Minister may from time to time, after consultation with the Board, fix prices at which purchasers of raw cotton may purchase the cotton.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

[Act No. 7 of 2006, s. 21.]

**20.** Deleted by Act No. 7 of 2006, s. 22.

**21.** Deleted by Act No. 7 of 2006, s. 23.

**22. Purchase of cotton lint by the Authority, etc.**

(1) Subject to this Act, the Authority may purchase cotton lint which has been produced and ginned in Kenya on terms agreed to between the sellers and the buyers from time to time and the cotton lint so purchased shall be delivered to the Authority in such manner as may be agreed.

(2) Any cotton lint and cotton seed sold by the Authority shall be by auction or by tender or by such other method as the Authority may consider fit in the interest of the industry.

(3) Proceeds from the disposal of cotton lint shall be applied in the following manner—

- (a) payment of such commission fees as the Authority may from time to time determine in accordance with this Act;
- (b) payment of such export levy as may be prescribed under this Act; and
- (c) payment for the cotton lint purchased by the Authority under subsection (1).

[Act No. 7 of 2006, s. 24.]

**PART VI – LICENSING PROVISIONS**

**23.** Deleted by Act No. 17 of 2006, s. 55.

**24.** Repealed by Act No. 17 of 2006, s. 56.

25. Repealed by Act No. 17 of 2006, s. 57.

26. Repealed by Act No. 17 of 2006, s. 58.

27. Repealed by Act No. 17 of 2006, s. 59.

28. Repealed by Act No. 17 of 2006, s. 60.

29. Repealed by Act No. 17 of 2006, s. 61.

30. Repealed by Act No. 17 of 2006, s. 62.

31. Repealed by Act No. 17 of 2006, s. 63.

#### PART VII – IMPOSITION OF LEVIES

##### 32. Imposition of levies

(1) The Authority may, from time to time, with the approval of the Minister, by notice in the *Gazette* impose one or more of the following levies—

- (a) a ginning levy payable by the ginner on all raw cotton ginned by him;
- (b) a cotton lint levy payable by the purchaser on all lint purchased from the ginner;
- (c) a cotton import levy payable by the importer on all cotton imported (whether as raw cotton, cotton lint or cotton seed), on cotton oil and seed cake;
- (d) a cotton export levy payable by the exporter on all cotton exported (whether as raw cotton or cotton lint).

(2) The rate of any levy shall be specified in the notice under subsection (1) and shall not exceed five per cent of the value of the cotton on which the levy is payable.

(3) Different rates of levy may be imposed for different types or grades of raw cotton, cotton lint, cotton seed, cotton oil or cotton cake.

(4) The time (being not earlier than three months' after the date of publication of the notice under subsection (1)) and the manner of payment of the levy shall be specified in that notice.

(5) All moneys due on account of a levy are recoverable by the Authority as a civil debt due to it from the person by whom it is payable.

(6) No cotton produced in Kenya shall be exported unless the export levy payable in respect thereof has been paid and any person who exports or attempts to export any such cotton in respect of which any money is owing in respect of export levy shall be guilty of an offence.

(7) No cotton produced outside Kenya shall be imported unless the import levy based on a proforma invoice has been paid and any person who imports or attempts to import any such cotton in respect of which any money is owing in respect of import levy shall be guilty of an offence.

[Act No. 7 of 2006, s. 33.]

**33. Use of levies**

The proceeds of any levy imposed under section 32 shall form part of the general funds and property of the Authority and may be used by the Authority in the furtherance or exercise of any function or power of the Authority.

[Act No. 7 of 2006, s. 34.]

## PART VIII – ENFORCEMENT PROVISIONS

**34. Appointment and function of inspectors**

(1) For the purposes of this Act, the Authority may, by notice in the *Gazette*, appoint such number of inspectors as it may consider necessary.

(2) The functions of an inspector shall be—

- (a) to monitor cotton growing, seed cotton purchases and cotton ginning;
- (b) to inspect cotton plants for disease and pests;
- (c) to carry out quality control of planting seed;
- (d) to take samples and grade raw cotton, cotton lint and cotton seed; and
- (e) to certify weights and qualities of raw cotton, cotton lint and cotton seed;
- (f) to certify the quality of fertilizers, leaf sprays, water and pesticides.

[Act No. 7 of 2006, s. 35.]

**35. Powers of entry**

(1) For the purposes of this Act, where an inspector has reasonable grounds for doing so he may at any reasonable time enter upon any land, premises or vehicle and may take with him such persons and things as he considers necessary for those purposes and may—

- (a) exercise his functions under section 34(2);
- (b) search for planting seed and inspect records of the planting seed, seed cotton and purchases and sales of the cotton seed and lint;
- (c) make enquiries or carry out a search to ascertain if this Act is being complied with;
- (d) *deleted by Act No. 7 of 2006, s. 36;*
- (e) *deleted by Act No. 7 of 2006, s. 36;*
- (f) do any other thing authorized under this Act.

(2) The owner or occupier of or any person on land or in premises which is entered under subsection (1) shall render such reasonable assistance as may be required of him by the inspector.

