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Bill for Introduction into the National Assembly—

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THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL, 2015

A Bill for

AN ACT of Parliament to amend the Agriculture, Fisheries and Food Authority Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Bill may be cited as the Agriculture, Fisheries and Food Authority (Amendment) Act, 2015.

2. The Agriculture, Fisheries and Food Authority Act in this Act referred to as “the principal Act” is amended in section 2 by inserting the following words in their proper alphabetical sequence—

“manual transport of loads” means any transport in which the weight of the load is wholly borne by one worker;

“regular manual transport of loads” means any activity for which there is continuous manual transport of loads;

“child” has the meaning assigned to it under the Children’s Act.

3. The Principal Act is amended by inserting the following new part, immediately after part VI—

PART VIA—MANUAL TRANSPORT OF AGRICULTURE LOADS

29A. (1) An employer who assigns to any person manual transport of agriculture loads shall, prior to such assignment ensure that the person has the following requirements—

(a) adequate training or instructions by a qualified person on the manner in which such operations shall be carried out; and

(b) a regular medical examination to determine fitness for the assignment.
(2) An employer who occasionally assigns manual transport of agriculture loads to any person, shall ensure that the person is given appropriate instructions on the manner in which such operations shall be carried out safely.

(3) An employer who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

29B. In order to facilitate manual transport of agriculture loads, appropriate technical and packaging equipment shall be provided by an employer.

29C. (1) The maximum permissible agricultural weight shall depend on the physiological characteristics, environmental conditions and the nature of the work to be done.

(2) The maximum permissible agricultural weight to be transported by an adult shall not exceed fifty kilograms.

(3) An employer who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

29D. (1) The manual transport of agriculture loads shall not be assigned to a woman during pregnancy or the maternity period, if in the opinion of a qualified physician, such work is likely to impair her health or that of her child.

(2) An employer who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.
29E. (1) An employer shall not assign to any child the manual transport of agriculture loads.

(2) An employer who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

29F. The Cabinet Secretary may make rules and regulations generally for the better carrying out of the purposes and provisions of this Act with the approval of Parliament.
MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Agriculture, Fisheries and Food Authority Act to provide for maximum agricultural weight to be carried by a worker to prevent accidents.

The Bill proposes to insert a new part VIA to provide for the need for training, instructions and medical examinations of workers, the use of technical equipment and packaging so as to limit or facilitate the manual transport of loads. It also proposes to set the maximum permissible weight for the manual transport of agricultural loads.

The Bill does not infringe or limit any fundamental rights or freedoms.

The Bill may concern County Governments.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 13th August, 2014.

SILAS K. TIREN,
Member of Parliament.