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CONTENT

Bill for Introduction into the County Assembly of Kajiado—	PAGE
The Kajiado County Agricultural Mechanization Services Bill, 2020	1

**THE KAJIADO COUNTY AGRICULTURAL MECHANIZATION
SERVICES BILL, 2020**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short Title and Commencement.
- 2—Interpretation.

PART II—OBJECTS AND PURPOSE OF THE ACT

- 3—Objects of the Act.
- 4—Application.

**PART III—ESTABLISHMENT AND MANAGEMENT OF THE
COUNTY AGRICULTURAL MECHANIZATION SERVICES**

- 5—Establishment of Agricultural Mechanization Services.
- 6—Functions of Agricultural Mechanization Services.
- 7—Ownership of Agricultural Machinery

**PART IV—MANAGEMENT OF AGRICULTURAL
MECHANIZATION SERVICES**

- 8—Establishment of Committee.
- 9—Functions of the Committee.
- 10—Conduct of Business.
- 11—Staff of the Agricultural Mechanization Service
- 12—Operational Procedures

**PART V—ESTABLISHMENT OF AGRICULTURAL
MECHANIZATION SERVICES FUND**

- 13—Establishment of Revolving Fund.
- 14—Purpose of the Fund.
- 15—Administration of the Fund.
- 16—Audit.

PART VI—DISPOSAL OF AGRICULTURAL MACHINERY

- 17—Disposal of machinery.

PART VII—MISCELLANEOUS PROVISIONS

- 18—Regulations.
- 19—Code of Conduct.

THE KAJIADO COUNTY AGRICULTURAL MECHANIZATION SERVICES BILL, 2020**A Bill for**

AN ACT of the County Assembly of Kajiado to establish Agricultural Mechanization Services and to provide for the institutional framework for the development and regulation of the same and for 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 Mechanization Services Act, 2020 and shall come into operation upon publication in the *Kenya Gazette* and the County Gazette.

Interpretation

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

“Agriculture” means development of land and the use of farmland for any purpose of crop and animal husbandry, aquaculture and food production;

“Agricultural Machinery” includes farm tractors with related implements, equipment, and machinery and heavy plant and earth moving machinery used in agriculture;

“AMS” means Agricultural Mechanization Services;

“Appropriate Agricultural Technology” means a suited technology that enhances local agricultural productivity;

“Chief Officer” means the Chief Officer for Agriculture in the County;

“County Assembly” means the County Assembly of Kajiado;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to Agriculture in the County;

“County Government” means the County government of Kajiado;

“Crop” means any plant that is grown in significant quantities to be harvested as food, as livestock fodder, fuel, or for any other economic purpose;

“Director” means the Director for the time being responsible for matters relating to Agriculture;

“Farmer” means, a person who is principally occupied in producing agricultural products on a farm;

“Center Engineer” means the person in charge of the Agricultural Mechanization Center;

“Agricultural Mechanization” means the application of tools, implements, and powered machinery as inputs to achieve agricultural production and covers the manufacture, distribution, maintenance, repair, management, and utilization of agricultural tools, implements, and machines for agricultural land development, crop production, harvesting, and preparation for storage, on-farm processing and rural transport.

“Administrator” means a person designated by the County Executive Committee Member for Finance to administer the Fund.

PART II—OBJECTS AND PURPOSE OF THE ACT

Objects and purpose of the Act

3. The objects and purposes of this Act is to—
- (a) establish an Agricultural Mechanization Services Centers to offer competitive agricultural machinery services in the County;
 - (b) provide a comprehensive, harmonized, efficient and effective legal and regulatory framework for development and regulation of agricultural machinery services in Kajiado County.
 - (c) to accelerate the growth and development of agriculture in general, enhance productivity and incomes for farmers through a combination of strategies that include access to affordable appropriate agricultural technologies and mechanization of agriculture.
 - (d) to set up an Agricultural Mechanization Services Fund.

Application of the Act

4. This Act shall apply within jurisdiction of the County Government of Kajiado.

PART III—ESTABLISHMENT AND MANAGEMENT OF THE COUNTY AGRICULTURAL MECHANIZATION SERVICES

Establishment of Agricultural Mechanization Services

5. There is established an agricultural mechanization services Center to be known as the Kajiado Agricultural Machinery Services Center.

