CONTENT

Bill for Introduction into the National Assembly —

The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2013 ........ 1117
THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL, 2013

A Bill for

AN ACT of Parliament to make minor amendments to statute law

ENACTED by the Parliament of Kenya, as follows-

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2013.

2. The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column.

### SCHEDULE

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<th>Written law</th>
<th>Provision</th>
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<td>The Land Adjudication Act (Cap. 284).</td>
<td>Long title</td>
<td>Delete the expression “trust land” and substitute therefor the expression “community land”.</td>
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<tr>
<td>s.2</td>
<td>Insert the following new definitions in proper alphabetical sequence –</td>
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<tr>
<td>“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land.</td>
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<td>“Minister” means Cabinet Secretary.</td>
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<td>s.3(1)</td>
<td>Delete the expression “Trust Land” and substitute therefor the expression “community land”.</td>
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<td>Delete the expression “county council” appearing in paragraph (a) and substitute therefor the expression “county government”.</td>
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The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2013

s.6(1) Insert the words “and not more than fifteen persons” immediately after the words “ten persons”.

s.23(2) Delete the expression “county council” wherever it appears in paragraph (d) and substitute therefor the expression “county government”.

Delete the expression “county council” appearing in subparagraph (b)(iii) and substitute therefor the expression “county government”.

Delete the expression “Trust Land” appearing in subparagraph (b)(iii) and substitute therefor the expression “community land”.

s.23(3) Delete the expression “sixty days” and substitute therefor the expression “twenty-one days”.

s.26(1) Delete the expression “sixty days” and substitute therefor the expression “twenty-one days”.

s.29(1) Delete the expression “five hundred thousand” and substitute therefor the expression “two hundred and fifty thousand.

s. 5 The Urban Areas and Cities Act, 2011 (No. 13 of 2011).

Delete the expression “two hundred and fifty thousand” appearing in paragraph (a) and substitute therefor the words “between seventy thousand and two hundred and forty-nine thousand”.

Insert the following new subsection immediately after subsection (3)-
“(4) Notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection (3)(a).”

s.10(2) Delete the expression “ten thousand” appearing in paragraph (a) and insert the “two thousand”.

New Add the following new section immediately after section 60 –

61. Until such time as a new law relating to imposition of rates and charges is enacted, urban areas and cities may, continue to impose rates and charges under the law for the time being in force in relation thereto with necessary modifications.

The Transition to s.23 Insert the following new subsections immediately after subsection (5)-
Devolved Government Act, 2012 (No.1 of 2012). (5A) Where the Authority determines that a county government meets the criteria for the transfer of a function under section 24, it shall propose a programme to support and strengthen the capacity of that county
government, which shall be implemented by the national government in consultation with the county government, to enable that county government to perform the transferred function.

(5B) In transferring functions under this section, the Authority shall determine the specific component of each function to be transferred.

s.24 (1) Insert the words "and where county legislation does not exist regarding a particular function, the corresponding national legislation shall apply, with necessary modification, until the county assembly enacts the required legislation" at the end of paragraph (a).

Delete paragraph (b).

Delete paragraph (c) and substitute therefor the following new paragraph-

(c) whether a county government has established a county executive committee, chief officers, a county assembly and a county Public Service Board, and not appointed chief officers and has defined functional reporting for its various functions.

Delete paragraphs (d),(e) and (f).
Delete paragraph '(h) and substitute therefor the following new paragraph—

(h) whether the county government has an approved budget, provided that where a county government does not have an approved plan in relation to a particular function, the most recent plan developed by the national government in respect of that county shall, with necessary modifications, apply until the county government has an approved plan.

Delete paragraph (i).

s.37(1) Delete and substitute therefor the following new subsection—

(1) The Authority shall stand dissolved upon the establishment of the Intergovernmental Relations Committee established under the Intergovernmental Relations Act.

