

DC's

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 16 (Kajiado County Bills No. 11)*



REPUBLIC OF KENYA

---

**KENYA GAZETTE SUPPLEMENT**

**KAJIADO COUNTY BILLS, 2020**

---

**NAIROBI, 16th July, 2020**

---

CONTENT

Bill for Introduction into the County Assembly of Kajiado—	PAGE
The Kajiado County Agriculture Training Centres Bill, 2020.....	1

**THE KAJIADO COUNTY AGRICULTURAL TRAINING  
CENTRES BILL, 2020**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Object of the Act.

**PART II—ESTABLISHMENT OF AGRICULTURAL  
TRAINING CENTRES**

- 4—Establishment of the Centres.
- 5—Institutions of the Agriculture Training Centres.
- 6—Functions of the Centres.
- 7—Admission into the Centres.

**PART III—GOVERNANCE INSTITUTIONS OF THE  
CENTRES**

- 8—Board of management.
- 9—Functions of the Board.
- 10—Conduct of business.
- 11—Remuneration.
- 12—The Principal.
- 13—Functions of the Principal.
- 14—Staff of the Centre.
- 15—Protection from Liability.

**PART IV—FINANCIAL PROVISIONS**

- 16—Establishment of the Fund.
- 17—Application of the Fund.
- 18—Administration of the Fund.
- 19—Investment of the Fund.
- 20—Budget of the Centres.
- 21—Financial Year of the Centres.

22—Audit.

**PART V—MISCELLANEOUS PROVISIONS**

23—Regulations.

24—Reports.

**SCHEDULES**

**First Schedule**

**THE KAJIADO COUNTY AGRICULTURAL TRAINING  
CENTRES BILL, 2020**

**A Bill for**

**AN ACT of the County Assembly of Kajiado to provide for the establishment and administration of Kajiado County Agricultural Training Centre and for other connected purposes.**

**ENACTED** by the County Assembly of Kajiado, as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Kajiado County Agricultural Training Centres Act, 2020 and shall come into operation on such a date as the County Executive Committee Member may, by notice in the *Gazette*, appoint.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“administrator” means a person appointed as an administrator of the Fund under section 18.

“Agricultural Training” means the practical application of scientific, economic and social developmental principles in the preparation for and delivery of training in agricultural production and its related training;

“Board” means the Board of Management established under section 8;

“Centre” means the Agricultural Training Centre established under section 4;

“certificate” means a certificate awarded by the Agricultural Training Centre after the completion of an agricultural training;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for agriculture;

“local Communities” includes persons and households living in a defined geographical area, but in close physical proximity to the Centre and its facilities; and

“Principal” means a person appointed as the principal of the centre under section 12.

**Object of the Act**

3. The objects of the Act is to—

- (a) provide for the establishment of an Agricultural Training Centre to facilitate the achievement of a sustainable economic development for purposes of social and environmental benefits to the people of Kajiado County;
- (b) provide for the creation of a Board of Management for the purposes of proper direction and management of the Centre;
- (c) improve the livelihoods of local communities by drawing strategies and taking actions, that shall contribute to poverty eradication programmes through the provision of agricultural training;
- (d) encourage the outreach of agricultural training from the Agricultural Training Centre to ensure the widest possible public participation in agricultural production and crop protection services;
- (e) facilitate greater public awareness on the importance of the cultural, economic and social benefits of the agricultural sector in Kajiado County;
- (f) promote the concept of self-reliance and popularisation of agricultural training, through schools and other educational establishments; and
- (g) ensure that environmental benefits, costs and values are reflected in the design and provision of syllabuses to be received by trainees in the Agricultural Training Centre.

## **PART II—ESTABLISHMENT OF THE AGRICULTURAL TRAINING CENTRES**

### **Establishment of the Centres**

4. (1) There is established the Kajiado County Agricultural Training Centres for the furtherance of the objects of this Act.

(2) The Centres established under subsection (1), shall be under the general direction and supervision of the County Executive Committee Member.

### **Institutions of the Agriculture Training Centres**

5. The Agricultural Training Centres shall consist of the—

- (a) Board of Management;
- (b) Principal of the Centre;
- (c) Deputy Principal;
- (d) Instructors and lecturers;
- (e) Trainees; and
- (f) Such other support staff.