(3) A person who refuses or delays or fails to comply with a requirement under subsection (2) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ten thousand shillings or to both.

[Act No. 7 of 2006, s. 36.]

**36. Obstruction of inspectors**

(1) No person shall prevent, hinder or obstruct an inspector in the performance of his functions, powers or duties under this Act.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ten thousand shillings or to both.

**37.** Deleted by Act No. 7 of 2006, s. 37.

**38. Cognizable offences**

Offences under this Act are cognisable offences.

**39.** Deleted by Act No. 7 of 2006, s. 38.

## PART IX – MISCELLANEOUS PROVISIONS

**40. Infected areas**

(1) The Minister may, after consultation with the Board, by order published in the *Gazette*—

- (a) declare an area, cotton ginnery or cotton factory which is infected with cotton disease or pest to be an infected area;
- (b) prohibit the use of an infected area for planting, growing, collecting, storing, ginning, baling or other dealing with planting seed, raw cotton, cotton lint or cotton seed or for any purpose connected with those activities;
- (c) for the purpose of preventing cotton disease or pest or the spread of cotton disease or pest, either in the crop or otherwise, prohibit the movement of planting seed, raw cotton, cotton lint or cotton seed from, to, through or within an infected area or another specified area;
- (d) extend, diminish or otherwise alter an infected area; and
- (e) where it is no longer infected with cotton disease or pest, revoke the declaration of an infected area.

(2) The Minister may by regulations make further provisions for the control of infected areas.

**41. Regulations**

The Minister may, upon the advice of the Authority, make regulations generally for the better carrying out of the objects and purposes of this Act, including—

- (a) prescribing the kind and quality of planting seed and prohibiting the use of any other kind and quality or seed for growing cotton;
- (b) regulating the method of purchase, collection, transport, movement, storage, ginning, baling or otherwise preparing, sale or disposal of any particular kind or quality of planting seed, raw cotton, cotton lint or cotton seed;

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- (c) regulating the distribution of planting seed to persons requiring it for planting;
- (d) providing for the requisition of planting seed;
- (e) regulating and controlling the method, time and place of planting and growing cotton;
- (f) providing for the inspection of planting seed, raw cotton, cotton lint, cotton seed, cotton plantations, stores and ginneries and prescribing the class and standard of premises which may be used in the ginning, baling and storage of cotton;
- (g) prescribing the qualification, powers and duties of inspectors and other persons appointed to perform duties under this Act;
- (h) providing for the examination, inspection, analysis and testing of any cotton produce or any article used in connection with cotton produce, prescribing charges in respect thereof, and the condition upon and manner in which samples of such cotton produce may be taken;
- (i) providing for the establishment, organization and administration of cotton buying centres;
- (j) providing for the controlling of the weighing, sales and purchase of seed cotton intended for use as planting seed and for their grading and classification;
- (k) providing for the destruction or removal, in either case with or without compensation, of any soil, planting seed, cotton plant, cotton seed or cotton residues;
- (l) controlling diseases and pests in cotton plants, raw cotton, cotton lint and cotton seed;
- (m) prescribing grades for any form of cotton produce, and the minimum standards to which the produce shall conform, whether as a condition of importation or exportation or of sale within Kenya;
- (n) authorising the examination and inspection by authorised persons or officers of all books and documents relating to the production, manufacture, distribution or sale of any cotton produce;
- (o) *deleted by Act No. 17 of 2006, s. 64;*
- (p) *deleted by Act No. 7 of 2006, s. 39, Act No. 17 of 2006, s. 64;*
- (q) *deleted by Act No. 7 of 2006, s. 39;*
- (r) recommending fees or charges to be paid for anything done under this Act;
- (s) regulating and prescribing the charges, if any, for services rendered under the Act including handling commissions;
- (t) providing for the enforcement, method of payment and regulation of levies imposed by the Authority under section 32;
- (u) prescribing any matter or thing which is to be or may be prescribed under this Act;
- (v) prescribing any forms, marks, registers, and all other documents to be used for the purposes of the Act;

- (w) prescribing, in consultation with the Kenya Cotton Growers Association the manner in which representatives of cotton growers for the purposes of section 3A(1)(a) may be elected;
- (x) prescribing the manner of nomination of a person to be appointed to the Board under section 3A(b)(ii).

[Act No. 7 of 2006, s. 39, Act No. 17 of 2006, s. 64.]

#### **42. Repeal of Cap. 335**

The Cotton Lint and Seed Marketing Act (Cap. 335) is repealed.

#### **43. Consequential amendment, Cap. 318**

(1) The Third Schedule to the Agriculture Act is amended by repealing the words “The Cotton Lint and Seed Marketing Act” and substituting the words “The Cotton Board of Kenya established by the Cotton Act (Cap. 335).”

(2) The First Schedule to the Income Tax Act (Cap. 470) is amended in paragraph 4 by inserting at the end the words “the Cotton Board of Kenya”.

#### **PART X – TRANSITIONAL PROVISIONS**

**44.** Deleted by Act No. 7 of 2006, s. 40.

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