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***BUSIA COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2016

NAIROBI, 19th October, 2016

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THE BUSIA COUNTY LIVESTOCK DEVELOPMENT BILL, 2016

A Bill for

**AN ACT of the County Assembly of Busia to establish
an efficient legal and institutional framework
for development and regulation of the
livestock sub-sector and for connected and
incidental purposes**

ENACTED by the County Assembly of Busia as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Busia County Livestock Development Act, 2016 and shall come into operation fourteen days after gazettelement. Short title and
Commencement

2. In this Act, unless the context otherwise requires— Interpretation

“Chief Officer” means the Chief Officer for the time being responsible for the livestock sub sector;

“Directorate” means the County Livestock and Livestock Products Development Directorate established under Section 4 of this Act;

“Executive Member” means the Member of the County Executive Committee for the time being responsible for livestock sub sector;

“Livestock” includes but is not limited to cattle, sheep, pigs, goats, poultry and other such animal as the Member of the Executive Committee may by order declare to be livestock for the purposes of this Act;

“Livestock Products” includes but is not limited to meat, dairy products, poultry products, hides, skin, leather and any article derived or produced from livestock or farming operations;

“Regulations” means regulations prescribed under this Act.

3. (1) The overriding objective of this Act is to establish a comprehensive, harmonized, efficient and effective legal and institutional framework for regulation, co-ordination and development of the livestock sub-sector. Object and
Purpose of the Act

(2) In reaching its objective under this Act, the Directorate shall have regard to Kenya's obligations under any international treaties or agreements relating to production, processing, packaging, storage and marketing of livestock and livestock products.

PART II – THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT DIRECTORATE

4. (1) There is established a Directorate to be known as the County Livestock and Livestock Products Development Directorate.

Establishment of the Directorate.

(2) The Directorate shall be headed by a Director which shall do or perform all things necessary or incidental to the proper performance of its functions under this Act.

5. The functions of the Directorate shall be to—

Functions of the Directorate.

- (a) develop and regulate the livestock sub-sector in accordance with the overriding objective of this Act;
- (b) formulate, in consultation with such general or specific rules, regulations for the livestock sub-sector as it may deem fit;
- (c) undertake biannual reviews of the livestock sub sector and recommend such legislative or policy changes as it may deem necessary for promotion or achievement of the overriding objective of this Act;
- (d) promote linkages and co-ordination among players within the sector;
- (e) institutionalize the livestock sub-sector at the county level; and
- (f) perform any other duty that may directly or indirectly contribute to the attainment of its objects.

6. (1) The management of the Directorate shall vest in the Director and the Deputy Director.

Management of the Directorate

(2) The persons appointed under subsection (1) above shall—

- (a) be holders of a degree from a recognized university in veterinary medicine, agricultural economics, agronomy, animal production or other relevant field;
- (b) be of irreproachable integrity and moral standing;
- (c) demonstrate experience in their respective fields of specialization.

7. (1) The Directorate shall have all powers necessary or incidental to the proper performance of its functions under this Act. Powers of the Directorate

(2) Without prejudice to the generality of the foregoing, the Directorate shall have power to—

- (a) control, supervise and administer the assets of the Directorate in such manner as best promotes the purposes for which the Directorate is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Directorate;
- (c) receive any grants, gifts, donations or endowments on behalf of the Directorate and make legitimate disbursements therefrom;
- (d) enter into association with such other bodies or organizations within or outside Kenya as the Department may consider desirable or appropriate and in furtherance of the purposes for which the Directorate is established.

8. The conduct and regulation of the business and affairs of the Directorate shall be as provided for in the terms and conditions of service as issued by the County Public Service Board. Conduct of business and affairs of the Directorate.

9. Members and staff of the Directorate shall be paid such remuneration, fees or allowances as the County Public Service Board, in Consultation with the Salaries and Remuneration Commission may from time to time prescribe. Remuneration of Board members.

10. The Director may cause the appointment of such officers, agents and other staff of the Directorate as may be necessary for the proper discharge of its functions under this Act or any other written law, and upon such terms and conditions of service as the County Public Service Board may determine.

Staff of the
Directorate.

11. (1) The common seal of the Directorate shall be kept in the custody of the Director or of such other person as the Director may assign, and shall not be used except upon the order of the Director.

Common Seal.

(2) The common seal of the Directorate, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless and until the contrary is proved, any necessary order or authorization by the Directorate under this section shall be presumed to have been duly given.

(3) The affixing of the common seal of the Directorate shall be authenticated by the signature of the Director or such other person as the Director may appoint.