### **Functions of the Centres**

6. The functions of the Centres shall be to—

- (a) offer residential and non-residential training on relevant farming technologies backed with practical demonstrations;
- (b) provide training facilities to farmers and other stakeholders involved in agriculture and development;
- (c) adopt innovative approaches for the development of training in market based agricultural subjects;
- (d) maintain a model farm for training purposes and for demonstration to farmers and stakeholders in agriculture;
- (e) provide facilities for and participate in carrying out adaptive on-farm trials of relevant technologies;
- (f) serve as bulking centres of plant materials and multiplication of livestock ;
- (g) provide training to private individuals, staff of commercial enterprises, non-governmental organizations and public officers for the development of sustainable management of the agricultural sector;
- (h) generate revenue for self-financing of commercial activities; and
- (i) perform such other functions as may be conferred on it by this Act.

### **Admission into the Centres**

7. (1) The Centres shall admit school leavers or university graduates who are willing to undergo the vocational training for the progression of their career.

(2) The language of instruction at the Centres shall be the local language, English or Kiswahili depending on the nature of training being rendered at the Centre.

(3) On completion of training, trainees may be awarded a certificate depending on the nature of training received.

## **PART III—GOVERNANCE INSTITUTIONS OF THE CENTRES**

### **Board of Management**

8. (1) There is established a Board to be known as Kajiado County Agricultural Training Centres Board of Management.

(2) The Board shall consist of—

- (a) a Chairperson appointed by the County Executive Committee Member;
- (b) the County Director of agriculture or a representative appointed in writing by the County Director of agriculture;
- (c) the County Director of Livestock Production or a representative appointed in writing by the County Director of Livestock Production;
- (d) the County head Treasury or a representative appointed in writing by the county head of Treasury;
- (e) five other members, not being public officers, appointed by the County Executive Committee Member;
- (f) the Principal of the Centre established under section 4 who shall be the Secretary an *ex-officio* member of the Board.

(3) The members appointed under paragraph 8(2)(e), shall be persons of integrity with the knowledge and expertise on matters relating to Agriculture.

(4) The members appointed under paragraph 8(2)(e), shall hold office for a term of three years renewable once.

### **Functions of the Board**

9. (1) The functions of the Board shall be to—

- (a) link the Centres to the farmers, stakeholders and other potential clients;
- (b) review and approve strategic plans, work plans and budgets of the agricultural training centres;
- (c) serve as an advisory body to the Agricultural Training Centres management on all programmes;
- (d) mobilize resources from stakeholders and other partners;
- (e) develop and interpret the broad policies of the Centres;
- (f) facilitate acquisition and safeguarding of the assets of the Centres;
- (g) oversee the operations of the Centres; and
- (h) provide guidance to the Principal and staff of the Centres.

(2) The Board shall in the performance of its functions under this Act, be answerable to the County Executive Committee Member responsible for matters relating to Agriculture.

### **Conduct of Business**

10. (1) The conduct of the business and affairs of the Board shall be as set out in the First Schedule.

### **Remuneration**

11. The Chairperson, members and staff of the Board, shall be paid such remuneration as may be determined by the County Executive Member in consultation with County Public Service Board.

### **The Principal**

12. (1) There shall be a Principal of the Centre competitively recruited by the County Public Service Board and appointed by the County Executive Committee member on such terms as may be specified in the letter of appointment.

(2) The Principal shall be a person with professional qualifications and of relevant experience and technical knowledge in Agriculture or related disciplines.

### **Functions of the Principal**

13. (1) The Principal shall be the responsible for the day to day administration of the Centre.

(2) Despite the provisions of sub section (1), the Principal shall be responsible for the—

- (a) coordination and implementation of policies, programmes and activities of the Centre;
- (b) proper management of funds and properties of the Centre;
- (c) administration, organisation and control of the staff of the Centre;
- (d) development of operating plans which shall guide the Centre in achieving its objectives;
- (e) the offering of advise on and revision of fees to be charged for the services rendered and for products of the Centre;
- (f) co-operation with other agencies and organisations in the agricultural sector, and with local communities among which the Centre has facilities;
- (g) development of an economically efficient and cost effective internal management structure; and
- (h) performance of any other function as may be assigned by the Board.



(3) The Principal, shall, in the performance of his or her functions under this Act, be answerable to the Board.

#### **Staff of the Centre**

14. (1) The Board shall, in consultation with the County Public Service Board, appoint such number of staff necessary for the effective performance of the functions of the Centre.

(2) The staff appointed under sub section (1), shall serve on such terms as may be specified in the instrument of appointment.

