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CONTENT

Act—

PAGE

The Kaguru Agricultural Training Centre Bill, 2019 1

**THE KAGURU AGRICULTURAL TRAINING CENTRE BILL,
2019**

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY

Clause

1—Short title and commencement.

2—Interpretation.

PART II—ADMINISTRATIVE PROVISIONS

3—Establishment of the Kaguru Agricultural Training Centre.

4—Board of Directors.

5—Powers of the Board.

6—Functions of the Centre.

7—Conduct of business and affairs of the Board.

8—Remuneration of the Board Members.

9—Staff of the Board.

10—Director of the Centre.

11—Removal of the Director from office.

12—Committees

13—Protection from personal liability

14—Common Seal of the Board

PART III—FINANCIAL PROVISIONS

15—Funds of Board

16—Financial year.

17—Annual Estimates.

18—Accounts and Audit.

PART IV—MISCELLANEOUS PROVISIONS

19—Procurement.

20—Power to make regulations.

21—Reporting.

First schedule - Provisions as to the conduct of business and affairs of
the board.

Second schedule – Transitional provisions.

**THE KAGURU AGRICULTURAL TRAINING CENTRE BILL,
2019**

A Bill for

AN ACT of the County Assembly of Meru to provide a legal framework for establishment of the Kaguru Agricultural Training Centre to provide education and training in agriculture; and for matters connected therewith and incidental thereto.

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Kaguru Agricultural Training Centre Act, 2019 and shall come into operation upon publication in the Gazette.

Interpretation.

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

“Agricultural Mechanization Unit (AMU)” means the agricultural mechanization unit of the Department of Agriculture, Livestock Development and Fisheries in Meru County.

“Board” means the Board of Directors of the Centre established under Section 3.

“Chief officer” means the Chief Officer for the time being responsible for agriculture;

“Department” means the county department for the time being responsible for agriculture;

“Executive Member” means the member of the County Executive Committee Member for the time being responsible for agriculture;

“Centre” means the Kaguru Agricultural Training Centre.

PART II—ADMINISTRATION

Establishment of the Kaguru Agricultural Training Centre

3. (1) There is established a corporation to be known as the Kaguru Agricultural Training Centre which shall be—

- (a) a body corporate with perpetual succession and a seal;
- (b) capable of suing and being sued in its corporate name;
- (c) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (d) borrowing money or making investments;

- (e) entering into contracts; and
- (f) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Board of Directors

4. (1) The Board of Directors shall consist of—
- (a) A non-executive Chairperson appointed by the Governor and approved by the County Assembly;
 - (b) The Chief Officer in the Department for the time being responsible for matters relating to Agriculture or an officer designated by him or her in writing;
 - (c) The Chief Officer to the County Treasury or an officer designated by him or her in writing;
 - (d) the Director of the Kaguru Agricultural Training Centre; and,
 - (e) 3 other members appointed by the Governor and approved by the County Assembly.
- (2) Members of the board appointed under paragraphs (a) and (e) above shall hold office for a term of 3 years from the date of their appointment and shall be eligible for reappointment for a further and final term of 3 years.
- (3) persons appointed to the board shall be of mixed expertise and experience for the purpose of providing policy direction and guidance to the Director of the Centre.

Powers of the Board

5. (1) The Board shall, under the direction of the Executive Member for the time being responsible for matters relating to agriculture, be responsible for the administration, management and development of an institution established in Meru County known as the Kaguru Agricultural Training Centre (hereinafter referred to as “the Centre”).
- (2) The Board shall be the successor of the County Government of Meru in respect of all rights, duties, obligations, assets and liabilities concerning the Centre and the Agricultural Mechanization Unit existing at the date of publication of this Act.
- (3) All such rights, duties, obligations, assets and liabilities shall be automatically and fully transferred to the Board and any reference to the County Government or the County Executive Committee Member for Agriculture or the Chief Officer, Department of Agriculture or the

Chief Officer to the County Treasury or the Director of the Agricultural Training Centre in connection with the Centre in any written law or in any contract or document shall for all purposes be deemed to be in reference to the Board established under this Act.

(4) Without prejudice to the generality of the foregoing, the Board shall have powers to—

- (a) give policy directions and guidance to the Director of the Centre;
- (b) control, supervise and administer the assets and liabilities of the Centre in such manner and for such purposes for which the Board was established.
- (c) promote infrastructural development of the Centre;
- (d) receive any grants, gifts, donations and endowments and to make legitimate disbursements therefrom.
- (e) promote the general welfare of the staff of the Centre;
- (f) enter into association with other agricultural institutions, institutions of higher learning and research organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Centre is established;
- (g) make guidelines for the proper and efficient management of the Centre which guidelines shall be issued by the Director on behalf of the Board and shall not require to be published in the Gazette but shall be brought to the attention of all those affected or governed by them.
- (h) determine the provision to be made for capital and recurrent expenditure and for reserves for the Centre; and
- (i) do all such things as are in the opinion of the Board incidental to the exercise of the above mentioned powers or any of them.