Functions of the Agricultural Mechanization Services

6. The functions of the Agricultural Mechanization Services shall be to—

- (a) provide agricultural engineering services including engineering surveys, preparation of designs and plans, technical specifications and cost estimates of irrigation and water harvesting structures;
- (b) administer, supervise and coordinate the construction, operation, maintenance, improvement and management of irrigation, water harvesting, soil and water conservation structures and facilities, all agricultural machinery, post-harvest facilities and other farm infrastructure;
- (c) develop agricultural land for crop and livestock production;
- (d) co-ordinate with concerned National Government agencies with regard to the implementation of National government programs and projects on agricultural mechanization, post-harvest facilities and other infrastructure;
- (e) provide training and mechanization extension to farmers, pastoralists, extension staff, technicians and operators on installations, operation and maintenance of agricultural machinery and facilities;
- (f) provide machinery hire and mechanization services to farmers at subsidized and affordable rates;
- (g) develop and test agricultural machinery for suitability to local conditions;
- (h) develop and operate a specialized agricultural machinery workshop;
- (i) participation in County emergencies and activities as may be directed by the Chief Officer;
- (j) generate revenue for financing of agricultural mechanization services.

Ownership of Agricultural Machinery

7. (a) The Agricultural Machinery Services shall consist of agricultural machinery and equipment procured by the County Government, National Government or any other donor to accelerate the growth and development of agriculture.

(b) All the machinery and equipment shall remain the property of the County.

**PART IV—MANAGEMENT OF AGRICULTURAL
MECHANIZATION SERVICES**

Establishment of the Committee

8. (1) The management of the Agricultural Mechanization Services shall vest in a Committee to be known as the Kajiado County Agricultural Mechanization Services Management Committee.

(2) The Committee shall consist of—

- (a) the Executive Committee Member for Agriculture who shall be the chairperson;
- (b) the Representative of the County Treasury
- (c) the County Director of Agriculture
- (d) the County Director of Livestock Production
- (e) five persons being farmers' representatives elected by farmers to represent each sub-county
- (f) the Center Engineer Agricultural Mechanization Services Center shall be the secretary to the Committee.

Functions of the Committee

9. The Committee shall be responsible for—

- (a) promoting the development of the Agricultural Mechanization Services in the County;
- (b) providing oversight over the administration of the Agricultural Mechanization Services Centre;
- (c) setting up sub-Centres within the County for ease of operation up to the Ward level where necessary;
- (d) approving the Centre workplans and programmes for implementing the County agricultural mechanization policy and strategies;
- (e) ensure proper management of the Centre resources;
- (f) advice on the review of Agricultural Mechanization Services charges and fees.
- (g) carrying out any other function assigned by the Chief Officer/

Conduct of Business

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

Staff of the Agricultural Mechanization Services

11. (1) The staff of Agricultural Mechanization Services shall consist of—

- (a) the Centre Engineer who shall be responsible for the day to day management of the Agricultural Mechanization Services Centre.
- (b) the Workshop Engineer who shall be the deputy to the Centre Engineer;
- (c) five technical staff

(2) The persons appointed in (1)(a) and (b) shall at least be university graduates in agricultural engineering, be registered by the Engineers Board of Kenya with not less than three years experience and meet any other criteria as set by the County Public Service Board;

(3) Persons appointed in (1)(c) shall be at least a diploma graduates in any relevant field in agricultural engineering and be in appointment of the County Public Service Board.

Operational procedures

12. The Chief Officer shall prescribe operational policies and guidelines for efficient management and administration of the Agricultural Mechanization Services

**PART V—ESTABLISHMENT OF AGRICULTURAL
MECHANIZATION SERVICES FUND****Establishment of revolving Fund**

13. (1) There is established a Fund to be known as Kajiado County Agriculture Mechanization Services Fund which shall be managed and administered by the Committee

(2) There shall be credited to the Fund—

- (a) such monies which may from time to time may be appropriated by the County Assembly;
- (b) such grants or transfers as may be received from the National Government as conditional or non-conditional grants;
- (c) grants and donations received from any lawful source;
- (d) such monies received as user charges and fees.

(3) All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be retained for the purpose for which the Fund is established.

Purpose of the Fund

14. (1) The Fund will be utilized solely for the provision of Agricultural Mechanization Services in the County.

(2) The Chief Officer shall prescribe the user charges or fees payable as approved by the County Executive Committee and the County Assembly.

Administration of the Fund

15. (1) The County Executive Committee Member for Finance shall designate a person to administer the Fund.

(2) The Fund Administrator appointed under sub-section (1) above shall be the accounting officer of the Fund.

(3) The Fund administrator shall open an account in any commercial bank, approved by the County Executive Member responsible for Finance, and such an account shall be known as the "Agricultural Mechanization Services Fund Account."

