

*Kilifi County Agricultural Training Centers Bill, 2024*

**KILIFI COUNTY AGRICULTURAL TRAINING CENTERS BILL, 2024**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART 1 – PRELIMINARY**

1. Short Title
2. Interpretation
3. Purpose of the Act

**PART II – ESTABLISHMENT AND FUNCTIONS OF THE KILIFI COUNTY AGRICULTURAL TRAINING CENTERS**

4. Establishment of Kilifi County Agricultural Training Centers
5. Functions of the Agricultural Training Centers

**PART III- ADMINISTRATION OF THE AGRICULTURAL TRAINING CENTERS**

6. Establishment of the Board
7. Composition of the Board
8. Co-opted Members of the Board
9. Eligibility for Appointment of Members of the Board
10. Responsibilities of the Board
11. Tenure of the Board
12. Vacancy in the office of a member of the Board
13. Remuneration of members of the Board
14. Conduct of business and affairs of the Board
15. Principals of the Agricultural Training Centers
16. Staff of the Agricultural Training Centers
17. Protection from personal liability

**PART IV – FINANCIAL PROVISIONS**

18. Funds of the Agricultural Training Centers
19. Purpose of the Fund
20. Accounts for the Agricultural Training Centers

*Kilifi County Agricultural Training Centers Bill, 2024*

21. Financial year
22. Annual estimates
23. Accounts and Audit
24. Annual report
25. Charges for goods and services
26. Adherence to Government procurement and disposal procedures

**PART V – MISCELLANEOUS PROVISIONS**

27. Regulations
28. General Penalty

**PART VI- SAVING AND TRANSITIONAL PROVISIONS**

29. Saving and transitional provisions

FIRST SCHEDULE- Conduct of business and affairs of the Board of management {*Part III s. 14*}

*Kilifi County Agricultural Training Centers Bill, 2024*

**KILIFI COUNTY AGRICULTURAL TRAINING CENTERS BILL, 2022**

**A Bill for**

**AN ACT** of the County Assembly of Kilifi for the establishment and administration of Kilifi County Agricultural Training Centers and for connected purposes.

**ENACTED** by the County Assembly of Kilifi as follows;

<b>PART 1- PRELIMINARY</b>		
<b>Short title</b>	1	This Act may be cited as the Kilifi County Agricultural Training Centers Act, 2022 and shall come into operation upon publication in the Kenya Gazette
<b>Interpretation</b>	2	<p>In this Act unless the context otherwise requires;</p> <p><b>“Ancillary subject”</b> means a subject that renders support to the core subject.</p> <p><b>“Agriculture”</b> means Crops, Livestock and Fisheries production</p> <p><b>“ATC”</b> means Agricultural Training Centers established under section 4 of this Act.</p> <p><b>“Board”</b> means the Board of the Kilifi County Agricultural Training Centers established under Part III of the Act.</p> <p><b>“Chief Officer”</b> means the Chief Officer for the time being responsible for matters relating to the Agricultural Training Centers.</p> <p><b>“Commencement date”</b> means the day this Act becomes effective.</p> <p><b>“County Executive Committee Member”</b> means the County executive committee member of Kilifi County for the time being responsible for matters relating to the Agricultural Training Centers.</p> <p><b>“County Assembly”</b> means the County Assembly of Kilifi.</p> <p><b>“Department”</b> Kilifi County Department of Agriculture, Livestock Development and Fisheries</p> <p><b>“Ex-officio member”</b> means the Secretary of Kilifi County ATC Board.</p> <p><b>“Farm”</b> means all crop, livestock and fisheries enterprises.</p> <p><b>“Financial year”</b> means the period of twelve months ending on the 30th June of every Calendar year;</p> <p><b>“Fund”</b> means the Kilifi County ATC Fund.</p> <p><b>“Value Chain Actor”</b> means persons dealing with input supply, primary production, transportation, processing, manufacturing and retailing of agricultural products.</p>
<b>Purpose of the Act</b>	3	The purpose and objects of the Act shall be to;