The County Governments Act, 2012 (No.17 of 2012).

s.4(2) Insert the word "Committee" immediately after the word "Executive".

s.5(2) Delete the words "establishment and staffing of" appearing in paragraph (f) and substitute therefor the words "establishing and staffing".
s. 26(2) Delete the word “fifteen” and substitute therefor the word “ten”.

s.32(1) Insert the word “First” immediately before the word “Schedule”.

s.38 Insert the word “First” immediately before the word “Schedule”.

s.45(4) Insert the word “the” immediately before the word “exercise”.

s.46(2) Insert the word “departments” immediately after the word “establishing”.

s. 54 Delete subsections (2), (3) and (4) and substitute therefor the following-

(2) There shall be, for every county, a consultative forum for the co-ordination of development activities consisting of the heads of departments in the county and heads of recognised professional bodies in the county.

(3) The consultative forum shall be chaired by the Governor or in his or her absence, the deputy Governor, and in the absence of both, a member of the county executive committee designated by the governor.

(4) The consultative forum may carry out such other function as may be provided in any county legislation.
s.59(2) Delete the expression "(1)(a)" and substitute therefor the expression "(1)(b)".

s.81(3) Delete the word "the" appearing immediately before the word "subsection" in paragraph (c) and substitute therefor the word "this".

s.88(3) Delete the expression "section 88" and substitute therefor the words "this section".

s.121(2) Delete the expressions "(a)" and "(e)" appearing in paragraph (i) and substitute therefor the expressions "(b)" and "(f)" respectively.

New Add the following new section immediately after section 138 –

Charges and rates. 139. Until a new law relating to imposition of rates and charges is enacted, county governments may, with necessary modifications, continue to impose rates and charges under the existing law and framework."

First Schedule. Delete the expression "31", "33" and "39" appearing in the heading and substitute therefor the expressions "30", "32", and "38" respectively.

The Agriculture, Fisheries and Food Authority Act, 2013(No. 13 of 2013. s.1 Delete the word "Fisheries".
s.2 Delete the word "acquaculture" appearing in the definition of the word "agriculture".

Delete paragraph (b) and (d) from the definition of the word "agriculture"

s.3(1) Delete the word "Fisheries"

s.3(3) Delete the word "and Fisheries Act"

s.4(a) Delete the expression "the Fisheries Act".

s.4(b) Delete the expression "the Fisheries Act".

s.4(c) Delete the expression "the Fisheries Act".

s.4(d) Delete the words "and acquaculture".

s.4(e) Delete the words "and aquatic levies".

s.4(f) Delete the expression "the Fisheries Act".

s.5(1) Delete paragraph (a) and substitute therefor the following-

(a) a non-executive chairman appointed by the President"

Delete paragraph (e) and substitute therefor the following-

(e) the Agriculture Secretary or a representative designated in writing.

Delete paragraphs (f), (g) and (k).
Delete paragraph (i) and substitute therefor the following—

(i) eight persons, being stakeholder representatives, elected by the stakeholders to represent their respective subsectors.

s.5(4) Delete paragraph (b).

s.10(2) Delete and substitute therefor the following—

(2) The appointment of the Director-General of the Authority under subsection (1) shall be done by the Cabinet Secretary.

s.11(2) Delete.

s.11(2) Delete.

s.16 Delete subsections (2) and (3).

s.22(2) Delete paragraphs (g), (h) and (i).

s.40(1) Delete the words “farmer organisation” and substitute therefor the words “stakeholders organisations”.

s.42 Delete and substitute therefor the following new section—

Measurement of weight of 42. The unit of measurement of all crop produce or products subject to regulations made
under this Act by the Authority shall be as prescribed for each crop produce or product by the Cabinet Secretary taking account of international standards.

s.43 Delete and substitute therefor the following new section-

Prohibition of export of some new produce

43. A person shall not export raw cashewnuts, pyrethrum, bixa, macadamia or any other agricultural product as may be prescribed, except with the written authority of the Cabinet Secretary.

Delete subparagraphs (vi), (ix) and (x).

Delete paragraph 9 and substitute therefor the following new paragraph-

9. The Cabinet Secretary may appoint an interim secretariat from within the former institution until such time as a substantive secretariat is appointed under this Act.

Delete the words “Authority with the approval of National Assembly” and substitute therefor the words “Cabinet Secretary”.

