

SPECIAL ISSUE

Kisumu County Gazette Supplement No. 10 (Bills No. 5)



REPUBLIC OF KENYA

***KISUMU COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2016

NAIROBI, 31st August, 2016

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THE KISUMU COUNTY POULTRY DEVELOPMENT BILL, 2016

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THE KISUMU COUNTY POULTRY DEVELOPMENT BILL, 2016

A Bill for

AN ACT of County Assembly to establish an institutional framework for the development of the poultry industry and for the control of the importation and exportation of poultry and poultry products, and for connected purposes.

ENACTED by the County Assembly of Kisumu, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Kisumu County Poultry Development Act, 2016, and shall come into operation on such date as the County Executive Committee Member for Food Security may, by notice in the Gazette, appoint.

Interpretation

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

“Forum” means the County Poultry Development forum established under section 14;

“chick” means the young one of poultry that is less than or equal to twenty one days old;

“Chairperson” means the chairperson of the Forum appointed under section 20;

“County Executive Committee Member (CECM)” means the county executive committee member for the time being responsible for matters relating to poultry development;

“poultry” means chicken, duck, ostrich, goose, turkey, quail, pigeon or guinea fowl and includes any wild bird domesticated for human consumption, commercial or other purposes including any other bird which the CECM may, by notice in the Gazette, declare from time to time to be poultry for the purposes of this Act and for the avoidance of any doubt “poultry” includes poultry product;

“poultry operator” means any farmer or organization engaged in any poultry operation;

“poultry operation” means any business undertaking in poultry whether for business or other purpose and includes poultry breeding, production, buying and selling, processing, storage, transport and distribution;

“poultry processing” means the act of converting poultry products from one form to another;

“poultry product” means any product or by-product from poultry;

“poultry slaughter house” means a licensed facility where poultry is slaughtered for the purpose of human consumption.

Act to supersede

3. Where the provisions of this Act are inconsistent with the provisions of any other written law, the provisions of this Act shall prevail.

PART II — GUIDING PRINCIPLES FOR THE DEVELOPMENT OF THE POULTRY INDUSTRY

Government to undertake education and communication

4. (1) The County Government shall promote public awareness about comprehensive county-wide education and information campaign education and communication conducted by the county Government through the relevant departments, authorities and other agencies including the relevant nongovernmental organizations and civil society.

(2) The Forum in collaboration with the county Government and the relevant civil society groups shall provide training, sensitization and awareness programmes on the health benefits of poultry rearing and consumption to community workers, social workers, media professionals, educators, decision makers, administrators and other concerned persons.

(3) County Government in collaboration with the Forum shall conduct education and information campaigns on the health benefits of poultry rearing and consumption within the area of jurisdiction.

Breeds and breeding

5. The County Government, in collaboration with the relevant breeding stakeholders, shall —

- (a) undertake and promote characterization and conservation of indigenous poultry and develop appropriate breeds based on traits of socio-economic importance and support the enhancement of the conservation of the indigenous chicken genetic pool;
- (b) encourage both existing and upcoming hatcheries with conducive business environment, the necessary infrastructure and bio-security measures.

Poultry production and management of inputs

6. The County Government, in collaboration with the relevant Poultry production stakeholders, shall—

- (a) encourage and facilitate growing of alternative sources of energy and protein for the poultry industry to meet local demand including encouraging the sourcing of suitable raw materials taking into account other government policies;
- (b) encourage and facilitate competitive sourcing of imported raw materials while at the same time putting in place measures to control adulteration of raw materials and compounded feeds;
- (c) facilitate the development of cost-effective and suitable formulation of feeds for indigenous chicken and emerging poultry using alternative local resources;
- (d) facilitate the regular review and use of certified feed additives such as myco-toxin binders, growth promoters, enzymes and acidifiers to enhance the quality of feeds available locally;
- (e) encourage self-regulation of the feed milling industry through the relevant associations and organizations, as provided for by the relevant livestock feeds legislations;
- (f) promote the development and adoption of appropriate poultry equipment and housing standards.

Poultry production systems

7. The County Government, in collaboration with the relevant stakeholders, shall—

- (a) promote supplementary feeding, through commercial feed production and on-farm feed formulation;
- (b) promote appropriate housing technologies as dictated by local raw materials and prevailing climatic conditions;
- (d) institute measures to facilitate adequate sanitation and address environmental concerns for poultry farmers;
- (e) enhance the capacity of the animal health workers, extension staff and farmers on breeding, disease control and other aspects of management, and promote commercialization of indigenous poultry;
- (f) build capacity of producers, in better management practices, promote and improve market infrastructure, facilitate initiatives

that address high cost, poor quality compounded feeds and the raw materials;

- (g) review poultry production systems with a view to addressing challenges from poultry waste disposal and management.

Poultry diseases

8. The County Government, in collaboration with the relevant stakeholders, shall—

- (a) take the necessary steps to allocate adequate funds and enhance capacity of the directorates in-charge of livestock development to control poultry diseases;
- (b) improve response mechanisms while addressing knowledge and information gaps on both notifiable and other diseases;
- (c) enhance regulatory mechanisms and vigilance for importation, production, distribution and utilization of poultry vaccines;
- (d) facilitate an efficient cold chain system and alternative vaccines like thermo-stable to ensure good quality and effective vaccine delivery system.