*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>(1) Provide for establishment of Kilifi County Agricultural Training Centers.</p> <p>(2) Provide a framework for effective competency-based training, research, technology transfer and central development</p> <p>(3) Provide a framework for funding of the functions of the ATC.</p>
		<b>PART II – ESTABLISHMENT AND FUNCTIONS OF THE KILIFI COUNTY A T C</b>
<b>Establishment of Kilifi County Agricultural Training Centers</b>	4	<p>(1) The County Executive Committee Member may, by order in the Gazette, establish one or more Agricultural Training Centers within the County.</p> <p>(2) Notwithstanding Sub section 1 above a person who meets the requirements set out in this Act may establish one or more Agricultural Training Centers</p>
<b>Functions of the Agricultural Training Centers</b>	5	<p>The functions of the ATC shall be;</p> <p>(1) To offer quality competency-based training to agricultural value chain actors for enhancing agricultural development.</p> <p>(2) To provide facilities for training on relevant agricultural technologies and other ancillary subjects.</p> <p>(3) To promote commercialization of agricultural enterprises.</p>
		<b>PART III - ADMINISTRATION OF THE ATC</b>
<b>Establishment of the Board</b>	6	There is established a Board, to be known as Kilifi County ATC Board.
<b>Composition of the Board</b>	7	<p>(1) The Board shall comprise of the following members;</p> <p>(a) A chairperson who shall be appointed by the County Executive Committee Member</p> <p>(b) The County Director drawn from the department of finance for the time being responsible for matters relating to budget.</p> <p>(c) A County Director drawn from the department for the time being responsible for matters relating to agriculture.</p> <p>(d) The County Director for the time being responsible for matters relating to vocational training.</p> <p>(e) Three members, one of whom shall be agricultural value chain actors in crops, livestock and fisheries drawn from within Kilifi County nominated by organizations recognized by the County Government of Kilifi. Members appointed under this clause shall not be government</p>

*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>employees.</p> <p>(f) One member nominated from public agricultural research institutions with operations in Kilifi County and appointed by the County Executive Committee Member.</p> <p>(2) The Chief Officer shall nominate an officer to act as secretary to the Board who shall be appointed by the County Executive Committee Member.</p> <p>(3) The Board shall elect a vice Chairperson from amongst its members provided that the member so elected shall not be the ex-officio member</p> <p>(4) Appointment of Board members shall be in writing by the County Executive Committee Member for the time being responsible for matters relating to ATC.</p> <p>(5) The secretary appointed in 7(2) shall be an <i>ex-officio</i> member of the Board.</p>
<b>Co-opted Members of the Board</b>	8	<p>(1) The board may co- opt such other members as may be necessary to sit in attendance to advise on specific issues</p> <p>(2) The number of co-opted members shall not exceed three (3) at any particular board meeting and such members shall have no right to vote.</p>
<b>Eligibility for Appointment of Members of the Board</b>	9	<p>(1) A person shall be qualified for appointment as Chairperson under section 7 (1) (a) if the person –</p> <p>(a) Is a Kenyan Citizen;</p> <p>(b) Holds a degree from a recognized university;</p> <p>(c) Has experience in management of not less than ten years of which five must have been in senior management;</p> <p>(d) Meets the requirement of chapter six of the constitution; and</p> <p>(e) Has had a distinguished career in their respective field.</p> <p>(2) A person shall be qualified for appointment as a member under section 7 (1) (e), if the person -</p> <p>(a) Is a Kenyan Citizen;</p> <p>(b) holds a minimum of Diploma from a recognized institution of higher learning;</p> <p>(c) Has practical experience in their field of practice of not less than five years;</p> <p>(d) Meets the requirement of chapter six of the constitution.</p> <p>(3) A person shall be qualified for appointment as a member under section 7 (1) (f), if the person -</p> <p>(a) Holds a Bachelor’s Degree from a recognized institution of higher learning;</p> <p>(b) Has knowledge and experience of at least 3 years in matters relating to agriculture or any other related field; and</p> <p>(c) Meets the requirement of chapter six of the constitution.</p>

