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**THE POTATO PRODUCE AND MARKETING BILL,
2014**

A Bill for

AN ACT of Parliament to establish the National Potato Council, to promote the quality and quantity of potato production, to set standards to regulate the industry, and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Potato Produce and Marketing Act, and shall come into force on the expiry of sixty days after its publication.

Short title and commencement.

2. In this Act, except where the context otherwise requires—

Interpretation.

"agronomy" means the science of soil and crop management practices in the course of crop production;

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"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

"certified seeds" means seeds in respect of which a certificate has been issued in accordance with the Seed and Plant Varieties Act;

"certificate" means the certificate issued by an inspector with regard to seed potato;

"chips" means slices of potato tubers which have been cooked by deep frying in vegetable oil;

"Council" means the National Potato Council established under Section 4;

"county committee" means the County Potato Committee established under section 19;

"crisps" means firm slices of potatoes cooked by deep frying in vegetable oil, with or without table salt or spices;

"dealer" means a person who produces, acquires, stores, displays or advertises potato seed or ware potato for the purpose of packaging, sale or manufacture and includes brokers and agents;

"disease" means any abnormal condition of the potato plant, communicable or believed to be communicable by

the transfer of a causative agent declared to be a disease by the Cabinet Secretary under the Plant Protection Act, the Suppression of Noxious Weeds Act and the Seeds and Plant Varieties Act;

“executive officer” means the Executive Officer of the Council appointed under section 7;

“inspector” means an agricultural officer or an officer of the Kenya Plant Health Inspectorate Service or its assignee;

“labelling” means the process of affixing a tag or identification mark so as to ensure correct identification of any container of seed;

“licensed seed dealer” means any person or institution licensed to sell Government tested and certified seeds;

“potato” means the plant botanically known as *Solanumtuberosum*, and includes its shoots, tubers, stem cuttings, tuberlets, plant-lets, eye-buds, seed potatoes, ware potatoes, leaves and any other part of the plant, whether raw or processed;

“principal secretary” means the principal secretary for the time being responsible for matters relating to agriculture;

“producer” means a person who has grown or produced by themselves or an agent, potato produce and includes agents, brokers or a marketing organisation acting on behalf of producers;

“seed merchant” means a dealer in potato seeds registered and licensed by the Kenya Plant Health Inspectorate Service;

“seed potato” means potatoes produced and traded for propagation use;

“seed producer” means a producer of potato seed registered and licensed by the Kenya Plant Health Inspectorate Service as prescribed in the Seed and Plant Varieties Act; and

“ware potato” means potatoes produced, graded and marketed for human consumption or industrial use;

3. The objects and purposes of this Act are to-

Objects and
purposes of the
Act.

- (a) regulate production, packaging, processing and marketing of potatoes and generally regulate the industry;
- (b) promote the production, and use by farmers, of high quality seed potato;
- (c) improve production in terms of quality and quantity of potatoes in the country;
- (d) improve efficiency of potato farming;
- (e) enhance productivity and income of potato farmers; and
- (f) induce self regulation across the industry.

PART II—THE NATIONAL POTATO COUNCIL

4. (1) There is hereby established a body corporate to be known as the National Potato Council with perpetual succession and a common seal.

Establishment of
the Council.

- (2) The Council shall, in its corporate name, be capable of –
 - (a) suing and being sued;
 - (b) taking, holding, purchasing or otherwise acquiring, charging or disposing of movable and immovable property;
 - (c) borrowing and lending money; and
 - (d) doing or performing all such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provisions of this Act which may lawfully be done or performed by a body corporate.

5. (1) The Council shall comprise—

Membership.

