KENYA GAZETTE SUPPLEMENT

VIHIGA COUNTY BILLS, 2019

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THE VIHIGA COUNTY FARM INPUTS FUND BILL, 2019

A Bill for

AN ACT of the County Assembly of Vihiga to give effect to provide for the growth and development of the agricultural sector, enhance production and improve quality by value addition, and marketing, to establish the County Farm Inputs Fund to finance the agricultural sector and for connected purposes,

ENACTED by the County Assembly of Vihiga as follows-

PART I – PRELIMINARY

Short title and Commencement

1 This Act may be cited as the Vihiga County Farm Inputs Act, 2019 and shall come into operation on such a date as the County Executive Committee Member responsible for matters related to agriculture may, by notice in the Gazette appoint not being more than six months after its publication and different dates may be appointed for different Provisions

Interpretation

2 In this Act, unless the context otherwise requires—

“County Executive Committee Member” means the County Executive Committee Member, responsible for matters related to Agriculture, Livestock, Fisheries and Co-operatives

“Board” means, the Vihiga County Agricultural Board established under this Act

“Committee” means Vihiga County Farm Inputs Committee reporting to the County Agricultural Board (CAB)

“Farm inputs” includes all resources that are used in farm production, such as chemicals, equipment, feed, animal and plant seeds, drugs and vaccinations,

“Agriculture” includes—

(a) fruit, vegetable, cereals, legumes, fodder, roots, tubers, bulbs, flower and seed farming,

(b) breeding and keeping of livestock Dairy farming, poultry farming, pig farming, sericulture, shoats, aquaculture, bee keeping, and emerging livestock,

(c) the use of the land for grazing, market gardening, or for nursery grounds,

(d) agro-forestry,
(e) use of land for the production, transformation and trade of crop and livestock products, or

(f) such other use of land for purposes of food and animal production

**Object and purposes**

3 The object and purposes of this Act are—

(a) to provide a legislative anchor for the development and management of the agricultural sector

(b) to establish the Vihiga County Farm Input Fund

(c) facilitating the provision of farm inputs to farmers including fertilizers, seeds, agro-chemicals, animal breeding, animal drugs and feeds, AI services and fishing equipment and supplies,

(d) to establish appropriate mechanisms for the proper and prudent harnessing of sustainable food production and productivity in the County,

(e) to provide incentives for farmers and other value chain actors to promote sustainable agricultural production and productivity,

(f) to create an enabling environment for and towards investment in the agricultural sector,

(g) to initiate and strengthen Public Private Partnerships for market access and linkages for agricultural produce and products,

(h) to harness, develop and strengthen local capacity through training and transfer of skills and technologies among staff and stakeholders for the proper growth and development of the agricultural sector,

(i) to enhance social inclusivity in the agricultural sector,

(j) to promote Climate Smart Agriculture,

**Guiding Principles**

4 All persons under this Act shall, in the performance of their functions under this Act be guided by the following principles in addition to the national values and principles set out under Article 10 of the Constitution—

(a) universality, non-discrimination and equity in the access to adequate food,

(b) preservation of the freedom and dignity of every human being,
(c) coordinated public participation in the formulation, implementation, monitoring and control of policies and plans related to farm inputs in every sector of the county government,

(d) empowerment and capacity building as a means of facilitating the attainment of the right to food,

(e) transparency in the implementation of programs and activities relating to farm inputs and the allocation and utilization of public and private resources,

(f) availability and access to timely and reliable information through the establishment of a simple, fair and accessible procedure enabling a person to seek relevant information, and

(g) ensure that interventions are based on objective information gathering methods, and monitoring mechanisms and regular evaluations are established, thus ensuring transparency in the public management and social audit and that the needs of the population are taken into account

PART II—ESTABLISHMENT AND ADMINISTRATION OF VIHIGA FARM INPUTS FUND

Establishment of the Vihiga County Farm Inputs Fund

5 (1) There shall be established a Fund to be known as the Vihiga County Farm Inputs Fund

(2) The Fund shall consist of—

(a) funds appropriated by County Assembly for purposes for which the Fund is established

(b) gifts, donations, grants and endowments made to the Fund from any lawful source

(c) income from sales of farm inputs and

(d) monies from any other lawful source approved by the Trustees

(3) There shall be paid out of the Fund any expenditure approved by the Board pursuant to this Act

(4) The Fund shall be managed by a Committee established under section 7 of this Act and the Public Finance Management Act (2012)

Application of the Fund

6 Subject to this Act, the Fund shall be used to support eligible projects aimed at—
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(a) increasing productivity of crops grown within the County,
(b) increasing productivity of livestock kept within the County,
(c) plant and animal disease control,
(d) creation and expansion of agricultural products markets,
(e) support emerging crop and livestock enterprises,
(f) supporting other agricultural development initiatives
(g) strive to avail assorted certified farm inputs throughout the year addressing the needs of agriculture actors as subsidy or grants
(h) support adaptive research and demonstrations to capacity build farmers and staff of the department

Establishment of the Vihiga County Farm Inputs Committee

7 (1) The County Executive Committee Member, Finance, in consultation with the County Executive Committee Member for Agriculture shall appoint the Fund Administrator for the Vihiga County Farm Inputs Committee

(2) The County Executive Committee Member for the time being responsible for matters related to Agriculture, with the participation of the local community and key stakeholders, shall designate the main office of the Committee, provided that there may be established such other offices anywhere else within the jurisdictional territory of the County as may be necessary and relevant