*Kilifi County Agricultural Training Centers Bill, 2024*

		(4) The appointing authority shall put in place mechanisms to ensure that not more than two-thirds of the board members are of the same gender.
<b>Responsibilities of the Board</b>	10	<p>Subject to this Act, the Board shall;</p> <ol style="list-style-type: none"> <li>(1) Make recommendations to the County Executive Committee Member to establish an Agricultural Training Center after consultation with stakeholders.</li> <li>(2) Ensure compliance with standards of training in the ATC and licensing requirements.</li> <li>(3) Promote public interest and development of the ATC.</li> <li>(4) Promote partnerships with other stakeholders and development partners as it may deem appropriate and in furtherance of the purpose for which the ATC is established.</li> <li>(5) Advise on development and operations of the ATC.</li> <li>(6) Mobilize resources and oversee utilization for central growth and development.</li> <li>(7) Advise the county executive committee member on human resource, capacity building needs, and best practices of managing the ATC.</li> <li>(8) Encourage stakeholder participation in the programs of the ATC and to promote its services and products.</li> <li>(9) Oversee guidelines on fees and how they are administered; and conduct of the training.</li> <li>(10) The Board shall submit the quarterly and annual reports to the County Executive Committee Member three months after the end of the year.</li> </ol>
<b>Tenure of the Board</b>	11	<ol style="list-style-type: none"> <li>(1) The term of the Board shall expire after three years from the date of constitution.</li> <li>(2) Subject to this Act, the Chairperson and Members of the Board appointed under Section 7(1) (e), (f) and 7 (2) shall hold office for a term of three years and shall be eligible for reappointment for one further term.</li> </ol>
<b>Vacancy in the office of a member of the Board</b>	12	<ol style="list-style-type: none"> <li>(1) The office of a member of the Board shall fall vacant; <ol style="list-style-type: none"> <li>(a) If the member resigns in writing to the appointing authority;</li> <li>(b) If the Board is satisfied that the member is, by reason of physical or mental infirmity, unable to execute the functions of his office;</li> <li>(c) Upon death of the member;</li> <li>(d) If the member has been absent without leave for three consecutive meetings of the Board;</li> <li>(e) If the member violates provisions of Chapter six of the constitution of Kenya;</li> <li>(f) If a member is convicted of a criminal offence and sentenced to a term of</li> </ol> </li> </ol>

*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>imprisonment of not less than six months;</p> <p>(g) If the appointment of the member is revoked by the appointing authority in writing;</p> <p>(h) Upon the expiry of the term of the board.</p> <p>(2) Where the office of a member of the Board falls vacant under section 12 (1) the Secretary shall notify the County Executive Committee Member within two weeks upon occurrence.</p> <p>(3) Where a notification has been made as per provision of Section 12 (2) the Appointing Authority shall fill the vacancy within three (3) months after occurrence and such persons shall meet the qualifications specified in this Act.</p>
<b>Remuneration of members of the Board</b>	13	The members of the Board shall be paid such allowances in line with relevant guidelines by the Salaries and Remuneration Commission.
<b>Conduct of business and affairs of the Board</b>	14	<p>(1) The conduct of the business and affairs of the Board shall be as stipulated in <i>Schedule 1</i> of this Act and any regulation that the County Executive Member may provide from time to time.</p> <p>(2) Except as provided in the First Schedule, the Board may regulate its own procedure.</p>
<b>Principals of the Agricultural Training Centers</b>	15	<p>(1) There shall be a Principal to each Agricultural Training Center deployed in writing by the Chief Officer responsible for ATC selected from among the existing employees of the County Government of Kilifi.</p> <p>(2) The Principal shall;</p> <p>(a) Be the overall head of the Agricultural Training Center.</p> <p>(b) Exercise overall responsibility over all assets and staff of the Agricultural Training Center.</p> <p>(c) Have the overall responsibility for the direction, organization, administration and implementation of all activities of the Agricultural Training Center.</p> <p>(d) Be the secretary to the Agricultural Training Center Management Committee.</p> <p>(e) Report and account to the Secretary of the Board</p> <p>(f) Encourage stakeholder participation in the programs of the Agricultural Training Center.</p> <p>(g) Promote the services and products of the Agricultural Training Center.</p>