#### **Protection from liability.**

15. A person shall not be personally held liable for any act or omission done, in good faith in the lawful exercise of functions of the Centre under this Act.

### **PART IV—FINANCIAL PROVISIONS**

#### **Establishment of the Fund**

16. (1) There is established a fund to be known as Kajiado County Demonstration Farms Fund.

(2) The Fund shall consist of—

- (a) such monies as may be appropriated by the County Assembly for purposes of the Fund;
- (b) monies received as fees for services rendered by the Centres in accordance with the provisions of this Act;
- (c) revenues earned from activities of the Centres in accordance with the provisions of this Act;
- (d) grants, gifts or donations made to the Fund; and
- (e) any other funds received by the Centre in the performance of its lawful functions.

#### **Application of the Fund**

17. The Fund shall be utilized for the purpose of—

- (a) meeting the costs of implementing commercial enterprises and setting up of demonstration farms at the Centre;
- (b) acquisition of equipment, materials and other assets for the Centres; and
- (c) the training and capacity building of farmers and pastoralists on appropriate technologies and skills.

### **Administration of the Fund**

18. (1) There shall be an administrator who shall be the accounting officer of the Fund, competitively recruited and appointed by the County Executive Committee Member responsible for Finance.

(2) A person appointed as an administrator under sub section (1), shall be a person with knowledge and expertise on financial matters.

(3) The administrator shall cause to be opened an account in a commercial bank, approved by the County Treasury, and such an account shall be known as the "Demonstration Farms Fund Account".

(4) The Signatories of the account under sub-section (3), shall be the Fund Administrator and two other members appointed by the County Executive Committee Member for finance.

### **Investment of surplus funds**

19. The Board may in consultation with the Chief Officer for Agriculture and Finance invest such surplus funds.

### **Budgets of the Centres**

20. (1) The Principal, shall within three months before the end of each financial year, prepare and submit to the Board for approval, budget of the Centre.

(2) The Board, shall, within two months after receipt of the budget estimates, submit to the Chief Officer for Agriculture the budget estimates for approval.

### **Financial year of the Centres**

21. The financial year of the Centres shall be a period of twelve months ending on the thirtieth day of June.

### **Audit**

22. (1) The Fund Administrator shall—

- (a) prepare and keep the accounts of the Fund in each financial year;
- (b) not later than three months after the end of each financial year, have the accounts of the Fund submitted to and audited by the Auditor-General.

(2) The auditor shall have access to all books of accounts, vouchers and other records relating to the Fund, and shall be entitled to any information and explanation required in relation to those records.

**PART V—MISCELLANEOUS PROVISIONS****Regulations**

23. The County Executive Committee Member for Agriculture may, make regulations for the purposes of carrying into effect the provisions of this Act.

**Reports**

24. The Board shall at the end of each financial year submit to the Chief Officer for Agriculture, such reports on the activities undertaken during the financial year.

**SCHEDULE**

(s. 10)

**Vice-chairperson**

1. The members shall, in their first meeting, elect one of their own to be the vice chairperson of the Board.

**Procedures of the Board**

2. The Board shall regulate its own procedures and the conduct of its business in conformity with this Act and Regulations.

**Disqualification from membership of the Board**

3. A person shall be disqualified from being appointed a member of the Board, if that person is an undischarged bankrupt.

**Meetings of the Board**

4. (1) The Chairperson shall convene meetings of the Board at such times and places as he or she may determine.

(2) The Board shall meet for the discharge of its business at least once quarterly.

(3) Notwithstanding the provision of sub-paragraph (2), the Chairperson may, at any time, if circumstances warrant, convene a special meeting of the Board on such date and place as may be determined by the Chairperson.

(4) The Board shall call a meeting, within fourteen days, if requested by at least four members of the Board.

(5) Notices of Board meetings shall be given to each member, in writing or by an e-mail, at least fourteen working days, before the day of the meeting.

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

(7) Where at any meeting of the Board the Chairperson is absent the Vice-chairperson shall preside or any other member elected by the members for that purpose.

(8) The Board shall cause to be kept, records of its meetings and the minutes of each meeting of the Board shall be read and confirmed or amended and confirmed at the next meeting of the Board and signed by the person presiding at the meeting.

**Quorum of meetings**

5. (1) The quorum for meetings of the Board shall be five members.

(2) Decisions at meetings of the Board shall be by majority vote of members present and voting, and in case of a tie, the person presiding over

the meeting shall have a casting vote, in addition to his or her deliberative vote.