- (a) a chairperson who shall be appointed by the Cabinet Secretary from among persons whose names have been submitted under subsection (4) for appointment under (c), but not one of the eight;
- (b) the Principal Secretary in the ministry for the time being responsible for matters relating to agriculture, or an alternate designated in writing by the Principal Secretary;

- (c) eight persons, being farmers' representatives, one from each of the eight major potato producing counties as listed in the First Schedule;
- (d) three persons, being representatives of trading organizations in the potato subsector in each of the three major consumer counties of marketed potatoes as listed in the Second Schedule;
- (e) one person representing the seed merchants;
- (f) one person representing the catering industry; and
- (g) the Executive Officer who shall be an *ex officio* member and the secretary to the Council appointed in accordance with Section 7.

(2) The Cabinet Secretary shall nominate members to the Council as follows –

- (a) the counties listed in the First and Second Schedules shall each nominate four persons, being two men and two women;
- (b) the catering industry shall nominate two persons, one man and one woman;
- (c) the association or grouping of seed merchants shall nominate two persons, one man and one woman;
- (d) from the forty-eight (48) names so nominated under paragraphs (a), (b) and (c) above, and together with the Principal Secretary in subsection (1)(b), the Cabinet Secretary shall constitute the Council of fifteen members, excluding the ex-officio member while ensuring that not more than two thirds of the fifteen members so appointed are of the same gender.

(3) All names proposed by the Cabinet Secretary under subsection (1) (a), (c), (d), (e), (f) and (g) shall be submitted to the Senate for approval before appointment.-3

(4)The Cabinet Secretary shall issue guidelines for nomination of the members of the Council under subsection (1) (c), (d), (e) and (f).

(5)The cabinet secretary shall take steps to ensure the process of the constituting the first council under subsection (3) after the Act is published is completed within ninety days of such publication

(6) The names of the members of the Council shall be published in the Gazette before the members take office.

(7) The members of the Council shall, at the first meeting of the Council and whenever need arises, elect a vice-chairperson from amongst the members appointed under paragraphs (c), (d), (e) and (f) of subsection (1).

(8) A person appointed as a member of the Council under subsections (1) (a), (c), (d) , (e) and (f) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years .

(9) A member of the Council appointed under subsection (1) (a), (c), (d) (e) and (f) -

- (a) may at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) may be removed from office if the member-
 - (i) has been absent from three consecutive meetings of the Council without the permission of the chairperson;
 - (ii) is adjudged bankrupt or enters into an arrangement with his or her creditors;
 - (iii) fails to comply with the requirements of Chapter Six of the Constitution;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding one hundred thousand shillings; or
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Council.

(10) A member of the Council shall not at the same time be a member of a County Potato Committee in any county.

(11) The Council may co-opt not more than three members, with no voting rights, who bring in special knowledge to further its mandate and who may serve for a specified time at the discretion of the Council.

(12) A member of the Council, appointed or co-opted, shall be of at least post secondary level of education.

6. (1) The principal function of the Council shall be to implement this Act, and in particular to-

Functions of the Council.

- (a) regulate the potato industry including the production, packaging and marketing of potatoes in the country;
- (b) put measures in place to improve the production of potatoes in quality and quantity per unit area;
- (c) put measures in place to improve the overall production of potatoes in the country as part of the national food security;
- (d) promote the production and availability of high quality and affordable certified potato seeds for varieties widely acceptable to consumers;
- (e) safeguard the interests of the principal stakeholders in the potato industry;
- (f) safeguard the interests of the general potato consuming public;
- (g) be the principal adviser to the National and County Government on all matters pertaining to the potato sub-sector;
- (g) promote the principles of self-regulation across the industry; and
- (h) manage the Potato Development Fund.

7. (1) There shall be an Executive Officer of the Council who shall be appointed by the Council, in consultation with the Cabinet Secretary, through a competitive recruitment process.

Executive Officer of the Council.

(2) The Executive Officer of the Council shall be a person with adequate scientific knowledge in the agricultural sector with at least a first degree from a recognized university and at least ten years experience.

(3) The Executive Officer shall -

- (a) be an *ex-officio* member of the Council and shall have no voting rights at any meeting of the Council;
- (b) hold office for a period of five years on such

terms and conditions of employment as the Council may determine and shall be eligible for re-appointment for one further term;

- (c) subject to the direction of the Council, be responsible for the day to day management of the Council; and
- (d) in consultation with the Council, be responsible for the performance of the Council's functions and duties, and the general administration of the Council and its secretariat.

