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FIRST SCHEDULE—PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD.

**THE AGRICULTURAL AND LIVESTOCK
EXTENSION SERVICES BILL, 2022**

A Bill for

AN ACT of Parliament to; provide for agricultural and livestock extension services; establish the Agricultural and Extension Service; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

PART I—PRELIMINARY

1. This Act may be cited as the Agricultural and livestock Extension Services Act, 2022. Short title.

2. In this Act, — Interpretation.

“Board” means the Board established under section 8;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to agriculture;

“chief executive officer” means the person appointed in accordance with section 18;

“extension services”; means agricultural and livestock extension services; and

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

3. The objects of this Act is to provide for a framework — Objects.

(a) to foster coordination and collaboration in extension services research by National Government, County Governments, non-governmental organization, learning institution, research bodies and other non-state actors;

(b) to promote the generation of high income for farmers and traders through increased production and sourcing of competitive markets;

(c) for the continuous and sustained research on extension services for the development of the Agricultural and livestock industry;

(d) for adoption of a sector-wide approach to the provision extension services which enables access

to appropriate quality services from the best service providers and attains higher productivity, increased incomes and standard of living to Kenyans.; and

- (e) for the provision of financial support to the various players in the extension services industry.

**PART II— NATIONAL AND COUNTY
AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES POLICY AND STARTEGY.**

4.(1) The Cabinet Secretary shall, formulate and publish in the Gazette an agricultural and livestock extension services policy at least once every five years, for the implementation and standard delivery of extension services by the county governments.

National extension services policy.

(2) In developing the National Extension Services Policy, the Cabinet Secretary shall have regard to—

- (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry;
- (b) adequate capacity development and support for growers and other stakeholders in the mung bean industry;
- (c) the participation of stakeholders and communities at the national and county levels of government;
- (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;
- (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the mung bean sector;
- (f) the resources required at the national and county levels of government for the effective implementation of the policy; and
- (g) the capacity building programmes and strategies needed to be carried out to ensure that growers are

able to respond to the needs identified for the implementation of the policy.

(3) The Cabinet Secretary shall periodically review the National Agricultural and Livestock Extension Services policy and may, by notice in the *Gazette*, publish a revised national agricultural and livestock extension services policy.

(4) The Cabinet Secretary, each county executive committee member and all relevant public bodies shall, when exercising or performing any statutory function, take into account and give effect to the national agricultural and livestock extension services policy.

5. (1) Each county executive committee member shall formulate and publish, in the *Gazette*, a county specific extension services strategy. The county executive committee member shall in formulating the strategy take into account the national livestock policy formulated by the Cabinet Secretary under section 4.

County extension services strategy.

(2) The county executive committee member shall periodically review the county agricultural and livestock extension services strategy and may, by notice in the *Gazette*, publish a revised county agricultural and livestock extension services strategy.

PART III – THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICE

6. (1) There is established the Agricultural and Livestock Extension Service.

Establishment of the Service.

(2) The Service 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 and disposing of movable or immovable property;
- (c) entering into contracts;
- (d) borrowing and lending money; and
- (e) doing or performing all such other things or acts as may be necessary for the proper discharge of its

functions under this Act, which may be lawfully done or performed by a body corporate.

Headquarters of the Service.

7. (1) The headquarters of the Service shall be in Nairobi.

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

8. (1) The functions of the Service shall be to—

Functions of the Service.

- (a) enhance the competitiveness of agriculture and food industry in Kenya in an increasingly competitive world environment;
- (b) increase the long-term productivity of agriculture and food industry in Kenya while maintaining and enhancing the natural resource base on which the Counties and the National Government agricultural economy depend on;
- (c) develop new uses and new products for agricultural commodities and come up with alternative production methods to develop new crops;
- (d) improve risk management in the agriculture industry in Kenya;

(2) in performance of its functions under subsection (1), the service shall—

- (a) support agricultural research on extension services to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the agriculture industry in Kenya;
- (b) collaborate with the county governments in —
 - (i) improving the coordination and planning of agricultural research, extension, and teaching programs;
 - (ii) identifying needs and establishing priorities for these programs;
 - (iii) ensuring that national agricultural research, extension, and teaching objectives are fully achieved; and

- (iv) ensuring that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit from them.
- (c) maintain and disseminate information on standards for supply of nutritious and safe food by the county governments;
- (d) facilitate transfer of technology;
 - (a) encourage the use of information communication technology by developing and packaging information in simple, easily accessible digital systems;
 - (b) collaborate with international entities in order to leverage on resources, priority food and agricultural interests including addressing emerging plant and animal diseases, improving crop varieties and animal breeds and developing safe, efficient, and nutritious food systems;
 - (c) mobilising resources at the national level for investment in development and implementation of extension services programs in the counties;
 - (d) developing and coordinating intergovernmental relations mechanism in the delivery of services related to extension services; and
 - (e) providing technical assistance and capacity building to the county governments on matters relating to extension services.

