

**SPECIAL ISSUE**

**Kitui County Gazette Supplement No. 19 (Acts No. 8)**



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**KITUI COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2014**

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**NAIROBI, 5th September, 2014**

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**THE KITUI COUNTY SORGHUM ACT, 2014**

**No. 8 of 2014**

*Date of Assent: 2nd September, 2014*

*Date of Commencement: see section I*

**ARRANGEMENT OF SECTIONS**

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## **THE KITUI COUNTY SORGHUM BILL, 2014**

**AN ACT of the Kitui County Assembly to provide for the growth; development and regulation of sorghum industry; and for connected purposes**

**ENACTED** by the Kitui County Assembly, as follows—

### **PART I—PRELIMINARY**

#### **Short title and commencement**

1. This Act may be cited as the Kitui County Sorghum Act, 2014 and shall come into operation on such a date as the County Executive Member may, by notice in the County and Kenya Gazette appoint.

#### **Interpretation**

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

“County Executive Member” means the County Executive Member for the time being responsible for matters relating to agriculture;

“County Government” means the County government of Kitui

“Ministry” the county ministry for the time being responsible for Agriculture

“Co-operative Society” means a co-operative society registered under the Co-operative Societies Act;

“Dealing in sorghum” includes production, collecting, transporting, storing, buying or selling sorghum or sorghum products;

“Sorghum processor” means person or persons who are engaged in the business of adding value to sorghum;

“Sorghum grower” means person or persons who are engaged in farming or productions of sorghum within Kitui County;

“Smallholder grower” means any person or persons who engage in farming on a land measuring zero to one acre.

#### **Objects and Purpose of the Act**

3. The objective of this Act is to accelerate the growth and development of sorghum industry, enhance productivity and incomes of farmers and the rural population, improve investment climate and efficiency of agribusiness, through promotion of the production, processing, marketing, and distribution of crops in suitable areas of the country and in particular to—

- (a) Promote competitiveness in the sorghum industry and to develop diversified crop products and market outlets;

- (b) Attract and promote private investment in sorghum industry; and
- (c) Reduce duplication and overlap of functions among institutions involved in the promotion of sorghum.

### **Application**

4. This Act shall apply to farmers, farmers' organizations, cooperatives and community associations dealing with sorghum.

### **Role of County Government in Development of Sorghum**

5. (1) Pursuant to the Fourth schedule of the Constitution of Kenya 2010—

- (a) The county governments will implement the national government policies to the, extent that the policies relate to the county and in particular shall be responsible for—
  - (i) Development of sorghum industry within the county;
  - (ii) Plant disease control;
  - (iii) Markets;
  - (iv) Co-operative Societies within the County;
  - (v) Soil and water conservation.

(2) In order to achieve the objects and purposes of this Act, it is the duty of the county governments to provide an enabling environment for the development of sorghum industry.

(3) County Governments shall determine and promote the implementation of agricultural policies and measures in a manner designed to promote, support and enhance productivity in the sorghum industry.

## **PART II—DEVELOPMENT OF SORGHUM**

### **Promotion of sorghum**

6. In addition to the functions stipulated under any other law, the County Government shall—

- (a) Formulate general and specific policies for the development of sorghum;
- (b) Facilitate marketing and distribution of sorghum through monitoring and dissemination of market information, including identification of the local supply-demand situation;

- (c) Enjoin the county ministry responsible for roads to effect an efficient and regular maintenance of access roads to facilitate transporting of sorghum, for purposes of reducing marketing costs and ensuring stable consumer supply;
- (d) Advocate for purchase of sorghum by the National Cereals and Produce Board (NCPB) as part of their strategic food reserves;
- (e) Establish linkages with various governments and private research institutions for the conduct of studies and researches designed to promote the production, marketing and processing of sorghum;
- (f) Buy excess or surplus sorghum from framers for distribution in the county in case of food shortage emergency both as food for human consumption and animal feeds;
- (g) Conduct farmers training and campaign programs aimed at increasing their knowledge on production technologies and on market potentials and prospects for various varieties of sorghum, through farmer training forums and institutions;
- (h) Establish experimental on-farm trials and seed farms for the development of varieties suitable to the agro-climatic conditions of the area and markets that will provide greatest value addition to sorghum;
- (i) Devise and maintain a system for obtaining regularly information on current and future production, prices and movement in trade;
- (j) To secure domestic food supply in terms of sorghum Production county;
- (k) Promote and advise sorghum growers and dealers on strategies for value addition;
- (l) Recommend general industry agreements between farmers and processors of sorghum;
- (m) Prescribe the minimum period within which farmers are to be paid for sorghum delivered to cooperatives or any other buying agencies and penalties payable for delayed payments;
- (n) Promote acquisition of appropriate farm machinery for processing and other farm operations;
- (o) Ensure sustainable productions of sorghum through promotion or environmentally sound means of production; and
- (p) Perform any other relevant function.

**Incentives to Growers**

7. (1) The County Executive Committee Member or his or her agents shall establish institutional linkages to coordinate the provision of credit, farm inputs and marketing.