*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>(h) Prepare the funds annual budget and plan to be approved and adopted by the Board.</p> <p>(3) Subject to this Act, the term of the principal shall expire after five years from the date of appointment, eligible for re-appointment for one more term</p>
<b>Staff of the Agricultural Training Centers</b>	16	The Chief officer for the time being in charge of matters relating to the ATC shall deploy staff according to the staff establishment structure and needs of the ATC from time to time.
<b>Protection from Personal Liability</b>	17	Any member of the Board or any officer, employee, agent or servant of the ATC shall not be held personally liable for any act or omission done in good faith in the lawful exercise of functions of the ATC under this Act.
		<b>PART IV - FINANCIAL PROVISIONS</b>
<b>Funds of the Agricultural Training Centers</b>	18	<p>(1) The Fund of the Agricultural Training Centers shall consist of;</p> <p>(a) Such monies as may be appropriated by the County Assembly for the purposes of the ATC. The allocation shall be at least 10% of the development budget of the department for the time being in charge of ATC.</p> <p>(b) Such monies as may be realized from the sale of farm produce, agro-processed products, livestock and livestock derived products and fisheries products</p> <p>(c) Conferencing, catering and accommodation and any other services offered by the ATC.</p> <p>(d) Training and consultancy services</p> <p>(e) such monies as may be payable to the ATC pursuant to this Act or any other law;</p> <p>(f) Any monies from any other lawful source provided, donated to the ATC.</p>
<b>Purpose of the Funds</b>	19	<p>(1) The funds collected by the Agricultural Training Centers shall be –</p> <p>(a) shall be treated as Appropriation in Aid by the recipient ATC; and</p> <p>(b) shall be utilized only to defray expenses incurred by the ATC as per the approved Department’s budget estimates by the County Assembly.</p>
<b>Accounts for the Agricultural Training Centers</b>	20	<p>(1) The County Executive Committee Member shall, subject to approval of the County Treasury, open a bank account for the Department for the purposes of managing ATC.</p> <p>(2) Each Agricultural Training Center shall open a bank account into which monies received under Section (18) (1) shall be paid solely for the</p>



*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>purposes of managing and administering the funds received.</p> <p>(3) The Funds under this section shall be managed in accordance with the Public Finance Management Act.</p> <p>(4) The County Executive Committee Member for the time being responsible for Finance shall designate a person to be the Accounting Officer with authority to incur expenditure for the Agricultural Training Centers.</p>
<b>Financial year</b>	21.	The financial year of the ATC shall be a period of twelve months ending on the thirtieth June of every year
<b>Annual estimates</b>	22.	<p>(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the ATC for that financial year.</p> <p>(2) The annual estimates shall make provision for all the estimated expenditure of the ATC for the financial year concerned and, in particular, shall provide for the—</p> <ul style="list-style-type: none"> <li>(a) payment of the wages, allowances and other charges in respect of the Board members, staff or agents of the ATC;</li> <li>(b) funding of the monitoring and evaluation of activities of the ATC;</li> <li>(c) the maintenance of the buildings and grounds of the ATC;</li> <li>(d) funding of training and development of activities of the ATC;</li> <li>(e) reserve funds to meet future or contingent liabilities in relation to, insurance or replacement of buildings or equipment; and</li> <li>(f) any other expenditure necessary or required for the purposes of this Act.</li> </ul> <p>(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member</p>
<b>Accounts and audit</b>	23	<p>(1) The ATC shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.</p> <p>(2) The Board shall submit to the County Executive Committee Member the accounts of the Agricultural Training Centers in respect of that financial year in accordance with the Public Finance Management Act 2012</p>

