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**FIRST SCHEDULE—PROVISIONS AS TO THE CONDUCT OF
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KIRINYAGA AGRICULTURAL TRAINING CENTRE ACT, 2014

AN ACT of the County Assembly of Kirinyaga to provide for the establishment and administration of Kirinyaga Agricultural Training Centre, and for connected purposes

ENACTED by the County of Assembly of Kirinyaga as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Kirinyaga Agricultural Training Centre, 2014 and it will come to operation upon publication in the Gazette.

Interpretation

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

- (a) “board” means the Board of Governors of the Centre established under Section 6;
- (b) “centre” means the Kirinyaga Agricultural Training Centre established by Section 3; and
- (c) “executive committee member” means the executive committee member for the time being responsible for agriculture.

PART II—ESTABLISHMENT OF THE CENTRE**Establishment of the Centre**

3. (1) There is established a Centre to be known as the Kirinyaga Agricultural Training Centre.

(2) The Centre shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing such other things or acts necessary for the proper performance of its functions under this Act.

(3) The Centre shall be the successor of the Kamweti Agricultural Training Centre.

(4) The headquarters of the Centre shall be at Kamweti in Kirinyaga East Sub County.

Objects of the Centre

4. (1) The Centre shall be responsible for the provision of farmer education and capacity building for the purpose of enhancing agriculture in the County.

(2) Without prejudice to the generality of subsection (1) the objects of the Centre shall be to—

- (a) disseminate agricultural technology and information;
- (b) promote sustainable land use and conservation of natural resources;
- (c) promote household food security;
- (d) promote value-addition to agricultural produce;
- (e) promote commercialisation of agriculture; and
- (f) promote farmer advisory services.

Powers of the Centre

5. The Centre shall have power to—

- (a) establish and manage satellite centers in the county;
- (b) establish and manage demonstration farms for showcasing practical techniques to farmers;
- (c) collaborate with institutions of higher learning in any manner that may be conducive to the objects of the Centre;
- (d) collaborate with other local and international organisations or bodies in the furtherance of the objects of the Centre;
- (e) engage in commercial activities for the purpose of raising revenue in so far as they are not in conflict with the objects of the Centre; and
- (f) perform such other acts as are necessary, for the attainment of the objects of the Centre.

Board of the Centre

6. (1) There shall be a Board of Directors of the Centre.

(2) The Board shall consist of—

- (a) chief Officer of the Ministry for the time being responsible for agriculture;
- (b) chief Officer of the Ministry for the time being responsible for finance;

- (c) a representative of the County Agricultural Board;
- (d) two persons appointed by the Executive Committee Member of whom—
 - (i) one shall be an expert in agricultural research and training
 - (ii) one shall be a person representing a farmers organization with the widest membership
- (e) the Director; and
- (f) the Chairperson who shall be appointed by the Governor and approved by the County Assembly.

(3) The Board members referred to in sub-section 2(a) and (b) may, in writing, designate suitable persons to represent them at the meetings of the Board.

Functions of the Board

7. (1) The Board of Directors shall, subject to this Act, have the general control and management of the Centre.

(2) Notwithstanding the generality of subsection (1) the Board shall—

- (a) provide strategic advice and direction to the Centre;
- (b) design and approve training programmes;
- (c) monitor the performance of the Centre and make policy decisions that enhance the performance of the Centre;
- (d) monitor, evaluate and publish annual reports on the impact of the Centre's programmes on agriculture in the County;
- (e) administer the property and funds of the Centre in a transparent and accountable manner and for such purpose as shall promote the objects of the Centre;
- (f) approve and submit the financial estimates in respect of the Centre for consideration by the County Treasury;
- (g) receive, on behalf of the Centre, grants-in-aid, gifts, donations, fees, subscriptions or other monies; and
- (h) perform such other functions as may be conferred on it by this Act or under any other written law.

Term of Office

8. A member of the Board shall, except Board members referred to in Section 6(2) (a, b and c), hold office for a term of three years but shall be eligible for re-appointment for one further term.

Vacation of office

9. The office of a member of the Board shall become vacant if the member—

- (a) resigns his office by notice in writing addressed to the executive Committee Member;
- (b) is absent from three consecutive meetings of the Board without the permission of the Chairperson;
- (c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) is unable, by reason of mental or physical infirmity, to discharge his functions as a member of the Board;
- (f) is adjudged bankrupt;
- (g) is otherwise unable or unfit to continue serving as a member of the Board; or
- (h) dies.

Conduct of Business and Affairs of the Board

10. (1) The Board shall meet at such times and places as the Board may deem appropriate but shall meet at least once in every three months.

(2) The conduct of business and affairs of the Board shall be in accordance with the First Schedule.

(3) The Board may establish and assign responsibilities to such committees and subcommittees as it considers necessary for the performance of its functions.