The Crops Act, 2013 (No. 16 of 2013)
The Kenya Agricultural and Livestock Research Act, 2013 (No. 17 of 2013)

s.5(1) The words “marine and fisheries” appearing in paragraph (a).

s.6(1) Delete paragraph (d), (e), and (h).

s.6(1) Delete paragraph (i) and substitute therefor the following new paragraph-

(i) five persons appointed by the Cabinet Secretary, of whom-

(ii) one shall represent the interests of farmers;

(iii) one shall represent the interest of the general public;

(iv) two persons co-opted by the Board, who may be non-citizen/scientists in the field of agriculture and who possess such knowledge and experience as may be necessary for the better carrying out of the functions of the Board; and

(v) the Director-General appointed in accordance with section 14.

s.6(3) Delete Paragraph (b) and (c).
s.7 Delete paragraph (a) and substitute therefor the following new paragraph—

(a) be appointed on such terms as the Cabinet Secretary may determine.

s.14(1) Delete the words “Deputy Director General of Livestock and Deputy Director General of Crops”.

s.16 Delete.

s.32(2) Delete the word “fisheries” appearing in paragraph (b).

Delete the word “fisheries” appearing in paragraph (c).

Second Schedule Delete paragraph (c), (q) and (r).

Third Schedule Delete paragraphs (e).

Fourth Schedule Delete paragraph (b).
MEMORANDUM OF OBJECTS AND REASONS

The legislative proposal giving rise to this Bill has been submitted by the Attorney-General. This Statute Law (Miscellaneous Amendments) Bill, (No.2) 2013 is in keeping with the practice of taking minor amendments which do not merit the publication of separate Bill and consolidating them into one Bill.

The Bill contains proposed amendments to the following laws-

**The Land Adjudication Act (Cap. 284)**

The Bill proposes to amend the Land Adjudication Act to introduce new definitions of “community land”, and “Cabinet Secretary”.

**The Urban Areas and Cities Act, 2011 (No. 13 of 2011)**

The Bill proposes to amend the Urban Areas and Cities Act, 2011 to adjust the population criteria for conferment of city, municipality and town status.

It also empowers a County governor to confer the status of a special municipality to the headquarters of the County.

It also empowers urban areas and cities to impose rates and charges under the law for the time being in force until a new law is enacted in that regard.

**The Transition to Devolved Government Act, 2012 (No.1 of 2012)**

The Bill proposes to amend the Transition to Devolved Government Act to provide for the criteria to be applied by the Transition Authority in the devolution of functions to the counties, and the course of action in cases where a county is lacking in specified aspects of the performance of the devolved functions. It also proposes a timeline for the dissolution of the Transition Authority.

**The County Governments Act, 2012 (No. 17 of 2012)**

The Bill proposes to amend the County Governments Act, 2012 to reduce the number of wards required for a County for purposes of the first general election under the Constitution from fifteen to ten.

It also proposes the establishment of a consultative forum for heads of departments in the county and the recognized professionals in the county.
The Agriculture, Fisheries and Food Authority Act, 2013 (No. 13 of 2013)

The Bill proposes to amend the Agriculture, Fisheries and Food Authority Act to remove fisheries from the purview of the Act, and to make provisions on the membership of the Board of the Authority.

The Crops Act, 2013 (No. 16 of 2013)

The Bill proposes to amend the Crops Act to provide for the Cabinet Secretary responsible for matters relating to agriculture to appoint the Board to manage the Commodities Fund.

The Kenya Agricultural and Livestock Research Act, 2013 (No. 17 of 2013)

The Bill proposes to amend the Kenya Agricultural and Livestock Research Act to remove livestock and fisheries from the purview of the Act and to make other minor amendments.

This Bill is a Bill concerning county government for purposes of Article 110 of the Constitution.

The enactment of this Bill shall not occasion, any additional expenditure of public finds.

Dated the 28th October, 2013.

ADEN DUALE,
Leader of the Majority Party.
The Long title of Cap. 284 which it is proposed to amend—

An Act of Parliament to provide for the ascertainment and recording of rights and interests in Trust Land and for purposes connected therewith and purposes incidental thereto.

Section 2 of Cap. 284 which it is proposed to amend—

“Board” means an arbitration board or a special arbitration board appointed under section 7 of this Act;

Sections 3(1) of Cap 284 which it is proposed to amend—

Application (1) the Minister may by order apply this Act to any area of Trust land if—

(a) the county council in whom the land is vested so requests;

(b) the Minister considers it expedient that the rights and interests of persons in the land should be ascertained and registered; and

(c) the Land Consolidation Act (Cap. 283) does not apply to the area.