8. The Council -

Secretariat.

- (a) shall establish a secretariat headed by the Executive Officer;
- (b) appoint such officers and staff as may be necessary for the proper management and discharge of its functions and fix terms and conditions of their appointments; and
- (c) may engage experts and resource persons whenever necessary.

9. The procedure of the conduct of affairs of the council shall be as provided in the Third Schedule but subject thereto, the Council may regulate its own procedures.

Conduct of business and affairs of the Council.

10. (1) The Council shall gather and document information useful for the furtherance of the objectives of this Act and generally maintain, and be the principal custodian of the data bank for the potato industry.

Industry data.

(2) The Council shall disseminate information useful to farmers and other stakeholders including the demand and supply situations.

11. (1) The Council may, in consultation with the Cabinet Secretary, impose levies as part of the measures to raise funds to enable it to carry out its functions.

Levies.

(2) The County Potato Committees shall not institute any levies in their counties, including membership fees, without express authority of the Council.

12. (1) The Council shall within twelve months of its first sitting, draw a five year strategic plan in which it

Council to set goals.

shall, among other things, set milestones and goals to be achieved within defined time frames.

(2) The goals of the Council under subsection (1) shall include the time frame to achieve the following-

- (a) at least fifty percent usage of certified seeds by farmers; and
- (b) to double the quantity of potatoes produced nationally up from the quantity produced as at the time of the Act coming into operation.

PART III—CERTIFIED SEEDS

13. The agronomic practices, seed potato characteristics and on-farm practices for seed potato production shall be as specified in the Regulations.

Production of seed potatoes.

14. No person or establishment shall present or describe themselves in any way as potato seed producers unless they are registered and licensed by the Kenya Plant Health Inspectorate Service as prescribed in the Seed and Plant Varieties Act.

Seed producers.

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15. (1) Any person who by way of trade or business purports to produce, purchase or otherwise acquire, sell, keep, store, expose or advertise for sale any potato seeds shall be deemed to purport to be a licenced seed merchant.

Seed merchants.

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(2) Certified potato seed merchants shall be registered and licensed by the Kenya Plant Health Inspectorate Service as prescribed in the Seed and Plant Varieties Act.

(3) It shall be an offence to masquerade as a licenced seed merchant.

16. As part of the functions of the Council under section 10, the Council shall endeavour to obtain data on licenced seed producers and seed merchants from the Kenya Plant Health Inspectorate Service and disseminate the information for general reference by potato farmers.

List of producers and merchants.

PART IV—WARE POTATOES

17. (1) The Council shall promote the use of certified seed potato by farmers as one of the measures to improve the quality and quantity per unit area of potato production in the country.

Use of certified seed.

(2) The Council shall take steps to ensure the

information on the advantages of using certified potato seeds is disseminated to all potato farmers.

18. (1) Ware potatoes presented to the general public for sale shall conform to the characteristics as prescribed by the Regulations; and

Ware potato characteristics.

(2) The agronomic practices, storage and transportation of ware potatoes shall be as stipulated in the Regulations.

19. (1) There shall be established in each of the counties in the First and Second Schedules, a committee to be known as the County Potato Committee.

County Potato Committee.

(2) The county committees of the counties specified in the First Schedule, shall comprise:-

- (a) the member of the County Executive Committee responsible for matters relating to agriculture or an alternate designated in writing by the member;
- (b) six persons representing potato farmers in the county;
- (c) two persons representing the potato trading fraternity including brokers and agents; and
- (d) one person with scientific knowledge of the potato industry, who serves in the county government establishment who shall be ex-officio, without voting rights and who shall be the secretary to the committee.