Audit

16. The County Executive Member for Finance shall make regulations for the administration and management of the Fund.

(2) The 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 the financial year, prepare annual financial statements for that year and submit them to the Auditor General for audit with a copy to the County Treasury; and
- (c) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law.

PART VI—DISPOSAL OF AGRICULTURAL MACHINERY

Disposal of machinery

17. (1) The County Government is the title holder of the agricultural machinery and is the only entity that can dispose the same, and shall do so in accordance with existing government rules and regulations or such other County legislation enacted by the County Assembly.

PART VII—MISCELLANEOUS PROVISIONS**Regulations**

18. (1) The County Executive Committee Member shall make regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1) the regulations may—

- (a) prescribe the manner of electing members of the Committee;
- (b) prescribe for operational policies and guidelines for management and administration of the Agricultural Mechanization Services.

Code of conduct

19. The Committee shall comply with the code of conduct governing public officers.

FIRST SCHEDULE

(s.9)

**CONDUCT OF BUSINESS AND AFFAIRS OF THE
COMMITTEE**

Vice-Chairperson

1. The members, shall in their first meeting elect one of the members present to be the Vice-Chairperson of the Committee and shall, subject to his/her continuing to be a member holding office for a term of three years from the date of the election, and shall be eligible for re-election.

Procedure of the Committee

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

Tenure of office of the Members of the Committee

3. (1) A member shall, unless his/her appointment is terminated by appointing authority or ceases in any way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.

Vacation of office

4. A person other than an ex-officio member may—

- (a) at any time resign his office by giving a notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority he/she shall cease to be a member;
- (b) be removed from office by the County Executive Committee member on the advice of the Committee if the member-
 - (i) has been absent from three consecutive meetings of the Committee without its permission;
 - (ii) is convicted of a criminal offence;
 - (iii) serious violation of the Constitution or any other written law;
 - (iv) gross misconduct whether in the performance of the functions of the office or otherwise;
 - (v) physical or mental incapacity to perform the functions of the office;
 - (vi) is unable to discharge his functions due to incompetence; or
 - (vii) is adjudged bankrupt

Meetings and procedures of the Committee

5. (1) The Committee shall hold its meetings quarterly in every financial year and not more than two months shall lapse between the date of one meeting and the date of the next meeting;

(2) Notwithstanding sub-paragraph (1), the chairperson may, upon requisition in writing by at least five (5) members, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) The Chairperson shall preside at all meetings of the Committee.

(4) Where at any meeting of the Committee the Chairman is absent the Vice-Chairperson shall preside.

(5) The members present shall elect one member to preside whenever the Chairperson and Vice-Chairperson are absent, and the person elected shall have all the powers of the Chairperson with respect to that meeting.

Quorum of Committee meetings

6. (1) The quorum for the conduct of the business of the Committee shall be a five members.

(2) All decisions of the Committee shall be arrived at unanimously except in the case of disagreement the decision shall be made by a majority vote.

Conflict of interest

7. (1) A member who has an interest in any matter presented in a meeting shall at the meeting and as soon as reasonably practicable after the commencement of the meeting disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made;

(3) A member of the committee who contravenes subparagraph (1) shall cease to be a member of the Committee subject to the direction of the County Executive Committee member.

Vacancies etc. not to invalidate proceedings

8. The validity of any act or proceedings of the Committee shall not be affected by any vacancy amongst its members or by any defect in the appointment of any of them.

MEMORANDUM OF OBJECTS AND REASONS

The backbone of Kajiado County is agriculture. However over the years there has been low agricultural productivity due to among others, lack of or low application of modern technology especially farm machinery. There is therefore an urgent need to put in place a strategy and legislation that seek to reverse this scenario.

The Bill seeks to put in place the legal framework that will provide for the establishment of the Agricultural Mechanization Services in Kajiado County so as to accelerate the growth and development of agriculture and thus enhance food security and improve incomes of farmers.

Part I of the Bill provides for the short title and interpretation.

Part II of the bill provides for the objects and purpose of the Bill.

Part III establishes the County Agricultural Mechanization Services and its functions.

Part IV provides for the management of the Agricultural Mechanization Services.

Part V Establishes the Agricultural Mechanization Fund.

Part VI provides a provision for disposal of machinery.

Part VII gives the Executive Committee Member the power to make regulations to be approved by the County Executive Committee.

Dated the 13th July, 2020.

JACKSON MPAADA,
*Chairperson, Agriculture, Livestock Production,
Veterinary Services and Fisheries*