Functions of the Centre

6. The functions of the Centre shall be—

- (a) to provide agricultural training, extension services, research, marketing support and promotion of modern methods of farming and/or production to local farmers;
- (b) to prepare an integrated plan for training programs in agriculture, livestock and fisheries;

- (c) to participate in the discovery, transmission and preservation of knowledge in agriculture and any other related field;
- (d) to promote the use of technology and mechanization in agriculture;
- (e) to offer capacity development assistance on agricultural mechanization through practical training, technical assistance, technology transfer and human resource development;
- (f) to provide specialized farm and business advisory services to farmers for the purpose of generating income for the Centre, and to enter into suitable agreements with any person or organization to this end;
- (g) to formulate and issue guidelines in planning, implementing, monitoring and evaluating agriculture and fisheries extension programs;
- (h) to establish model commercial farms as demonstration plots for hands-on learning on farming technologies and agricultural research;
- (i) to establish and maintain a production unit for raising livestock;
- (j) to provide facilities educational training conferences, workshops, seminars, meetings, exhibitions, show tours and such other educational and training activities as the Board may determine;
- (k) subject to this Act, to co-operate with the Government, the private sector and non-governmental organizations in development of agricultural training and research.
- (l) To carry out such other functions as may be necessary or incidental to the implementation of the objects and purposes of this Act and performance of such other functions as may from time to time be assigned by the Governor.

Conduct of business and affairs of the Board

7. The conduct and regulation of the business and affairs of the Board shall be as set out in the First Schedule.

Remuneration of the Board Members

8. The Board shall only be entitled to allowances as per the guidelines of the Salaries and Remuneration Commission.

Staff of the Board

9. The Board shall competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Board.

Director of the Centre

10. (1) There shall be a Director for the Kaguru Agricultural Training Centre who shall be the Chief Executive and Secretary to the Board and shall be competitively recruited by the Board and appointed by the Governor on such terms and conditions as the Governor shall, in consultation with the Board, determine.

(2) The Director shall hold office for a term of 3 years from the date of his or her appointment and shall be eligible for reappointment for a further and final term of 3 years upon satisfactory performance.

(3) No person shall be appointed under this section unless such a person has—

- (a) a degree in Agriculture, Business Administration, Finance, Economics or other related field from a recognized University ; and,
 - (b) At least 5 years relevant work experience.
- (4) the Director shall—
- (a) ensure day to day management of the Centre;
 - (b) monitor expenses and suggest cost effective measures;
 - (c) implement effective policies for all standard operational procedures;
 - (d) ensure prompt ordering and stocking of agricultural and office supplies;
 - (e) ensure maintenance of organized records;
 - (f) oversee training and induction of new employees; and
 - (g) supervise and evaluate all staff.

Removal of Director from office

11. The Director of the Centre may be removed or suspended from office by the Governor upon recommendations of the Board for the following reasons:

- (a) expiry of the term of office;
- (b) in the circumstances contemplated under the Anticorruption and Economic Act 2003;
- (c) conviction of a criminal offence;
- (d) bankruptcy;
- (e) breach of the terms of employment;
- (f) incapacity by prolonged physical or mental illness for a period exceeding six months;
- (g) being unable, unwilling or unfit to discharge the functions of the office; and
- (h) incompetence.

Committees

12. Where necessary, the Board may appoint specialized committees from amongst its members to discharge such duties as it may specify and make reports thereon to the Board.

Protection from personal liability

13. No act or omission by any member of the Board or by any officer, employee, agent or servant of the Board shall, if the act or omission was done bona-fide for the purposes of executing a function, power of duty under the Act render such member, officer, employee, agent or servant personally liable to any action, claim or demand whatsoever.

Common seal of the Board

14. (1) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The affixing of the common seal shall be authenticated by the signature of the Chairperson and Director of the Centre.

PART III—FINANCIAL PROVISIONS

Funds of the Board

15. (1) The funds of the Centre shall comprise—

- (a) such moneys as may be appropriated by the County Assembly;
- (b) such sums as may be realized from the Centre's business and activities;
- (c) moneys earned or arising from any investment of the funds;
- (d) such grants or transfers as may be received from the national government;
- (e) grants and donations received from any other lawful source;

(2) The Board shall apply the money provided under this section for the furtherance of the objects and performance of the functions of the Board and the maintenance of the Centre as prescribed under this Act.

(3) The Board shall open and operate bank accounts into which monies received shall be paid solely for the purposes of managing and administering the funds received.

(4) The Funds under this section shall be managed in accordance with the Public Finance Management Act, 2012.

(5) The Board shall appoint an internal auditor who shall report directly to the Board on financial matters of the Board.

Financial year

16. The financial year of the Centre shall be the twelve months ending on thirtieth June in each year.

Annual estimates

17. At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and the expenditure of the Centre for that year for approval by the County Executive Committee.

Accounts and audit

18. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Centre.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Centre together with—

- (a) a statement of the income and expenditure of the Centre during that year, and

(b) a balance sheet of the Centre during that year.