(3) The county committees of the counties in the Second Schedule counties, shall comprise -

- (a) the member of the County Executive Committee responsible for matters relating to fresh produce markets;
- (b) two persons representing the catering industry in the county;
- (c) five persons representing the potato trading fraternity including brokers and agents;
- (d) one person representing consumer organizations in the county; and
- (e) one person with knowledge of the potato industry, from among the county government establishment who shall be ex-officio, without

voting rights and who shall be the secretary to the committee.

(4) All the members of the Committee shall have at least a post- secondary level of education.

(5) The functions of the committee shall be to –

- (a) help disseminate information and guidelines issued by the Council for use by the potato fraternity in the county;
- (b) help ensure that the standards set out in the Act are adhered to;
- (c) work with the relevant authorities to ensure that packaging standards as set out in section 23 are adhered to;
- (d) represent the interests of the potato industry fraternity in the affairs of the county;
- (e) help the Council with civic education as and when necessary;
- (f) encourage and, where necessary, help potato farmers to form associations or lobby groups to take care of their interests; and
- (g) promote the principle of self regulation among the players in the county.

(6) In each County where the committee is to be formed, the county assembly shall legislate on the method of appointing members under subsections (2) (b) and (c) or (3) (b), (c) and (d), before formation of the committees.

(7) The secretary shall keep proper records of the Committee including minutes of all meetings of the committee and sub-committees.

(8) A person who is a member of the Committee shall not at the same time be a member of the National Potato Council.

(9) Notwithstanding paragraph (d) of subsection (2) and paragraph (e) of subsection (3), the Council may second an officer to a county committee to act as the secretary.

20. (1) The County Potato Committee shall facilitate the registration of potato farmers and traders in the county.

Registration of farmers and traders.

(2) The secretary shall, on behalf of the committee, maintain the register of farmers and traders.

(3) The Council shall issue guidelines on the procedure for registration and payment of membership fee, if any.

(4) Nothing in this section shall be taken to mean or imply that one requires to be registered by a committee in order to be a potato farmer or trader.

(5) Despite subsection (4), a person who would like to participate in the formation and affairs of the committee, including appointment or selection of committee members or Council members, must be registered.

21. (1) The National Potato Council shall issue guidelines for use by the County Potato Committees.

Council to issue guidelines.

(2) The Council shall institute a mechanism for obtaining feedback from around the counties with respect to the objectives set out in section 3 or any other matter relevant to the industry.

22. (1) The Council shall -

Storage facilities.

- (a) issue guidelines on appropriate methods of on-farm potato storage;
- (b) provide or assist in the provision, maintenance and control of bulk storage and handling facilities for potato produce as the Council may at any time deem appropriate; and
- (c) acquire such quantities of potato produce or seeds for sale, storage or for such other purposes as the Council may from time to time decide and sell or otherwise dispose of such stocks as and when it deems fit.

(2) The Council may engage the services of private players through competitive procurement.

PART V—STANDARD PACKAGING

23. (1) The standard weight for a bag or package of ware potatoes shall be one hundred and ten kilogrammes

Standard Packaging.

with a tolerance of plus or minus five kilogrammes.

(2) The standard weight of a bag or package of seed potatoes shall be fifty kilogrammes with a tolerance of plus or minus two kilogrammes.

(3) The Cabinet Secretary may set standards, in consultation with the industry, for packaging of chips, crisps and other potato products.

PART VI—IMPORTS AND EXPORTS

24. (1) The Council shall take steps to encourage the export of potatoes and potato products.

Exportation of potatoes.

(2) Potatoes and potato products intended for the export market must be within the standards set by the Kenya Bureau of Standards.

25. (1) The importation of potato tubers or plant material that can be used or intended to be used for propagation shall conform to the rules and guidelines set by the Kenya Plant Health Inspectorate Service.

Import and export of seeds.

(2) It shall be an offence to import or export any potato tubers, plant or other material intended for propagation purposes without clearance by the Kenya Plant Health Inspectorate Service.

PART VII —THE POTATO DEVELOPMENT FUND

26. (1) There may be established a Fund to be known as the Potato Development Fund which shall be administered by the Council.