Provided that this Act may be applied to an area to which the Land Consolidation Act (Cap. 283) applies where a record of existing rights has not been completed and certified under section 16 of that Act, and in such case, where anything has been done in the course of or for the purpose of adjudication under that Act, the Minister, if he is satisfied that those things have been done substantially in accordance with the principles of this Act, may, by order, order that those things shall be deemed to have been done under the corresponding provisions of this Act.

Section 6(1) of Cap. 284 which it is proposed to amend—

Appointment of adjudication committee 6(1) In respect of each adjudication section, the adjudication officer, after consultation with the
District Commissioner of the district within which the adjudication section lies, shall appoint not less than ten persons resident within the adjudication section to be the adjudication committee for that adjudication section.

Section 23(2) and (3) of Cap. 284 which it is proposed to amend-

23.(2) (d) land is entirely free from private rights, or all private rights in or over the land have been relinquished in favour of the county council, shall determine the county council to be the owner of the land;

23.(3) (b) a record of-

(i) where the land is recorded under subsection (2) (d) of this section as being in the ownership of the county council, the fact that the land remains Trust land.

Section 26(1) of Cap. 284 which it is proposed to amend-

Objection to adjudication register

26(1) Any person named in or affected by the adjudication register who considers it to be incorrect or incomplete in any respect may, within sixty days of the date upon which the notice of completion of the adjudication register is published, object to the adjudication officer in writing, saying in what respect he considers the adjudication register to be incorrect or incomplete.

Section 29(1) of Cap. 284 which it is proposed to amend-

Appeal

29(1) Any person who is aggrieved by the determination of an objection under section 26 of this Act may, within sixty days after the date of the determination, appeal against the determination to the Minister by-
Section 5, 9 of Act No. 13 of 2011 which it is proposed to amend—

5(1) Subject to subsection (3), an urban area may be classified as a city under this Act if the urban area satisfies the following criteria—

(a) has a population of at least five hundred thousand residents according to the final gazette results of the last population census carried out by an institution authorized under any written law, preceding the application for grant of city status.

(b) has an integrated urban area or city development plan in accordance with this Act;

(c) has demonstrable capacity to generate sufficient revenue to sustain its operation;

(d) has demonstrable good system and records of prudent management;

(e) has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule;

(f) has institutionalized active participation by its residents in the management of its affairs;

(g) has infrastructural facilities, including but not limited to roads, street lighting, markets and firestations, and an adequate capacity for disaster management; and

(h) has a capacity for functional and effective waste disposal.

(2) Nothing in this section may preclude an area from being conferred with status of special purpose city under this Act if it has significant cultural, economical or political importance.

Section 9(3) of No. 13 of 2011 which it is proposed to amend—

(3) A town is eligible for the conferment for the conferment of municipal status under this Act if the town satisfies the following criteria—
(a) has a population of at least two hundred and fifty thousand residents according to the final gazette results of the last population census carried out by an institution authorized under any written law, preceding the grant;

Section 10(2) of No. 13 of 2011 which it is proposed to amend -

10.(2) a population of at least ten thousand residents according to the final gazette results of the latest population census carried out by an institution authorized under any written law, preceding the grant;

Section 24(1) of Act No. 1 of 2012 which it is proposed to amend

24.(1)(b) whether a framework for service delivery has been put into place to implement the function;

(a) whether, where applicable, the county government has identifies or established administrative units related to the function;

(b) whether the county government has undertaken a capacity assessment in relation to the function;

(c) the arrangements for and the extent and the extent of further decentralization of the function and provision of related services by the county government;

(d) whether there is the required infrastructure and systems to deliver the function;

(e) whether the county government has the necessary financial management systems in place;

(i) any other variable as may be prescribed after consultations between the Authority county governments and the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation.
Section 37(1) of No. 1 of 2012 which it is proposed to delete –

37.(1) The Authority shall stand dissolved three years after the first general elections under the Constitution or upon the full transition to county governments, whichever is the earlier.