9. The management of the service shall vest in the Board of Directors.

Board of Directors.

10. (1) The Board shall consist of —

- (a) a chairperson who shall be appointed by the Cabinet Secretary;
- (b) the principal secretary responsible for matters relating to agriculture;

Composition of the Board.

- (c) the principle secretary responsible for matters relating to livestock;
- (d) two persons with knowledge and experience in the field extension services nominated by the Council of County Governors;
- (e) one person representing national farm or producer organizations nominated by the Council of County Governors;
- (f) one person representing the Kenya Agricultural and Livestock Research Organization nominated by the Organization;
- (g) one person representing the National Association of Agriculture and Livestock Extension Service Providers nominated by the Association;
- (h) one person representing extension services training institutions nominated by the Cabinet Secretary; and
- (i) the chief executive officer.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (d), (e), (f), (g) and (h) by notice in the *Gazette*.

(4) The chief executive officer shall be an *ex officio* member and secretary to the Board and shall have no right to vote at any meeting of the Board.

11. (1) A person is qualified for appointment as a member of the Board under section 10(1) (e), (f), (g) and (h) if that person—

Qualifications for appointment as a member.

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least three years' experience in management; and
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(2) A person is not qualified for appointment if that person—

- (a) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (b) is a member of Parliament or county assembly; or
- (c) is adjudged bankrupt.

12. A person who is appointed under section 10 shall serve for a term of three years renewable for one further term.

Tenure of appointment.

13. A person ceases to be a member of the Board if that person—

Vacation of office.

- (a) is absent, without reasonable cause, for three consecutive meetings of the Board;
- (b) becomes an officer, agent or member of staff of the Board;
- (c) resigns by giving a notice in writing addressed to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (e) is declared bankrupt;
- (g) is unable to perform the functions of office by reason of mental or physical infirmity; or
- (h) dies.

14. (1) The functions of the Board shall be to —

Functions of the Board.

- (a) make recommendations to the Cabinet Secretary and the county governments on the implementation of strategies, plans and policies relating to the extension services;
- (b) advise the Cabinet Secretary and the County governments on Priority areas of Extension Service programs and the role of Non-state actors and other Extension Service Providers in line with the Policy;
- (c) evaluate the results and effectiveness of agricultural research on extension, education, and economics with respect to the policies and priorities and make recommendations to the Cabinet Secretary based on such evaluation;

- (d) review and make recommendations to the Cabinet Secretary on the mechanisms needed for agricultural extension technology assessment and development for the purposes of—
 - (i) performance measurement and evaluation of the implementation of the Extension services program in Kenya; and
 - (ii) the development of mechanisms for the assessment of emerging public and private agricultural research and technology transfer initiatives.
 - (e) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Cabinet Secretary and the county governments based on the consultation;
 - (f) consult with any appropriate agencies and solicit opinions and recommendations on persons who will benefit from and use nationally funded agricultural research, extension, education services;
 - (g) establish linkages with local and international training and research institutions to conduct scientific research and investigations in all areas pertaining to extension services;
 - (h) coordination of agricultural research by maintaining a continuing inventory of ongoing and completed extension and research projects being conducted and funded by the government;
 - (i) put in place a framework for capacity building and training of various players in the sector; and
 - (j) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.
- (2) The Board shall consult and collaborate with the county executive committee member in the development, promotion and regulation of the extension services in the respective counties.

15. (1) The Board may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

Committees of the Board

(2) The Board may co-opt any person to sit in a committee established under subsection (1) such persons whose knowledge and skills are found necessary for the performance of the functions of the Board.

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

Delegation by the Board.

17. The members of the Board shall be paid such remuneration, fees or allowances as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission, determine.

Remuneration of members of the Board.

18. (1) There shall be a chief executive officer of the Board who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

Chief executive officer.

(2) A person is qualified for appointment as the chief executive officer if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years' experience in senior management; and
- (d) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(3) The chief executive officer shall hold office for a term of five years and is eligible for re-appointment for a one further term.

19. The chief executive officer shall be the secretary to the Board and shall, subject to the direction of the Board—

Functions of the chief executive officer.

- (a) be responsible for the day to day management of the affairs of the Board;

- (b) manage the funds, property and affairs of the Board;
- (c) be responsible for the management of the staff of the Board;
- (d) oversee and coordinate the implementation of the policies, programmes and objectives of the Board;
- (e) cause to be prepared for the approval of the Board—
 - (i) the strategic plan and annual plan of the Board; and
 - (ii) the annual budget and audited accounts of the Board; and
- (f) perform such other duties as may be assigned by the Board.