Establishment of the Fund.

(2) The Fund shall consist of-

- (a) gifts, grants and donations;
- (b) such funds as may be provided by bilateral or multilateral donors or development partners;
- (c) such monies as may accrue to the Council pursuant to section 29(b) and (c);
- (d) such monies as the Cabinet Secretary may grant to the Council, out of monies that may, in the future, be provided by Parliament, or otherwise; or
- (e) such monies as may, in the future, be provided by Parliament from time to time.

27. (1) The Fund shall be applied to the following purposes- Application of the Fund.

- (a) general administration expenses of the Council which, in each financial year, shall not exceed nine per cent of the monies in the Fund;
- (b) such activities as may be necessary to fulfill the Council's mandate; and
- (c) assistance to the county potato committees to help them perform their functions.

(2) Funds from a particular source that has specified a specific usage of the funds, shall be used only for that specified purpose.

PART VIII—FINANCES OF THE COUNCIL

28. (1) For the avoidance of doubt, nothing in this Act may be construed as providing for or dealing with- Non-money Bill status.

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of those matters.

(2) There may be established a fund which shall consist of monies specified under subsection (3).

(3) Any expenses that may be occasioned in the implementation of this Act shall be provided from –

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

29. The finances of the Council shall be-

Finances.

- (a) the Potato Development Fund;
- (b) monies accruing to the Council out of levies that may be set by the Council as provided for under section 11; and
- (c) monies and other resources from any lawful source.

30. The financial year of the Council shall be concurrent with the financial year of the national government.

Financial year.

31. (1) Before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.

Annual estimates.

(2) The Council shall approve the annual estimates before the commencement of the financial year to which they relate.

32. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.

Accounts and audit.

(2) The accounts shall be audited by the Auditor-General or by an auditor appointed by the Council with the written approval of the Auditor-General.

(3) Within a period of three months from the end of the financial year, the Council shall submit to the Auditor-General, or to an auditor appointed under subsection (2), the accounts of the Council.

(4) The audited accounts of the Council shall be reported in accordance with the provisions of the Public Finance Management Act.

No. 18 of 2012.

33. (1) The Council shall, within three months after the end of a financial year, prepare and submit to Parliament an annual report on the operations of the Council for the preceding year.

Annual report.

- (2) The annual report submitted under subsection (1) shall include-

- (a) the financial statements of the Council; and
- (b) a detailed report of the activities of the Council.

PART IX—MISCELLANEOUS PROVISIONS

34. (1) The Cabinet Secretary may, in consultation with the Council, make rules and regulations generally for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations-

Rules and regulations.

- (a) to monitor the entire value chain in potato production and marketing;
- (b) authorizing the examination and inspection of documents relating to the production and sale of any potato produce or product;
- (c) requiring the giving of agriculture and trade related information with regard to potatoes;
- (d) prescribing fees or charges for services rendered under this Act by the Council or its officers, servants or agents; and
- (e) any other matter pertinent to the objectives of this Act.

(2) Any Rules and Regulations made under this Act shall be approved by the Senate before they are published in the *Gazette*.

(3) In case of conflict between this Act and any other legislation, this Act shall prevail.

35. (1) All complaints arising from the implementation of this Act shall be forwarded to the Council.

Dispute resolution.

(2) Where a complaint forwarded under subsection (1) is-

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- (a) of a criminal nature, the Council shall forward the complaint to the relevant government agency with prosecutorial powers; and
 - (b) of a civil nature, the Council shall, in the first instance attempt to resolve the matter and where necessary, refer it to arbitration in accordance with the Arbitration Act before court action.
- (3) Where the complaint is against the county

committee, then the matter shall be referred to the Council.

(4) Where the complaint is against the Council, the matter shall be referred to the Cabinet Secretary who shall act in accordance with subsection (2) instead of the Council.

(5) Where the complaint is addressed to the county committee, the committee shall attempt to resolve it, in the first instance, failing which it shall be forwarded to the Council.