Section 4(2) of No. 17 of 2012 which it is proposed to amend –

4.(2) The County Executive shall develop the symbols of the county through a consultative process for approval by the county assembly by legislation.

Section 5(2) of No. 17 of 2012 which it is proposed to amend –

5(2) Without prejudice to the generality of subsection (1), a county government shall be responsible for –

Section 26(2) of No. 17 of 2012 which it is proposed to amend –

(2) For purposes of the first general elections under the constitution, the Independent, Electoral and boundaries commission shall ensure that each county comprises at least fifteen wards.

Section 32(1) of No. of 17 of 2012 which it is proposed to amend –

32.(1) The deputy governor shall take and subscribe to the oath or affirmation as set out in the Schedule to this Act before assuming office.

Section of 38 No. 17 of 2012 which it is proposed to amend –

38. A person appointed as a member of the county executive committee under Article 179 of the Constitution shall take the prescribed oath or affirmation of office provided in the Schedule to this Act before assuming office.

Section 45(4) of No. 17 of 2012 which it is proposed to amend –

45.(4) The county chief officer shall be the authorized officer in respect of exercise of delegated power.
Section 46(2) of No. 17 of 2012 which it is proposed to amend –

(2) when establishing and organizing the county, the county executive committee shall take into account, and to guide by, the need to-

Section 54(2),(3) and (4) of No. 17 of 2012 which it is proposed to delete and substitute –

54.(2) There is established for every county a forum to be known as the county intergovernmental forum which shall be chaired by the governor or in his absence, the deputy governor, or in the absence of both, a member of the county executive committee designated by the governor.

(3) The county intergovernmental forum shall comprise –

(a) the heads of all departments of the national government rendering services in the county; and

(b) the county executive committee members or their nominees appointed by them in writing.

(4) The Intergovernmental forum shall, pursuant to the Fourth Schedule (Articles 185(2), 186(1) and 187(2) of the Constitution, be responsible for –

(a) harmonization of services rendered in the county;

(b) coordination of development activities in the county;

(c) coordination of intergovernmental functions; and

(d) such other functions as may be provided for by or under any law.
Section 59(2) of No. 17 of 2012 which it is proposed to amend –

59.(2) In appointing a person as a secretary to a board of a city or an urban area under subsection (1)(a), the County Public Service Board shall ensure that such person is a certified public service Board shall ensure that such person is a certified Public Secretary of good professional standing.

Section 81(3) of No. 17 of 2012 which it is proposed to amend –

81. (3) (c) forward all the documents referred to in the subsection to the County Public Service Board.

Section 88(3) of No. 17 of 2012 which it is proposed to amend –

88.(3) County legislation shall give further effect to section 88(1).

Section 121(2) of No. 17 of 2012 which it is proposed to amend –

121. (2) (a) on its own initiative or on request by a county government or group of persons, assess the performance of a county government with a view to determine its support requirements;

(b) make a report on the assessment made under paragraph (a) and the capacity needs of the county governments;

Sections (1), 2, 3(1), 4(a), (b), (c), (d), (e), (f), 5(1), 5(4), 10(2), 11(2), 16; 22(2), 40(1), 42, 43, First Schedule paragraph of Act No.13 of 2013;

Section 1 of No.13 of 2013 which it is proposed to amend-

1. This Act may be cited as the Agriculture, Fisheries and Food Authority Act, 2013 and shall come into operation on such a date as the Cabinet Secretary may, by notice in the Gazette, appoint not being more than six months after its publication and different dates may be appointed for different provisions
Definition of "agriculture" which it is proposed to amend-

"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;

"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;

Section 3(1) and (3) of No. 13 of 2013 which it is proposed to amend-

3. (1) There is established an authority to be known as the Agriculture, Fisheries and Food Authority.

(3) The Authority shall be the successor to the institutions established by the Acts repealed under section 41 existing immediately before the commencement of this Act, the Crops Act, the Livestock Act and Fisheries Act respectively.

Section 4 of No. 13 of 2013 which it is proposed to amend-

4. The Authority shall, in consultation with the county governments, perform the following functions-

(a) administer the Crops Act, and the Fisheries Act in accordance with the provisions of these Acts;

(b) promote best practices in, and regulate, the production, processing, marketing, grading, storage, collection, transportation and warehousing of agricultural and aquatic products excluding livestock livestock products as may be provided for under the Crops Act, and the Fisheries Act.