Composition of Vihiga County Farm Inputs Committee

8 (1) There is established a Committee known as Vihiga County Farm Inputs Committee to be constituted by the County Executive Committee Member for Agriculture

(2) The Committee shall comprise of—

(a) chairperson appointed by the County Executive Committee Member for the time being responsible for matters related to Agriculture in consultation with the Governor and, upon the conclusion of the necessary vetting exercise, duly appointed in accordance with the relevant law of the County,

(b) seven representatives, one farmer representative from each sub county and two representatives from special interest groups these being the youth and people with disabilities, both nominated by their respective county umbrella organizations
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(c) the Chief Officer of the Department for the time being responsible for matters related to Agriculture who is an ex-officio member of the Committee

(d) an Executive Officer of the Committee duly deployed from the Department of Agriculture by a letter of the Chief Officer for the time being responsible for matters related to agriculture, in consultation with the County Executive Committee Member for the time being responsible for matters related to Agriculture

(e) County Director Agriculture as an ex-officio member of the Committee

(f) Chief Officer Finance and Economic Planning as an ex officio member of the Committee

(g) Sub committees at sub county and ward level shall be formed as prescribed by the County Executive Committee Member for the time being responsible for matters related to agriculture for effective operation of the fund

(h) qualification of members to the board shall include Agriculture Value Chain actor, Diploma/post-secondary education and fulfilling chapter six of the Kenyan constitution

(i) composition of the Committee should observe gender, equity, minority as spelt out in the Kenya constitution

Functions of the Board

9 The Farm Inputs Fund Committee shall perform the following functions as prescribed by the County Executive Committee Member for the time being responsible for matters related to agriculture

(a) implement policy guidelines for the Fund

(b) facilitate and oversee the County Government farm inputs activities implemented by respective sectors in Agriculture,

(c) authorize the disbursement of monies from the Fund

(d) advise the County Executive Committee Member for the time being responsible for agriculture on the Fund

(e) mobilize resources for effective response to eligible Agricultural emergencies

Vacation of office

10 A person shall cease to be a member of the Committee if such person——
(a) Resigns in writing, to the County Executive Committee Member after being cleared by the board,

(b) Is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months,

(c) Is declared bankrupt,

(d) Is unable to perform the functions of his or her office by reason of mental or physical infirmity, or

(e) Dies

**Filling a vacancy in the Committee**

11 Where a vacancy occurs in the membership of the Committee under section 4, the County Executive Committee Member shall, if the vacancy relates to any of the positions specified under section 2, cause to be appointed a new member in accordance with the provisions of this Act

**Secretariat to the Board**

12 (1) There shall be a Secretariat to the Committee consisting of nine members deployed from the Department for the time being responsible for agriculture, headed by an Executive Officer, appointed by the Chief Officer for the time being responsible for matters related to Agriculture, in consultation with the County Executive Committee Member for the time being responsible for matters related to Agriculture that shall be responsible for the day-to-day running of the Fund

(2) An office and staff shall be allocated to the secretariat with adequate storage facilities for the farm inputs throughout the year

**PART III—MISCELLANEOUS PROVISIONS**

**Regulations**

13 (1) The County Executive Committee Member responsible for matters related to Agriculture, in consultation with the Committee may make and cause to be gazetted regulations relating to such other aspects relating to Farm Inputs,

(2) Within the framework of the provisions of the Constitution, the County Executive Committee Member (CECM) responsible for matters related to Agriculture shall, wherever the subject-matter so demands, liaise with the Cabinet Secretary for the time being responsible for matters related to Agriculture, with a view to ensuring the smooth operationalization of the provisions of this Act, particularly insofar as the same concord with the National Policy Framework
(3) Agricultural Officers at the Sub-County and Ward level shall ensure the implementation of all programs funded under this Act as shall be prescribed

(4) Where a particular program covers several sectors, the County Executive Committee Member responsible for matters related to Agriculture shall cause the formation of an inter-departmental team at the Sub-County, Ward or village level to coordinate the optimal and efficient implementation of the program as may be prescribed

(5) The County Executive Committee Member responsible for matters related to Agriculture shall monitor the implementation of programs under this Act to ensure compliance with the provisions of this Act

(6) All payments for programs to be funded under this Act shall be made, processed and effected in accordance with the relevant laws and regulations for the time being in force
MEMORANDUM OF OBJECTS AND REASONS

The Bill provides for a framework for growth and development of the agricultural sector, enhance production and improve quality by value addition, and marketing by establishing the County Farm Inputs Fund to finance the agricultural sector.

The Bill is divided into three parts:

PART I of the Bill provides for the Preliminary matters including the short title, and the interpretation of words and expressions used in the Bill for clarity and better understanding. It also outlines the objective and purposes of and its guiding principles.

PART II of the Bill provides for the establishment and administration of Vihiga County farm inputs fund. The part also stipulates the sources of the fund, application of the fund. It describes the constitution and establishment of the Vihiga County Farm Inputs Committee and its functions. The part also describes vacancy in the membership of the committee and outlines procedures of filling the vacancy. It provides for the constitution of a secretariat to the board that shall be responsible for the day-to-day running of the Fund.

PART III contains general provisions that include Offences and penalties and the power to make regulations.

MANOAH KAREGA MBOKU,
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