*Kilifi County Agricultural Training Centers Bill, 2024*

<p><b>Annual report</b></p>	<p>24</p>	<p>(1) The Board shall, at the end of each financial year cause an annual report to be prepared</p> <p>(2) Without limiting what may be included in the annual report, the annual report shall include—</p> <ul style="list-style-type: none"> <li>(a) the financial report of the Agricultural Training Centers;</li> <li>(b) description of the Activities of the Agricultural Training Centers;</li> <li>(c) such other statistical information as the Agricultural Training Centers may consider appropriate relating to the ATC functions;</li> <li>(d) the impact of the exercise of any of its mandate or function;</li> <li>(e) any impediments to the achievements of the objects and functions of the Agricultural Training Center;</li> <li>(f) such other information as the Executive Committee Member may direct; and any other information relating to its functions that the Board considers necessary.</li> </ul> <p>(3) The Board shall submit the annual report to the County executive committee member within three months after the end of the year to which it relates to the relevant department.</p>
<p><b>Charges for goods and services</b></p>	<p>25</p>	<p>(1) Agricultural Training Centers may charge such user charges or fees for the services rendered.</p> <p>(2) Subject to Subsection (1) the County Executive Committee Executive Member in consultation with the Board shall prescribe the user charges and fees payable for the goods and services referred by each ATC.</p>
<p><b>Adherence to Government procurement and disposal procedures</b></p>	<p>26</p>	<p>(1) The ATC shall be a procuring entity for the purposes of acquiring supplies, goods and services utilized for the purposes of implementing this Act.</p> <p>(2) The Accounting officer shall strictly adhere to the Government procurement and disposal procedures</p>
<p><b>PART V – MISCELLANEOUS PROVISIONS</b></p>		
<p><b>Regulations</b></p>	<p>27</p>	<p>a. The County Executive Committee Member shall make regulations and guidelines for the better carrying out of purposes and provisions of this Act.</p> <p>b. Without prejudice to the generality of subsection (1), such regulations may provide for the-</p> <ul style="list-style-type: none"> <li>(a) Implementation of this Act;</li> <li>(b) General management of the Agricultural Training Centers;</li> <li>(c) Criteria for formation of and membership for center management committees for each Agricultural Training Center;</li> <li>(d) Policies and guidelines for the purpose of assessing and evaluation of Agricultural Training Centers.</li> </ul>

*Kilifi County Agricultural Training Centers Bill, 2024*

		<p>(e) Such other matters as the County Executive Committee Member deems fit in regards to the Agricultural Training Centers</p> <p>(3) Without prejudice to subsection (1) the nature and scope of Regulations shall –</p> <p>(a) be for the objects and purpose as set out under section 3 of this Act;</p> <p>(b) be limited only to matters set out in this Act.</p>
<b>General Penalty</b>	28	<p>Any person who contravenes the provisions of this Act for which no other penalty is provided commits an offence and shall on conviction be liable to a fine not exceeding Two Hundred Thousand Shillings or imprisonment for a term not exceeding six months or both.</p>
		<b>PART VI- SAVING AND TRANSITIONAL PROVISIONS</b>
<b>Saving and transitional provisions</b>	29	<p>(1) Any Agricultural Training Center already offering training in matters agriculture shall be deemed to be operating in accordance with this Act.</p> <p>(2) Any person deemed to be the head of the ATC shall be deemed to be a Principal of the Center as per section 15 of this Act.</p>

**FIRST SCHEDULE**

**CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**

**[Part III Clause 14]**

**1. Quorum of meetings**

(1) The quorum for the conduct of business at any meeting of the Board shall be two-thirds of the total number of members of the Board.

**2. Frequency of meetings**

(1) The Board shall meet at least once every three (3) months.

(2) Every meeting of the Board shall be convened by the Chairperson in consultation with the Secretary to the Board.

(3) The notice for meetings under sub section (1) shall be given at least seven (7) days before the date of the meeting

(4) Notwithstanding the provisions under sub-section (1), the Chairperson of the Board may on his own motion or upon requisition in writing by at least five members of the Board convene a special meeting of the Board at any time for the transaction of a specific business.