(3) The accounts of the Centre shall be audited and reported upon in accordance with the Public Audit Act, 2015.

PART IV—MISCELLANEOUS PROVISIONS

Procurement

19. (1) The Centre shall be a procuring entity for the purposes of procuring supplies, goods and services utilized for the purposes of implementing this Act.

(2) The Director of the Centre, who is the accounting officer, shall oversee the procurement process with the approval by the County Executive Committee Member for the time being responsible for Finance in accordance with the Public Finance Management Act, 2015.

Power to make regulations

20. The Executive Member may make such regulations as may be necessary for the implementation of this Act.

Reporting

21. The Board shall prepare an annual report on the progress of the implementation of this Act, and table the same before the County Executive Committee, which shall deliberate on and forward the same to the County Assembly.

FIRST SCHEDULE**PROVISIONS RELATING TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD****Tenure of office**

1. The Chairperson and members of the Board, other than the Government Officials, shall hold office for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

Appointment

2. The Chairperson and Members of the Board, shall be competitively recruited and appointed by the Governor.

Vacation of office

3. A member of the Board may—

- (a) at any time resign from office by notice in writing, in the case of the Chairperson, to the Governor, and in the case of any other member, to the Executive Member;
- (b) be removed from office by the Governor or the Executive member as the case may be, if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the Board;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) commits an act or acts of gross misconduct;
 - (v) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (vi) is incapacitated by prolonged physical or mental illness;
 - (vii) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
 - (viii) fails to comply with the provisions of this Act relating to disclosure; or
 - (ix) is otherwise unable or unfit to discharge his or her functions as member of the Board.

Vice-Chairperson

4. At the first meeting of the Board, the members shall elect a vice-Chairperson, from among the members appointed under this Act.

Meetings

5. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

Notice of meeting

6. Other than in the case of a special meeting or unless three quarters of members agree, every member of the Board shall be given at least seven days written notice of every meeting of the Board.

Quorum

7. The quorum for the conduct of business of the Board shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

Chairperson to preside

8. The Chairperson shall preside over all meetings of the Board in which he or she is present, but in his or her absence, the vice-Chairperson shall preside and in the absence of the vice-Chairperson, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

Disclosure of interest

9. (1) If a member is directly or indirectly interested in any matter before the Board, and is present at the meeting of the Board at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS

Interpretation

1. (1) In this schedule—

“commencement day” means the day this Act comes into operation;

Assets and liabilities

2. (1) On the commencement day, all the funds, assets and other property both movable and immovable previously held or allocated to Kaguru Agricultural Training Centre and the Agricultural Mechanization Unit (AMU) shall by virtue of this paragraph, vest in the Board.

(2) On the commencement day, all rights, powers and liabilities which previously were vested in Kaguru Agricultural Training Centre, by virtue of this paragraph, be deemed to be vested in, imposed on or enforced against the Board.

Staff

3. (1) On commencement day, any person who is an officer or employee of Meru County Public Service Board currently discharging duties in Kaguru Agricultural Training Centre and the Agricultural Mechanization Unit (AMU) shall continue under the terms of their current employer.

(2) On commencement day, any person who is an officer or employee of Kaguru Agricultural Training Centre shall be deemed to be an officer or employee of the Board under the terms of their current employer.

(3) On commencement, any new recruitment of staff or employees for the Centre shall be done in accordance with section 9 of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to provide a legal framework for establishment of Kaguru Agricultural Training Centre as a body corporate to ensure provision of specialized and quality agricultural training and ancillary services to the farmers of Meru County in order to help enhance the capacity in farmers to improve food security and standards of living. The Bill seeks to convert the facility as now existing into a top Agricultural Training Centre by delinking it from the County Government.

The Bill also seeks to develop a training program that addresses the real needs of the agricultural sector, as well as the issue of environmental health and reduction of poverty in the face of global challenges such as climate change. The Bill further seeks to promote and strengthen farm mechanization among farmers on field and off-field training and demonstrations, as well as hiring of machinery.

PART I of the Bill provides for preliminary provisions. This Part provides for the purpose of the Bill as the establishment of the Kaguru Agricultural Training Centre to provide education and training in agriculture; and for matters connected therewith and incidental thereto.

PART II of the Bill provides for administration. The Part provides for the functions of the Kaguru Agricultural Training Centre and prescribes creation of a Board of Directors to manage the affairs of the Centre. The mode of appointment and powers of the Board as well as the Director of the Centre are highlighted.

PART III of the Bill provides for financial provisions, which includes the source of funding and procurement of agricultural supplies. The Part provides for funds to administration of this Act. It also looks at auditing of the accounts to ensure fiscal responsibility.

PART IV of the Bill provides for miscellaneous provisions which includes procurement and the powers of the Executive Member to make Regulations and obligatory agricultural policies that the Executive Member must facilitate their development.

The enactment of this Bill will result in additional expenditure of public funds to be provided for through the annual budget estimates.

Dated the 7th August, 2019.

PAUL MWORIA BAGINE,

Chairperson, Sectoral Committee on Agriculture, Livestock and Fisheries.