12. The Director may delegate to any member, officer, employee or agent of the Directorate the exercise of any of the powers or the performance of any of the functions or duties of the Directorate under this Act or under any other written law.

Delegation by the
Directorate.

PART III—FINANCIAL PROVISIONS

13. The funds and assets of the Directorate shall comprise—

Funds of the
Directorate

- (a) such monies as may be appropriated by the County Assembly;
- (b) such monies or assets as may accrue to or vest in the Directorate in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (c) such monies as may be payable to the Directorate pursuant to this Act or any other written law;

- (d) such gifts as may be given to the Directorate;
and
- (e) all monies from any other lawful source
provided, donated or lent to the Directorate.

14. The financial year of the Directorate shall be the period of twelve months beginning first July and ending on the thirtieth day of June in each year. Financial year

15. (1) At least three months before the commencement of each financial year, the Director in collaboration with the Chief Officer shall cause to be prepared estimates of the revenue and expenditure of the Directorate for that financial year. Annual estimates

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

- (a) the payment of salaries, allowances and other charges in respect of the officers, agents or members of staff of the Directorate;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable to the staff of the Directorate;
- (c) the maintenance of the buildings and grounds of the Directorate;
- (d) the maintenance, repair and replacement of the equipment and other property of the Directorate; and
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Directorate may deem appropriate.

(3) The annual estimates shall be submitted to the Executive Member for approval and, after such approval, the Directorate shall not increase the annual estimates without the consent of the Controller of Budget.

(4) No expenditure shall be incurred for the purposes of the Directorate except in accordance with

the annual estimates approved under subsection (3), or in pursuance of an authorization of the Director given with prior written approval of the Chief Officer.

16. (1) The Director shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Directorate.

Accounts and audits.

(2) Within a period of three months after the end of each financial year, the Director shall submit to the Chief Officer, the accounts of the Directorate in respect of that year together with—

- (a) a statement of the income and expenditure of the Directorate during that financial year; and
- (b) a statement of the assets and liabilities of the Directorate on the last day of that financial year.

(3) The accounts of the Directorate shall be audited and reported upon by the County Auditor-General in accordance with the provisions of the Public Audit Act, 2003.

17. The Directorate may, subject to the approval of the Chief Officer, place on deposit with such bank or banks as may be determined, any moneys not immediately required for the purposes of the Directorate.

Investment of funds.

PART IV—GENERAL PROVISIONS

18. An employer or principal shall be liable for an offence committed by an employee or agent under this Act, unless the employer or principal proves that the offence was committed against his express or standing directions.

Liability of officers and agents.

19. The Executive Member may make regulations for the carrying into effect the objects of this Act or any provisions of this Act and for prescribing anything which under this Act is to be prescribed.

Power to make regulations.

MEMORANDUM OF OBJECTS AND REASONS

The Constitution of Kenya at the Fourth Schedule devolves the function of Agriculture to be a County Government function and particularly, the aspect of livestock. This Bill therefore seeks to bring to fruition the role of the County Government as stipulated at paragraph 1(b) of the Fourth Schedule of the Constitution.

The Bill at Part II thereof seeks to establish a County Livestock and Livestock Products Development Directorate headed by a Director, duly independent, whose main function is to regulate, co-ordinate and develop the livestock sub sector. The Directorate also seeks to appoint a number of staff who will be necessary for the discharge of the functions of the Directorate. The County Public Service Board shall come in play with respect to such appointments.

Part III provides for financial provisions to be adhered to by the Director to ensure smooth and efficient running of the Directorate.

Part IV of the Bill makes general provisions touching on matters of liability of officers and the powers of the Executive Member to make regulations to ensure the proper performance of the objectives of the Bill.

Pursuant to Standing Order No. 114 of the Busia County Standing Orders, it is provided at Section 20 of the Bill that the County Executive Committee Member is given delegatory powers of legislation but with proper consultation and recommendations from the relevant stakeholders.

The Bill does not limit any fundamental rights and freedoms of individuals; it only seeks to enforce them.

The Bill concerns the County Government and it falls under the ambit of the functions of the County Government as outlined at paragraph 1 of this Memorandum.

The enactment of this Bill shall occasion further expenditure of Public funds in terms of the employment of more members of staff as referred to at Section 10 of the Bill; which expenditure ought to be factored in the County Government's budget estimates.

Dated the 27th September, 2016.

SOLOMON ONYANGO,
Chairperson, Agriculture, Environment and Natural Resources Committee.