20. The chief executive officer shall cease to hold office if that person—

Removal of the chief executive officer.

- (a) resigns in writing, addressed to the Board;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is found liable for gross misconduct or abuse of office in contravention any written law;
- (d) is declared bankrupt;
- (e) is unable to perform the functions of office by reason of mental or physical infirmity; or
- (f) dies.

21. (1) The Board may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act and upon such terms and conditions of service as the Board may determine.

Staff of the Board.

(2) The persons appointed under subsection (1) shall be competitively recruited and appointed by the Board and shall serve on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission determine.

(3) The staff appointed under subsection (1) shall possess such knowledge and experience as shall be determined by the Board.

22. Liability shall not attach to the Board or to any of its members, officers, agents or staff for loss or damage incurred by a person as a result of an act or omission done or made in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed by or conferred under this Act.

Protection from personal liability.

23. (1) The common seal of the Board shall be kept in the custody of the chief executive officer or such other person as the Board may direct, and shall not be used except upon the order of the Board.

Common seal of the Board.

(2) The seal of the Board shall be authenticated by the signature of the chief executive officer and the chairperson or a person designated by the Board for that purpose on behalf of the chairperson.

24. All letters and instruments written or made by or on behalf of the Board, other than those required by law to be under seal, and all decisions of the Board, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Board.

Signing authority.

25. (1) The business and affairs of the Board shall be conducted in accordance with the provisions set out in the First Schedule.

Meetings of Board.

(2) Except as otherwise provided in the First Schedule, the Board may regulate its own procedure.

(3) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not be entitled to vote on any of the Board's decisions.

PART IV – ROLE OF COUNTY GOVERNMENTS

26. (1) Each county government shall—

Role of county governments.

- (a) implement the National Government policy and standards relating to the extension services sector;
- (b) regulate and promote extension services within the respective county;

- (c) collect, collate and disseminate information on extension services industry including the appropriate technology and practices to ensure maximisation of yields and sales by stakeholders;
- (d) coordinate the activities of persons, organisations and any other associations within the field of extension services;
- (e) facilitate access by players in the extension services sector to such resources and financial support as may be necessary to promote the use and development of extension services in the respective county; and
- (f) improve on the safe production and processing of, and adding of value to, Kenyan food and fibre resources using methods that maintain the balance between yield and environmental soundness.

(2) Each county executive committee member shall, in ensuring that the county government fulfils its obligations under subsection (1) –

- (a) maintain an up to date register of extension services providers as it considers appropriate in that county;
- (b) consider applications for the permits and licences;
- (c) carry out surveillance and inspections to ensure compliance with the standards and legislation on the extension services;
- (d) promote the organisation all players in the field of extension services;
- (e) provide training on extension service programs and disseminate information to stakeholders on entrepreneurial and other technical skills and values, attitude formation and socio-economic development strategies;
- (f) collaborate with relevant institutions so as to promote access to credit and other financial services; and
- (g) carry out such other functions as may be conferred upon by any law.

PART V – FINANCIAL PROVISIONS

27. (1) The funds of the Service shall consist of—

Funds of the Service.

- (a) monies appropriated by Parliament for the purposes of the service;
- (b) such monies or assets as may accrue to or vest in the service in the course of the exercise of its powers or the performance of its functions under this Act or any other written law; and
- (c) donations, grants, loans or gifts made to the service and approved by the Cabinet Secretary for finance.

28. (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 Board for that year.

Annual estimates.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned.

(3) The annual estimates prepared by the Board under subsection (2) shall be submitted to the Cabinet Secretary for tabling in the National Assembly and the Senate.

29. (1) The Board shall cause to be kept such books of accounts and other books in relation thereto of all its undertakings, funds, activities and property as the Cabinet Secretary may from time to time approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General—

Accounts and audit.

- (a) a balance sheet showing in detail the assets and liabilities of the Board; and
- (b) such other statements of accounts as the Cabinet Secretary may approve.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act.

(3) The Board shall submit to the Auditor-General all books and accounts of the Board, together with all vouchers in support thereof, and all books, papers and

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writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Board such information and explanation as he may consider necessary for the performance of his duties.

30. (1) The Board shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of the operations of the Board during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General's report.

Annual report and publication.

(2) The Board shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such manner as the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to the National Assembly and the Senate the reports, balance sheet and statements submitted under subsection (1), within a period of fourteen days of the receipt of the reports and statements.

31. The financial year of the service shall be the period of twelve months ending on the thirtieth of June in each year.

Financial year of the Board.

PART VI - MISCELLANEOUS PROVISIONS

32. Each county government may enact county specific legislation setting out –

County specific legislation.