#### **Validity of proceedings not affected by vacancy**

6. The validity of any proceedings of the Board, shall not be affected by a vacancy in its membership, or by any defect in the appointment or a qualification of a member of the Board.

#### **Power to co-opt**

7. (1) The Board may invite any person who, in the opinion of the Board, has an expertise or knowledge concerning any of the functions of the Centre to attend and take part in its proceedings of the Board.

(2) A person attending a meeting of the Board in accordance with sub paragraph (1) may take part in any deliberations, in which his or her advice is required but shall not have any right to vote at the meetings.

#### **Conflict of interest**

8. (1) A member of the Board, who is directly or indirectly interested in any matter which is to be considered by the Board, shall disclose the nature or the extent of his interest at meetings of the Board.

(2) A disclosure made under subsection (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under sub paragraph (1), shall not participate in any deliberations, or take part in any decisions of the Board with respect to that matter.

#### **Committees of the Board**

9. (1) The Board may appoint sub-committees to advise it on any matter concerning its functions as it may determine.

(2) A sub-committee appointed under sub paragraph(1), shall consist of, a Chairperson, who shall be a member of the Board and such other persons, as the Board may determine.

(3) The Board may in writing, specify the terms and conditions of service of members of any committee appointed in accordance with sub paragraph (1).

(4) The Board may delegate any of its functions to a committee, subject to any limitations.

(5) The Board may require any committee appointed under this section to act jointly or in co-operation with any other committee formed by the same.

(6) Members of a committee appointed under this section may be paid such allowances as the Board may determine.

(7) Subject to directives by the Board, a committee appointed under this section may regulate its own proceedings.

### **Tenure of office of members of the Board**

10. (1) A member of the Board, other than the *ex-officio* members, shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(2) A member of the Board may, resign by a letter addressed to the County Executive Committee Member.

(3) The County Executive Committee Member may, at any time, remove from office a member of the Board, for—

- (a) inability to perform the functions of his office arising from mental infirmity of bodily disability;
- (b) gross misconduct;
- (c) incompetence and inefficiency;
- (d) absence from office without prior permission from the Chairperson, for more than four consecutive meetings of the Board.
- (e) bankruptcy or insolvency or entry into a composition scheme with his creditors; or
- (f) conviction of an offence involving dishonesty or fraud.

## MEMORUNDUM OF REASONS AND OBJECTS

The principal object of this Bill is to provide for the establishment and administration of the Agricultural Training Centres. Establishment of the Agricultural Training Centres will facilitate the achievement of a sustainable economic development and bring social and environmental benefits to the people of Kajiado County.

The structure of the Bill is as follows—

**Part I** (clause 1-3) of the Bill contains preliminary provisions. These include the title of the proposed Bill, interpretation of terms and the objects. The object of the Bill is to provide a legal framework to facilitate the growth and development of agriculture in the County and in particular to-

- (a) establish Agricultural Training Centres which shall facilitate the achievement of a sustainable economic development, and bring social and environmental benefits to the people of Kajiado County in the agricultural sector;
- (b) provide for the creation of a Board of Management for the purposes of proper direction and management of the Centres;
- (c) ensure that agricultural training shall be carried out in a manner that meets the needs of the present generation but without compromising the rights of future generations and but with due regard to environmental factors;
- (d) improve the livelihoods of local communities by drawing strategies and taking actions, that shall contribute to poverty eradication programmes through the provision of agricultural training;
- (e) encourage the outreach of agricultural training from the Agricultural Training Centres to ensure the widest possible public participation in agricultural production and crop protection services;

**Part II** (clause 4-7) of the Bill establishes the Agricultural Training Centres, the institutions and functions of the Centres.

**Part III** (clauses 8-19) of the Bill contains provisions for the management of Agricultural Training Centres. It provides for a Board of Management and contains the manner in which members will be appointed and related matters.

**Part IV** (clause 20-23) of the Bill contains clauses relating to the staff establishment of the Agricultural Training Centres and their general terms of service.

**Part V** (clause 24-31) of the Bill relates to the financial management of the Centres.

---

**Part VI** (clause 32-33) contains clauses of a miscellaneous nature.

**Part VII** (clause 34-36) contains miscellaneous provisions.

JACKSON MPANDA,  
*Chairperson, Committee on Agriculture,  
Livestock Production, Veterinary Services and Fisheries.*