36. An act, omission, contravention or failure to comply with any of the provisions of this Act, or the Rules or Regulations made thereunder shall constitute an offence. Offences.

37. Any person convicted of an offence under this Act shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred thousand shillings, or to both such imprisonment and fine. Penalties.

PART X - TRANSITION

38. Until and unless the Cabinet Secretary makes rules under section 34, the Legal Notice No. 44 of 2005 shall apply. Application of
Legal Notice No.
44 of 2005.

FIRST SCHEDULE (S.5)

LIST OF MAJOR POTATO PRODUCING COUNTIES

Nyandarua
Narok
Nakuru
Bomet
Uasin Gishu
Kiambu
Nyeri
Meru

SECOND SCHEDULE (S.5)

LIST OF MAJOR POTATO CONSUMING COUNTIES

Nairobi
Mombasa
Kisumu

THIRD SCHEDULE (S.9)**PROCEDURE FOR COUNCIL MEETINGS**

1. (1) The Council shall hold such number of meetings at such places and at such times as the Council shall consider necessary for the proper discharge of its functions, provided that a decision to hold a Council meeting other than at its designated headquarters shall only be made by a resolution of the Council.

Meetings of the Council.

(2) Notwithstanding subsection (1), the Council shall meet not less than four times in each financial year.

(3) At least seven days notice shall be given prior to any meeting of the Council.

2. The chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Council by giving not less than three days notice to the members.

Special meetings.

3. The quorum for the conduct of business at a meeting of the Council shall be half of the members of the Council, excluding ex-officio and co-opted members.

Quorum at meetings.

4. (1) A decision on any matter before the Council shall be by a majority of the votes of the members present.

Voting.

(2) In the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

5. Subject to the provisions of this Act, the Council may determine its own procedure.

Procedure at meetings.

6. Proceedings of the Council shall not be invalid by reason only of a vacancy in the membership of the Council or by reason of a defect in the process of appointment of a member.

Vacancies and improper appointments.

7. (1) If a member of the Council has a direct or indirect interest in a contract, proposed contract or other matter before the Council, such member shall as soon as is practicable after the commencement of that meeting, disclose that fact.

Disclosure of interest.

(2) A member to whom subsection (1) applies shall not be present at a meeting of the Council, or a committee of the Council, at which the matter in which the member has disclosed an interest is considered by the Council.

8. The Executive Officer shall ensure that all ^{Records.} records of proceedings and minutes of meetings of the Council are properly kept.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the objects and reasons of the Bill

The principal objective of the Bill is to establish a system through which potato farming will be improved in both quantity and quality by ensuring that set agronomic practices are followed and standardization of packaging and regulation of the whole industry is instituted to the benefit of the stakeholders.

The Bill establishes the National Potato Council which is mandated to implement the provisions of the Act and in particular to promote production, standardized packaging and regulation of the marketing of both seed and ware potatoes.

It also establishes the County Potato Committee which is to operate under the guidance and direction of the Council and whose principal mandate shall be to represent the interests of the potato fraternity in the affairs of the county and to help the Council disseminate information from the Council to the grassroots and generally to help monitor adherence of packaging and other standards set.

The Bill also sets out the implementation mechanisms to facilitate documentation and dissemination of production and market information, including supply and demand situations.

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

This Bill does not delegate any legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Articles 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

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

Clause 28 of the Bill specifically removes the Bill from the ambit of the matters listed under Article 114 of the Constitution. The clause further provides that any expenses that may be occasioned by the implementation of the Act are to be provided from such gifts, grants or donations as may be given or from such monies as the National Assembly may, in the future, provide for the defraying of such expenses. The Bill also provides that a fund may be established for the purposes of the custody of such funds. The Bill does not therefore appropriate funds for the

implementation of the Act; any appropriation would be effected through separate legislation which would be introduced and enacted in terms of Article 114 of the Constitution. This Bill is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 16th May, 2014.

MURIUKI KARUE MURIUKI,
Senator.