**3. Chairperson to preside over a meeting of the Board**

(1) The Chairperson shall preside over the meetings of the Board.

(2) In the absence of the Chairperson, the meeting shall be presided over by the Vice-chairperson.

(3) In circumstances where both the Chairperson and the Vice-chairperson are absent then the members present shall elect one amongst themselves to preside over the meeting.

**4. Decision of the Board**

(1) A decision of the Board on any matter before the Board shall be arrived at either unanimously or by a majority of the votes cast by the eligible members present.

(2) The *ex-officio* member of the Board shall not be eligible to vote.

(3) Notwithstanding the provisions of sub-section (1), there shall be a minimum of five eligible voters present and voting.

## *Kilifi County Agricultural Training Centers Bill, 2024*

- (4) In circumstances where there is no outright majority of votes cast, then the chairperson will have a casting vote to break the tie.

### **MEMORANDUM OF OBJECTS AND REASONS**

The Bill seeks to provide a legal framework for establishment of Kilifi County Agricultural Training Centers to ensure provision of specialized and quality agricultural training to the agricultural value chain actors in order to improve food security and standards of living. The Bill seeks to establish and operationalize various Agricultural Training Centers within the County.

#### **The Structure of the Bill is as follows:**

**Part 1** (clauses 1-3) of the Act contains preliminary provisions. Clause 1 state the title and purpose of the Bill and clause 2 deals with interpretation of the terms as used in the Bill. Clause 3 sets out the object of the Bill.

**Part II** (clauses 4-5) of the Act deals with establishment and functions of the Kilifi County Agricultural Training Centers to provide education and training in agriculture; and for matters connected and incidental thereto.

Clause 4 states that the County Executive Committee Member may, by order in the Gazette, establish one or more Agricultural Training Centers. Clause 5 outlines the functions of the ATC which are among others, to offer quality competency-based training to Agricultural value chain actors entrepreneurs and agricultural service providers for enhancing agricultural development within the County.

**Part III** (Clause 6-17) of the Bill provides for Administration. The Part provides for Establishment of the Board to manage the affairs of the ATC.

Clause 6 Establishes a Board of management for the purpose of administration of the ATC.

Clause 7-17 provides for the Membership, appointment, powers, responsibilities of the Board as well as the Principals of the ATC.

Clause 11 and 12 deal with term of office of board as well as vacancy in the office of the member of the Board.

Clause 13 provides for remuneration of the Members of the Board while Clause 14 deals with conduct of business and affairs of the Board. Clause 15 provides for Principals of the ATC how they are appointed and also sets out their functions. Clause 16 proposes that the ATC have a clear guideline on Management of Staff of the ATC.

Clause 17 Protection from Personal Liability of any member of the Board or any officer, employee, agent or servant of the ATC if the act or omission was done for the purposes of executing a function, under the Act.

***Kilifi County Agricultural Training Centers Bill, 2024***

**PART IV** (18 -25) of the Bill provides for financial provisions.

Clause 18 Establishes and sets out funds of the ATC. Clause 19 provides for the purpose of the funds.

Clause 20 deals with the Accounts of the ATC. Clause 21-23 provides for the ATC financial year, annual estimates. It also looks at auditing of the accounts to ensure fiscal responsibility. Further, clause 24 deals with annual report while clause 25 is on charges for goods and services. Clause 26 is on adherence to government procurement and disposal procedures

**PART V** (27-28) of the Bill provides for miscellaneous provisions which includes the powers of the Executive Member to make Regulations and obligatory agricultural policies for the better carrying out of purposes and provisions of the Act. Clause 27 creates offences and penalties for contravening the Act.

**PART VI** (29) The bill provides for transitional clauses to the Act to give the already existing Agricultural Training Centers a reasonable period to conform to the Act provisions.

**RONALD KAZUNGU MBURA**

**CHAIRPERSON**

**AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE**

**Signed..... on this ..... day of**

**JANUARY 2024**