Marketing and value addition

9. The County Government, in collaboration with the relevant stakeholders, shall—

- (a) Initiate the development of an effective poultry marketing information system and promote the Strengthening of poultry farmer associations to improve on the marketing efficiency;
- (b) promote the formation and strengthening of various producer associations to act as their marketing agents;
- (c) ensure that exports and imports of poultry and poultry products meet the relevant international standards;
- (d) seek to classify poultry and poultry products as special products under the World Trade Organization agreements;
- (e) facilitate, through public-private partnership, the setting-up of strategic processing facilities that meet local, regional and international sanitary and phyto-sanitary standards;
- (f) encourage stakeholders in the industry to embrace value addition and promote skills enhancement.

Information system.

10. The County Government, in collaboration with the relevant stakeholders, shall—

- (a) put in place regular data and information collection and management system;
- (b) encourage establishment of strong and formally recognized sector associations to facilitate the exchange of data and information between stakeholders and promote private—public sector partnership;
- (c) promote the use of information communication technology to pass information which shall be promoted across the value chain.

Cross-cutting issues

11. The County Government, in collaboration with the relevant stakeholders, shall—

- (a) mainstream HIV and Aids in its programmes and activities and will promote consumption of poultry and poultry products;
- (b) develop gender sensitive programmes to enable women and youth access efficient production facilities such as credit, technology and market information;
- (c) encourage good environmental practices and promote effective utilization of poultry by products;
- (d) facilitate the review, awareness creation and enforcement of the animal welfare standards.

Financing the industry

12. The County Government shall—

- (a) strive to increase its budgetary allocations to poultry activities and facilitate investors in the entire poultry value chain;
- (b) develop mechanisms of *extending* affordable credit facilities to both small and large-scale poultry farmers through the existing public finance institutions;
- (c) encourage the private sector, the cooperative societies, farmers groups, the nongovernmental organizations and the. Community based organizations to advance more credit to poultry farmers.

Monitoring and evaluation

13. The County Government shall—

- (a) work, closely with all stakeholders at all levels to ensure stronger coordination and harmonization of the development undertaken by the development partners and the nongovernmental organizations involved in poultry development;
- (b) establish a participatory monitoring and evaluation system to monitor the development of poultry.

PART III—THE KISUMU COUNTY POULTRY DEVELOPMENT FORUM

Establishment of the Forum

14. (1) there is established a Forum known as the Kisumu County Poultry Development Forum.

(2) The Forum shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) borrowing money or receiving grants; and
- (b) doing or causing to be done or performing all' such other things or acts for the proper performance of its functions under this Act, as may be lawfully done or performed by a forum.

Composition of the Forum

15. (1) The Forum shall consist of;

- (a) the Chief Officer Agriculture, Livestock and Fisheries or his representative;
- (b) the County Director of Veterinary Services or , his representative;
- (c) the County Director of Livestock Production or his representative;
- (d) seven persons appointed by the Chief officer, Agriculture, Livestock and Fisheries being persons nominated as follows—

(2) one persons representing each of the seven sub counties as nominated by the Kisumu Poultry Farmers Association, taking into account gender balance;

(3) No person shall be appointed under subsection (1)(d) unless such person—

- (a) is of impeccable character and high moral standing;
- (b) possesses at least a secondary education certificate and has knowledge and expertise beneficial to the poultry industry.

Conduct of business and affairs of the Forum

16. (1) The conduct and regulation of the business and affairs of the Forum shall be as set out in the Schedule.

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

Functions of the Forum

17. The Forum shall be responsible for—

- (a) advising County department of Agriculture, Livestock and Fisheries and other agencies on policy matters relating to the development of the poultry industry and facilitating the relevant bodies to develop and implement comprehensive and integrated poultry development programmes;
- (b) facilitating the liaison, co-operation and coordinated working of all agencies and persons charged with the development of the poultry industry;
- (c) seeking out stakeholder-organizations, development partners, relevant county government departments, poultry farmers, operators, producers, processors, professionals, experts` and research institutions in the poultry industry and coordinate, support, use, deploy, encourage, facilitate or work with them for the purposes of developing and advancing the poultry industry in Kenya;
- (d) carrying out experiments, investigations and research in connection with the poultry industry;
- (e) the collection, analysis and storage of statistics and other information relating to poultry production, distribution and consumption;
- (f) the establishment of information centers, preparation and publication of information relating to the poultry industry;
- (g) the promotion of exhibitions of poultry production and processing;
- (h) rendering to persons engaged in the poultry industry such services as may be necessary;
- (h) accessing all such relevant information as may be necessary, and establish information linkages both nationally and internationally among stakeholders, for the efficient administration of the poultry industry;

