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3. (1) The object and purpose of this Act is to—

(a) provide for the formation of the Authority;

(b) provide a framework for the administration of the fruit sub sector and value addition in Makueni County;

(c) provide for a framework for informed, effective, efficient and sustainable engagement with stakeholders for the development of the fruit sub sector within the County;

(d) provide for mitigation of fruit farmer losses through processing and marketing of the fruits and fruit products;

Provide for the systemic engagement with fruit farmers through farmer cooperatives to improve and increase fruit productivity in the County.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUTHORITY

4. (1) There is established an authority to be known as the Makueni County Fruit development and Marketing Authority.

(2) The Authority 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, charging or disposing of movable and immovable property;

(c) borrowing money or making investments;

(d) entering into contracts; and

(e) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5. The Authority shall, in consultation with the County Government, perform the following functions—

(a) administer the management of fruit processing and
(f) 2 persons elected by farmer co-operatives representing farmers in the major fruit subsectors in Makuene and who shall not be employees of the County Government;

(g) The Managing Director who shall be the secretary to the Board and chief executive officer of the Authority;

(2) A person shall qualify for appointment under sub clause (1) (a) and (b) if the person—

(a) Holds a degree from a recognized university;

(b) Has at least ten years post qualification experience;

(c) Has at least 5 years experience in the relevant field;

(d) Meets the requirements of chapter six of the Constitution;

(e) Is not a state officer.

(3) In appointing the members of the Board in sub section (1) (b) and (f) the County Executive Committee Member shall take into account gender and other diversities of the people.

(4) the board shall have the power to co-opt not more than three other members for purposes of proper performance of its functions but a person so co-opted shall not be entitled to vote at any meeting of the board or counted as a member for purposes of forming quorum.

(5) the quorum at meetings of the Board shall be six members

(6) A member of the Board, appointed under subsection (1)(b) and (f)—

(a) May at any time resign from office by notice in writing to the Executive Committee Member;

(b) May be removed from office if the member—

(i) Has been absent from three consecutive meetings of the Board without the permission of the chairperson;

(ii) Is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
(g) invest any funds of the authority not immediately required for its purposes;

(h) undertake any activity necessary for the fulfilment of any of its functions

8. The conduct and regulation of the business and affairs of the Authority shall be as provided in the regulations.

9. The Authority may, either generally or in any particular case, delegate to any committee or to any member, officer, employee or agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act or under any other written law

10. The remuneration payable to members of the Board shall be determined by the Salaries and Remuneration Commission

11. (1) There shall be a Managing Director who shall be the chief executive officer of the Authority.

(2) The Managing Director shall be appointed by the Board through an open and competitive recruitment process.

(3) A person shall be qualified for appointment as the Managing Director if the person—

(a) holds a degree from a recognized university

(b) has at least ten years post qualification experience

(c) has at least five years experience in the relevant field

(d) meets the requirements of chapter six of the Constitution

(4) The Managing Director shall be an ex officio member of the Board and shall have no right to vote at any meeting of the Board.

(5) The Managing Director shall—

(a) be the Chief Executive Officer of the Authority and subject to the direction of the Board, be responsible for the day to day management of the Fruit Processing Plant;
the funds of the Authority, unless such expenses are recovered by him or her in such suit or prosecution.

15. The provisions of section 14 shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any

PART III—FINANCES

16. (1) the funds and assets of the Authority shall consist of—

(a) such moneys as may be appropriated by the Assembly for the purposes of the Authority;

(b) such gifts as may be given to the Authority;

(c) such profits as may be obtained from the sale of fruit and fruit products;

(d) all moneys from any other lawful source provided, donated or lent to the Authority.

(2) The Authority shall apply the money received under this section for the furtherance of the objects and performance of its functions.

17. The financial year of the Authority shall be the period of twelve months ending on the thirtieth June each year.

18. (1) At least three months before the commencement of each financial year, the Authority shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

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

(a) Buying of raw materials for fruit processing;

(b) payment of the salaries, allowances and other charges in respect of the staff of the Authority;

(c) payment of allowances and other charges in respect of members of the Board;

(d) payment of pensions, gratuities and other charges in respect of members of the Board and staff of the Authority;
required for the purpose of the Authority.

21. (1) The Authority shall, in consultation with the County executive committee establish a shareholding and dividend policy guideline, which shall be reviewed annually.

(2) The dividend policy shall stipulate among others for—

(a) the prevailing business conditions under which dividend may be paid out;
(b) minimum percentage of annual dividend payout to the county government;
(c) the maximum percentages of annual dividend payout to the fruit farmer cooperatives; and
(d) any other matter as the executive committee member may prescribe.

PART IV—POLICY GUIDELINES ON DEVELOPMENT, PRESERVATION AND UTILIZATION OF FRUIT TREES

22. (1) The County Executive Committee Member shall, on the advice of the Authority, provide general guidelines, in this Act referred to as “Fruit and fruit tree development guidelines” applicable in respect of any category of fruit and fruit tree.

(2) The fruit and fruit tree guidelines contemplated under subsection (1) shall be implemented by the Authority on behalf of the county governments taking into account the circumstances of the respective areas under their jurisdiction.

(3) The guidelines referred to in this section may require the adoption of such system of management or farming practice or other system in relation to the fruit in question (including the execution of such work and the placing of such things in, on or over the land, from time to time) as may be necessary for the proper development of land for fruit farming purposes.

23. (1) The Executive Committee Member shall, on the advice of the Authority, make general rules for the