(c) collect and collate data, maintain a database on agricultural and aquatic products excluding livestock products, documents and monitor agriculture through registration of players as provided for in the Crops Act and the Fisheries Act;

(d) be responsible for determining the research priorities in
agriculture and aquaculture and to advise generally on research thereof;

(e) advise the national government and the county governments on agricultural and aquatic levies for purposes of planning, enhancing harmony and equity in the sector.

(f) carry out such other functions as may be assigned to it by this Act, the Crops Act, the Fisheries Act and any written law while respecting the roles of the two levels of governments

Section 5 of No. 13 of 2013 which it is proposed to amend—

5.(1) The management of the Authority shall vest in a Board which shall consist of—

(a) a chairperson appointed by the President with the approval of the National Assembly;

(b) the Principal Secretary in the Ministry responsible for agriculture;

(c) the Principal Secretary in the Ministry responsible for finance;

(d) the Principal Secretary in the Ministry responsible for matters relating to county governments;

(e) the Principal Secretary in the Ministry responsible for lands;

(f) the Principal Secretary in the Ministry responsible for environment;

(g) the Principal Secretary in the Ministry responsible for co-operatives;

(h) a representative of the National Land Commission;

(i) eight persons, being farmers’ representatives, elected by the farmers to represent the major crop subsectors in Kenya;
(j) the Director General who shall be the secretary to the Board and chief executive officer of the Authority; and

(k) the Chairperson of the Transition Authority or his representative.

(4) may at any time resign from office by notice in writing to the Cabinet Secretary;

Section 10 of No. 13 of 2013 which it is proposed to amend-

10. The appointment of the Director-General of the Authority under subsection (1) shall be done in consultation with Cabinet Secretary and with the approval of the National Assembly.

Section 11 of No. 13 of 2013 which it is proposed to amend-

11. (2) The directorates to be established under sub-section (1) shall include a directorate on fisheries and a separate directorate on food.

Section 16 of No. 13 of 2013 which it is proposed to amend-

16. (2) All moneys received in respect of the levy shall be paid to the Authority and if not paid on or before the date prescribed by the order, the amount due shall be a civil debt recoverable summarily by the Authority.

Section 22 of No. 13 of 2013 which it is proposed to amend-

22. (2)(g) provides for ex situ fish breeding to supplement in situ fish breeding and thereby outlaw seasonal bans on fishing.

(f) provide for efficient and effective fishing methods that are sensitive to the social-economic status of local communities; and

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

Section 40 of No. 13 of 2013 which it is proposed to amend-

Participation of farmers.

40.(1) For purposes of ensuring effective participation of farmers in the governance of the agricultural sector in Kenya, there shall be close consultation with all registered farmers’ organisations in the development of policies or regulations and before the making of any major decision that has effect on the agricultural sector.

(2) The Cabinet Secretary shall make rules-

(a) to ensure that any agreements, including any agreement with regard to contributions by farmers to their organizations, entered into between the farmers and the farmers’ organizations to which such farmers belong shall be respected by any third parties; and

(b) to provide the procedures for internal democracy in the farmers’ organizations.

Section 42 of No. 13 of 2013 which it is proposed to amend-

Measurement of weight.

42. The unit of measurement of the weight of all produce subject to regulation by the Authority shall be the kilogramme and each single package shall not exceed a weight of 50 kilogrammes.

Section 43 of No. 13 of 2013 which it is proposed to amend-

Prohibition of export of some raw produce.

43. A person shall not export raw cashew nuts, raw pyrethrum, raw bixa or raw macadamia except with written authority of the Cabinet Secretary issued with the approval of the National Assembly.
The First Schedule of No. 13 of 2013 which it is proposed to amend—

FIRST SCHEDULE - TRANSITIONAL PROVISION

ASCU to act as interim secretariat.

9. The secretariat of the unit known as the Agricultural Sector Coordinating Unit existing at the commencement of this Act, shall for a period of not less than two years but not more than three years from the date of the commencement of this Act, act as the secretariat of the Authority.