(2) The County Ministry, in accordance with rules and regulations made under this Act and subject to any other law shall put in place programmes to ensure provision of the following incentives and facilities to growers and dealers of sorghum —

- (a) Credit assistance including provision of equipment for land preparation and other non-monetary assistance;
- (b) Credit guarantee;
- (c) Affordable farm-inputs including quality seeds and market linkage;
- (d) Technical support including on-farm trial and extension services;
- (e) Infrastructural support including physical infrastructure development, financial and market information;
- (f) Pest and disease control;
- (g) Post harvest facilities and technologies including storage, processing, distribution and transport facilities;

**PART III—REGULATION OF SORGHUM INDUSTRY****Regulation of Sorghum**

8 (1) The County Ministry shall regulate all aspects of sorghum industry with a view to—

- (a) Control of pests and diseases
- (b) Licensing and regulation of dealers in farm inputs
- (c) Ensuring that rules and regulations of any organization dealing with sorghum and sorghum products, made by and such organization to be in conformity with the provisions of this Act.
- (d) Taking measures of maintaining soil fertility including, testing and regulation of soil salinations, chemical degradation and toxic levels in plant;
- (e) Fostering collaboration between farmers and other dealers in sorghum and sorghum products
- (f) Facilitating the provision of farm inputs

- (g) Promoting trade and access to markets;
- (h) Facilitating provision of infrastructure;
- (i) Providing post-harvest services and technology;
- (j) Facilitating the collection of farm products and storage;
- (k) Training of farmers and provision of extension services;
- (l) Providing incentives to farmers;
- (m) Availing credit facilities; and
- (n) Promoting value addition.

(2) For purposes of subsection (1) the county department responsible for agriculture shall have the power to issue guidelines under this Clause subject to the approval of the Assembly.

(3) The county Ministry shall maintain the necessary statistical information with respect to the sorghum industry to enable proper planning.

### **Freedom to Register**

9. (1) All sorghum growers in the county shall be registered with a cooperative of their choice for purposes of accessing economies of scale.

(2) Notwithstanding sub-section (1), every smallholder grower shall be at liberty to register or not to register with a Co-operative.

(3) Where a farmer has entered into an agreement with an organization representing the interest of such farmer, the county ministry and every dealer in sorghum shall respect and enable the carrying out of the terms of such agreement, including the remission to the farmer's organization of any contributions that may, pursuant to such agreement, be deductible from the farmer.

### **Registration of growers or marketing associations or both**

10. The county ministry shall maintain a register of growers and marketing association, in such form as it may determine, and shall enter in the register—

- (a) Full names of the growers and marketing association;
- (b) Particulars of numbers of the registered growers and area planted with sorghum and the yields realized therefrom.
- (c) The volume marketed and its value
- (d) Any other particulars the county ministry may consider necessary.
- (e) Quality of the sorghum produced if necessary.



## **PART IV—LICENSING AND PROVISION FOR LEVY**

### **Registration of Dealers**

**11.** (1) a county government may, pursuant to the Fourth schedule of the Constitution, impose fees for—

- (a) Development and regulation of markets within the county;
- (b) Issuance of trade licenses to any person trading in sorghum within the county; and
- (c) Issuance of licenses for cooperative societies dealing with sorghum within the county.

(2) The fees imposed by a county government under subsection (1) shall not in any way prejudice national economic policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

## **PART V—IMPOSITION OF LEVIES**

### **General Power to Impose Levies**

**12.** (1) the County Executive committee member may, with the approval of county assembly, by a notice in the county Gazette or Kenya gazette, impose a levy to be levied on sorghum or sorghum product.

(2) The County executive committee member may, alter the rate of the levy imposed under subsection (1) SUBJECT to the approval of the County Assembly and such altered rate shall come into force on such date, not being less than two months from the date of the notice, as may be specified in the notice.

## **PART VI—MISCELLANEOUS PROVISIONS**

### **Infected areas**

**13.** (1) the County Executive Committee Member may by order published in the County Gazette or Kenya gazette—

- (a) Declare an area which is infected with a sorghum disease or pest to be an infected area;
- (b) Prohibit the use of an infected area for planting, growing, collecting, storing or other dealings or for any other purpose connected with those activities;
- (c) For the purpose of preventing sorghum disease or pest or the spread of the disease or pest, either in the sorghum or otherwise, prohibit the movement of planting seed or other crop material

from, to, through or within an infected area or other specified areas;

- (d) Extend, diminish or otherwise alter an infected area; and
- (e) Where it is no longer infected with sorghum disease or pest, revoke the declaration of an infected area.

(2) The County executive committee member may by regulations makes further provisions for the control of infected areas SUBJECT to the approval of the County Assembly.

### **General penalty and offences**

14. Any person who contravene a provision of this Act where no other penalty is provided for commits an offense and is liable upon conviction to a fine not less than five thousand Kenya shillings and not exceeding fifteen thousand Kenya shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

### **Regulations**

15. The County Executive Committee Member for Agriculture may make regulations for the better carrying into effect of this Act.