- (a) the criteria for the registration of extension services providers within the respective county;
- (b) criteria for the issuance of a licence to an applicant within the respective county;
- (c) information required to be submitted by an applicant for registration or issuance of a licence;
- (d) process of determination of an application for registration or issuance of a licence;
- (e) the conditions for the issuance or renewal of a licence under this Act;

- (f) the grounds for the rejection of an application or cancellation of a licence issued under this Act; and
- (g) process of application for the renewal of registration and de-registration.

33. The Cabinet Secretary may, on recommendation of the Service and the county governments, make regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act

Regulations.

FIRST SCHEDULE**(s. 25(1))****PROVISIONS RELATING TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD**

1. (1) The Board shall have at least six meetings in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting. Meetings.

(2) Meetings shall be convened by the chief executive officer in consultation with the chairperson and shall be held at such times and such places as the chairperson shall determine.

(3) The respective chairpersons shall preside over all meetings and in the absence of the chairperson, by a person elected by the Board as the case may be at the meeting for that purpose.

(4) The chairperson may at any time convene a special meeting of the Board as the case may be, and shall do so within one month of the receipt by the chairperson of a written request signed by at least five other members.

(5) Unless half of the members of the Board otherwise agree, at least seven days' notice of a meeting shall be given to every member of the Board as the case may be.

2. The quorum of a meeting of the Board is half of the total number of members. Quorum.

3. A decision of the Board shall be by a majority of the members present and voting and, in the case of an equality of votes; the person presiding at the meeting shall have a second or casting vote. Voting.

4. Minutes of all meetings shall be kept and entered in records kept for that purpose. Minutes.

5. (1) If a person is present at a meeting of the Board or respective committee at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest. Disclosure of interest.

(2) The person making the disclosure of interest under subsection (1) shall not, unless the Board or committee

otherwise directs, take part in any consideration or discussion of, or vote on any question touching on the matter.

(3) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(4) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(5) A member or employee of the Board shall not transact any business or trade with the Board.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide for the policy and institutional framework within which the agricultural and livestock industry operates by among others establishing the Agricultural and Livestock Extension Service, which will be managed by a Board of Directors. Agriculture is the backbone of our economy. Majority of Kenyans depend on agriculture either directly by feeding their families or through trading of agricultural and livestock commodities to generate an income. Unfortunately, over the years the returns have been dwindling due to mainly poor performance of both crops and livestock which can be attributed to climate change, poor production methods, pest and diseases among others.

There is therefore a genuine need to set up a policy and institutional framework to support and guide the activities, operations, and interactions within the industry with the aim that the growth of the industry will result to a strengthened agricultural economy for the various counties across the country.

The highlight of this Bill is the setting up of a body which will be dedicated towards coming up with policies and strategies on extension services. The Bill proposes to invest in research so as come up with crops and livestock breeds that will mature fast and also be able to withstand the current harsh climate. It sets up the roles of the county governments which will be to implement the national government policy in the counties and also to coordinate various extension services at the county level.

Part I (clauses 1-3) contains preliminary matters. It contains the short title, interpretation of terms and the object of the Act.

Part II (clauses 4-5) provides for the National Agricultural and livestock policy and strategy which will guide both the national and the county governments in executing their mandates in relation to extension services.

PART III (clauses 6-25) provides for the establishment, functions and powers of the Agricultural and Livestock Service. It further provides for the composition and qualifications for appointment of the members of the Service. In addition, it provides for the office of the chief executive officer of the Board and the secretariat.

Part IV (Clause 26) contains provisions related to the role of county governments in regulating extension services.

Part V (clauses 27-31) sets out the financial provisions of Service. It sets out the sources of funds for the service. It also provides for the

preparation of annual estimates of income and expenditure of the Board. It further provides for the period of the financial year of the Board and the preparation and auditing of its accounts.

Part VI (clauses 32-33) Sets out the miscellaneous provisions. It sets out areas in which counties can legislate on in regards to extension services and also delegates powers to the Cabinet Secretary to make regulations.

The Second Schedule contains provisions relating to meetings of the Board and the conduct of such meetings.

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

Clauses 33 of the Bill does delegates powers to the Cabinet Secretary for the purpose of giving effect to the provisions of the Act. The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Agriculture is a devolved function set out in paragraph 1 of Part 2 of the Fourth Schedule to the Constitution. The Bill provides for extension Services which is a key aspect in the production of crops and livestock. The Bill seeks to ensure that extension services are developed and offered to the farmers in an accessible and effective manner.

The Bill therefore concerns county governments in terms of Articles 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 28th November, 2022.

MAUREEN TABITHA MUTINDA,
Senator.