Section 8(1), 8(4) of No. 16 of 2013 which it is proposed to amend—

8(1)(d) a representative of the Attorney-General appointed in writing;

(d) a representative of the Cabinet Secretary appointed in writing; and

(e) a representative of the Cabinet Secretary appointed in writings.

(4) The members of the Commission referred to in subsection (1)(c) and (d), shall be officers from the Office of the Attorney-General and the respective State Department.

Section 9(2) of No. 16 of 2013 which it is proposed to amend—

(1) The Fund shall consist of—

(a) monies paid as license fees, commission, export or import agency fees and fees that may accrue to or vest in the Authority in the course of exercise of its functions under the Act;

(b) funds from any other lawful source approved by the Trustees; and

(c) funds appropriated by Parliament for this purpose.
Section 5(1) (a) of No.17 of 2013 which it is proposed to amend-

5. (1) The object and function for which the Organisation is established is to-

(a) promote, streamline, co-ordinate and regulate research in crops, livestock, marine and fisheries, genetic resources and biotechnology in Kenya;

Section 6 (1) (d), (e) and (h) of No.17 of 2013 which it is proposed to delete-

6. (1) The management of the Organisation shall vest in a Board which shall consist of-

(d) the Principal Secretary in the Ministry for the time being responsible for co-operatives;

(e) the Principal Secretary in the Ministry for the time being responsible for environment;

(h) one person with experience in agricultural research nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary;

Paragraph 6(1) (i) of No.17 of 2013 which it is proposed to amend-

(i) four persons appointed by the Cabinet Secretary, of whom-

(i) one shall represent the interests of farmers;

(ii) one shall be a vice-chancellor in a university that conducts agricultural research; and

(iii) two persons co-opted by the Board who may be non-citizen scientists in the field of agriculture and possess such knowledge and experience as may be
necessary for the better carrying out of the functions of the Board; and

(iv) the Director General appointed in accordance

The Secretariat of the Board shall comprise of -

Subsection 6(3) of No. 17 of 2013 which it is proposed to amend-

(3)(a) the Director General;
(b) the Deputy Director-General of livestock;
(c) the Deputy Director-General of crops; and
(d) any other staff.

Section 7 of No. 17 of 2013 which it is proposed to amend-

7. The Chairperson and members appointed under section 6 (1)(h) shall-
(a) be competitively recruited and appointed on such terms and conditions as the Cabinet Secretary shall consider fit;
(b) have qualification of a minimum of Masters Degree; and
(c) hold office for a term of four years renewable for one further term.

Section 14(1) of No. 17 of 2013 which it is proposed to amend-

14. (1) There shall be a Director-General, Deputy Director-General of livestock and Deputy-Director General of crops of the Organisation who shall be competitively recruited by the Board and appointed by the Cabinet Secretary.

Section 16 of No.17 of 2013 which it is proposed to delete-

16. A person shall be qualified for appointment as the Deputy Director-General of livestock, if the person -
(a) is a citizen of Kenya;

(b) holds an undergraduate degree in animal science;

(c) holds a doctor of philosophy degree from a university recognised in Kenya;

(d) has at least ten years experience in leadership or at senior management level in research; and

(e) meets the requirements of chapter six of the Constitution

Section 32(2)(b) and (c) of No.17 of 2013 which it is proposed to amend-

(2) For the purpose of carrying out its functions under subsection (1), the research institutes shall—

(b) identify production, policy, market, processing and utilisation constraints in the fields of agriculture, water, livestock, fisheries, forestry and environment, and prepare short and long-term research programmes within the framework of the national agricultural research system;

(c) identify and disseminate, in collaboration with other relevant agencies, appropriate systems of mechanisation and technology, options to improve agricultural production and provide answers to foreseeable problems facing crop, livestock, forestry and fisheries production;

Paragraphs (c) (q) and (r) of the Second Schedule to No. 17 of 2013 which it is proposed to delete-

c) Fisheries and Marine Research Institute

(q) Wildlife Research Institute.

(r) Marine and Fisheries Research Institute
Paragraph (e) of the Third Schedule to No. 17 of 2013 which it is proposed to delete-

(e) fisheries development

Paragraph (b) of the Fourth Schedule to No. 17 of 2013 which it is proposed to delete

(b) Kenya Marine and Fisheries Research Institute