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**THE NATIONAL CEREALS AND PRODUCE
BOARD (AMENDMENT) BILL, 2015**

A Bill for

AN ACT of Parliament to amend the National Cereals and Produce Board Act to provide for County Cereals and Produce Committees; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Cereals and Produce Board (Amendment) Act, 2015.

Short title.

2. Section 2 of the National Cereals and Produce Board Act, in this Act referred to as the “principal Act” is amended by inserting the following new definition immediately after the definition of the term “Board”-

Interpretation.
Cap. 388.

“county executive committee member” means the county executive committee member responsible for matters relating to agriculture.

3. The principal Act is amended by inserting the following new section immediately after section 3—

Insertion of new
section 3A in Cap.
388.

Headquarters of the
Board.

3A. (1) The headquarters of the Board shall be in the capital city.

(2) The Board may establish such other offices anywhere in Kenya as it may consider necessary for the discharge of its functions under this Act.

4. The principal Act is amended by inserting the following new Part after Part II—

Insertion of a new
Part II in Cap.
388.

**PART IIA—COUNTY CEREALS AND PRODUCE
COMMITTEES**

Establishment and
composition of
county cereals and
produce committees.

12A. (1) There is established, in the counties specified in the Second Schedule, a county cereals and produce committee within the department responsible for agriculture.

(2) The Cabinet Secretary may from time to time by notice in the *Gazette*, designate additional counties for purposes of subsection (1).

(3) Each county cereals and produce committee shall consist of—

- (a) one person with knowledge and experience in matters relating to agriculture appointed by the county governor and who shall be the chairperson to the committee;
- (b) one public officer nominated by the county executive committee member who shall be the secretary to the committee;
- (c) one person with knowledge and experience in matters relating to agriculture within the county, nominated by the Board; and
- (d) one man and one woman appointed by the county governor to represent such special interests within the county as the governor shall determine.

(4) The persons appointed under subsection (3)(a) and (d) shall-

- (a) be competitively recruited by the county public service board; and
- (b) appointed by the county governor by notice in the county *gazette* for a term of three years, renewable for one further term of three years.

Terms and conditions
of service.

12B. The members of the committee shall be paid such allowances as the county executive committee member shall, in consultation with the Salaries and Remuneration Commission determine.

Functions of the
county cereals and
produce committees.

12C. (1) The functions of the county cereals and produce committee are to—

- (a) facilitate the purchase, from farmers within the respective county government, of maize, wheat and scheduled agricultural produce in such manner, quantities and on such terms as the committee may in consultation with the Board determine, so as to meet the needs of producers and consumers in county;
- (b) advise and make recommendations to the Board on matters relating to the production, storage, sale, purchase, marketing, processing and distribution of maize, wheat and scheduled agricultural produce within the county;
- (c) establish strategies that promote the purchase, sale, marketing, processing, disposal and supply of maize, wheat and scheduled agricultural produce by the farmers within the county government;
- (d) keep an up to-date record of produce delivered and purchased from the producers of maize, wheat and scheduled agricultural produce in the county;
- (e) establish a framework and mechanisms for the coordinated implementation in the county of the national policy, programs and plans relating to the production of maize, wheat and scheduled agricultural produce in sufficient quantities;
- (f) initiate, undertake and participate in the collection, preparation, production and dissemination of data that is useful in the

processing, storage and trade in maize, wheat and scheduled agricultural produce within the county;

- (g) collaborate with the Board in—
 - (i) promoting the production, purchase, storage and marketing of maize, wheat and scheduled agricultural produce purchased from farmers within the county;
 - (ii) ensuring the provision of sufficient stocks of maize, wheat and scheduled agricultural produce within the county; and
 - (iii) establishing research centres for the production of high yield maize, wheat and scheduled agricultural produce in the county; and
- (h) establish linkages and networks with local and international research institutions and development partners in mobilising and sourcing for funding and other resources for the production, marketing and sale to the Board and such other person of maize, wheat and scheduled agricultural produce within the county.

(2) For purposes of carrying out its functions specified under subsection (1)(a), a county cereals and produce committee shall take such measures as it may consider necessary to ensure the payment of farmers from whom maize, wheat or scheduled agricultural produce is purchased within a period of ninety days from the date of delivery.

(3) The county cereals and produce

committees shall be under the direction and supervision of the county executive committee member who shall—

- (a) oversee the management and production of maize, wheat or scheduled agricultural produce in the respective county; and
- (b) prepare and submit to the Governor, such audit reports as the Governor may require regarding the production, processing and marketing of maize, wheat or scheduled agricultural produce within the county.

Secretariat to the committee.

12D. The county executive committee member in each county shall designate such officers within the department responsible for agriculture as the committee member may consider necessary to serve as the secretariat to the county cereals and produce committee for the proper and efficient exercise of the functions of the committee under this Act.

Vacancy.

12E. (1) The office of a member of the committee appointed under section 12A (2)(a), (c) and (d) shall become vacant if the member—

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the committee;
- (e) resigns in writing addressed to the county governor;
- (f) is removed from office by the

county governor for—

- (i) being unable to perform the functions of the office by reason of mental or physical infirmity; or
- (ii) failing to declare his or her interest in any matter being considered or to be considered by the committee; or

(g) dies.

(2) Before the removal of a member under subsection (1)(f), the county governor shall request the committee to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

Conduct of the affairs
of the committee.

12E. The provisions relating to the conduct of the affairs of the Board shall apply with necessary modifications to the conduct of the affairs of the county cereals and produce committee.

Reports of the county
cereals and produce
committees.

12F. (1) Every county cereals and produce committee shall submit—

- (a) a quarterly report to the county executive committee member; and
- (b) an annual report to the Board and the respective county assembly.

(2) A report submitted under subsection (1) shall contain information of the activities of the county cereals and produce committee and its financial records in such manner as the county executive committee member and the Board may specify.

5. The principal Act is amended by —

- (a) numbering the existing schedule as the First

Insertion of a new
Part II in Cap.
388.

Schedule; and

- (b) inserting the following new Schedule immediately after the First Schedule—

SECOND SCHEDULE (s.12A)

LIST OF MAJOR CEREALS PRODUCING COUNTIES

Trans Nzoia
Uasin Gishu
Narok
Nakuru
Elgeyo/Marakwet
Bomet
Muranga
Nyeri
Meru
Laikipia

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the National Cereals and Produce Board Act to provide for the establishment of the County Cereals and Produce Committees. Agriculture is a devolved function.

By providing for the establishment of county cereals committees, the Bill seeks to ensure enhanced production of maize, wheat and scheduled agriculture produce in the counties so as to ensure food security in the country.

The Bill also provides for the functions of the county cereals and produce committees. These include the facilitation of the purchase of maize, wheat and scheduled agricultural produce from farmers, the payment of such produce delivered by farmers, data collection and the collection and dissemination of information to farmers, county government and the national government. The committees are expected to act as a link between the National government and county governments by collaborating with the National Cereal and Produce Board in the carrying out of its functions. The committees will also submit reports to the county executive committee member and the Board regarding the performance of their functions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

This Bill is expected to ensure that the production of maize, wheat and scheduled agricultural produce is enhanced and cascaded to the farmers in the counties. In addition, the county government will be able to buy the produce directly from the farmers. The provision of crop and animal husbandry services is a function that falls within the ambit of the county governments as specified under Part 2 of the Fourth Schedule to the Constitution.

The Bill is therefore a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 16th July, 2015.

ZIPPORAH KITTONY,
Senator.