(4) The Board may invite any person whose knowledge and experience it considers is likely to be of assistance to the Board to attend any meeting of the Board and take part in the proceedings.

Remuneration of Board Members

11. There shall be paid to members of the Board such honoraria or allowances as the Executive Committee Member may, in consultation with the County Public Service Board, approve.

Delegation by the Board

12. The Board may by resolution, either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

The Common Seal

13. (1) The common seal of the Centre shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The common seal of the Centre shall when affixed to a document and duly authenticated, be judicially and officially noticed and unless the contrary is proved, any necessary order or authorization of the Centre under this section shall be presumed to have been duly given.

Director of the Centre

14. (1) There shall be a Director of the Centre who shall, upon recommendation by the Board, be appointed by the Executive Committee Member, through a competitive recruitment process, on such terms and conditions of employment as shall be determined by the County Public Service Board.

(2) The Director shall be the Chief Executive of the Centre and the secretary to the Board.

(3) Notwithstanding the generality of subsection (3), the Director shall—

- (a) ensure the maintenance of efficiency and discipline by all staff of the Centre;
- (b) conduct the Centre's programmes as approved by the Board;
- (c) manage the budget of the Centre to ensure that its funds are properly expended and accounted for; and
- (d) perform such other duties as the Board may, from time to time, assign.

Staff of the Centre

15. The Board shall appoint such other officers and members of staff of the Centre as are necessary for the proper discharge of the functions of the Centre under this Act, upon such terms and conditions of service as the Board may determine.

PART III—FINANCIAL PROVISIONS**Funds of the Centre**

16. The funds and resources of the Centre shall consist of-

- (a) such moneys as may be appropriated by the County Assembly;
- (b) all moneys paid to the Centre by way of grants, subsidies, donations, gifts, subscriptions, fees, rent or interest; and
- (c) any moneys or properties which may become payable to or vest in the Centre in respect of the performance of its functions.

Annual Estimates(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 Centre for that financial year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Centre for the financial year and in particular, the estimates shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect to the staff of the Centre;
- (b) the payment of pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the Centre;
- (c) the proper maintenance of the buildings and grounds of the Centre;
- (d) the maintenance, repair and replacement of the equipment and other property of the Centre;
- (e) all expenditure incurred in relation to the establishment, equipment or management or any training institution by the Centre; and
- (f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, shall be submitted to the Executive Committee Member for approval.

(4) The Board shall not increase the annual estimates without the consent of the Executive Committee Member.

(5) No expenditure shall be incurred for the purposes of the Centre except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Board given with prior written approval of the Executive Committee Member, and the County Treasury.

Accounts of the Centre

18. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Centre.

(2) The Board may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Centre.

Investment of Funds

19. The Board may invest any of the funds of the Centre in securities in which for the time being trustees may by law invest trust funds or in any other securities which the County Treasury may from time to time approve for that purpose.

PART IV—MISCELLANEOUS

Protection from Liability

20. No matter or thing done by a member of the Board or any officer, employee or agent of the Centre shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Centre, render the member, officer, employee or agent or any person acting by his directions personally liable to any action, claim or demand whatsoever.

Liability of the Board for Damages

21. The provisions of section 20 shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or any works.

Savings and Transitions

22. (1) In this section “former Centre” means the Kamweti Agricultural Training Centre.

(2) Upon the coming into force of this Act—

- (a) every agreement, whether in writing or not, and every deed bond or other instrument to which the former Centre was a party or which affected the former Centre, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Centre were a party thereto;
- (b) any proceedings, to which the former Centre was a party, pending immediately before the commencement date, shall be continued as if the Centre was a party thereto; and
- (c) unless the Board otherwise directs, all persons who are members of the staff of the former Centre, immediately before the commencement date, shall be members of staff of the Centre and shall be deemed to have been appointed under this Act on the terms and conditions of service applicable to them immediately before the commencement date.

FIRST SCHEDULE

[S.10 (2)]

**PROVISIONS AS TO THE CONDUCT OF AFFAIRS AND
BUSINESS OF THE BOARD**

1. A meeting of the Board shall be held on such date and at such time as the Board shall decide or, in the absence of such decision or on any occasion on which the chairperson in consultation with the Director shall decide that a meeting is necessary, on a date and a time determined by the chairperson.

2. The chairperson shall, on the application of at least five members, convene a special meeting of the Board.

3. Unless three-quarters of the total membership of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given.

4. The quorum for the conduct of business at a meeting of the Board shall be five.

5. The chairperson shall preside at every meeting of the Board at which he is present and in the absence of the chairperson at a meeting, the members present shall elect one of their own who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

6. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and in the case of a tie, the chairperson shall have a casting vote.

7. Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

8. The seal of the Centre shall be authenticated by the signature of the chairperson.