- (i) promoting the marketing of poultry and poultry products both locally and, internationally through agricultural shows, trade fairs and exhibitions, as well as through print and electronic media;
- (j) recommending to the County Government appropriate measures for regulating import and export of poultry, poultry products and inputs;
- (k) monitoring prices of poultry both nationally and globally and advising the industry stakeholders accordingly;
- (l) collaborating with other stakeholders in the industry or any other person or organization outside the industry within or outside Kisumu County, as it may deem appropriate to the Forum to do, to ensure production and distribution of quality poultry and poultry inputs in the industry or otherwise for furtherance of the purpose for which the Forum is established;
- (m) promoting the transfer and adoption of appropriate technologies in the production and processing of poultry;
- (n) initiating mechanisms to build the industry's financial capacity for self sustenance;
- (o) developing and maintaining proactive cooperation with national institutions in areas relevant to achieving the Forum's objectives and represent the poultry industry stakeholders on poultry issues at relevant national, regional, and international fora and ensure that the interests of the farmers are addressed;
- (p) ensuring that the policies and strategies for development of poultry are continually reviewed and implemented
- (q) performing such other functions that are incidental to the attainment of the guiding principles for the development of the poultry industry as set out under Part II of this Act

Powers of the Forum

18. (1) The Forum shall have all powers necessary for the proper performance of its functions under this Act.

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

- (a) control, supervise and administer the assets of the Forum in such manner as best promotes the purpose for which the Forum is established;

- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Forum,
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
- (d) open such bank accounts for its funds as may be necessary;
- (e) invest any of its funds not immediately required for its purposes in the manner provided in section 28;
- (f) undertake any activity necessary for the fulfillment of any of its functions of under this Act.

Remuneration-of Forum members

19. The Forum may pay its members such remuneration, fees or allowances as it may determine in consultation with the County Executive Committee Member for the time being responsible for matters relating to finance.

Chairperson of the Forum

20. (1) There shall be a chairperson of the Forum who shall be appointed by the Forum and whose terms and conditions of service shall be determined by the Forum in the instrument of appointment or otherwise in writing from time to time.

(2) No person shall be appointed under this section unless such person—

- (a) is a holder of a degree/diploma in an agricultural/livestock science from a recognized university;
- (b) has at least five years post qualification working experience in a relevant area.

(3) The chairperson shall—

- (a) be the in-charge of the Forum; and
- (b) subject to the directions of the Forum, be responsible for the day to day management of the affairs the Forum

Staff of the Forum

21. The Forum may assign such members as are necessary for the proper discharge of its functions under this Act.

Delegation by the Forum

22. The Forum may, by resolution either generally or in any particular case, delegate to any committee or to any member, of the

Forum, the exercise of any of the powers or the performance of any of the functions or duties of the Forum under this Act or under any other written law

Common seal

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

(2) The affixing of the common seal of the Forum shall be authenticated by the signature of the chairperson and the secretary and any document not required by law to be made under seal and all decisions of the Forum may be authenticated by the signatures of both the chairperson and the secretary

(3) Notwithstanding the provisions of subparagraph (2) the Forum shall, in the absence of either the chairperson or the secretary in a particular matter, nominate one member to authenticate the seal on behalf of either the chairperson or the secretary.

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

PART IV—FINANCIAL PROVISIONS

Funds of the Forum

24. (1) The funds of the Forum shall comprise of —

- (a) the poultry development levy imposed in accordance with subsection (3);
- (b) such fees, monies or assets as may accrue to or vest in the Forum in the course of the exercise of its powers or the performance of its functions under this Act or under any written law; and
- (c) all monies from any other source provided for or donated or lent to the Forum.
- (d) Membership registration fee.

(2) The County Executive Member may, in consultation with the Forum and other relevant departments of the County Government, by order in the Kenya Gazette, impose a levy to be known as the Poultry Development Levy on out sourced eggs, whole poultry, and processed poultry products.

(3) A person who fails to pay any amount of the levy payable by him on or before the date prescribed by the order, commits an offence and a sum equal to five per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

Financial year

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

(2) Within a period of four months from the end of each financial year, the Forum shall submit to an auditor appointed under this section, the accounts of the Forum together with—

- (a) a statement of the income and expenditure of the Forum during that year; and
- (b) a balance sheet of the Forum on the last day of that year.

(3) The accounts of the Forum shall be audited and reported upon by registered audit firm.

Annual estimates

26. The Forum may invest any of the funds of the Forum in securities or shares, in which for the time being approved by the stakeholders or in any other securities or banks which the members may, from time to time, approve for that purpose

PART V—LICENSING PROVISIONS

Importation and exportation of poultry

27. (1) No person shall—

- (a) import or cause to be imported; or
- (b) export or cause to be exported;
- (c) any poultry except under and in accordance with a licence issued under this Act

(2) For the purposes of subsection(1), poultry shall be deemed to have been exported when it is placed on a ship, aircraft, train or any other vehicle within Kenya for the purposes of export.

Application and issue of licences

28. (1) A person who, imports or exports any kind of poultry shall apply, in the prescribed form, to the Forum for an appropriate license or for a renewal of the license.

(2) On receiving an application for a license or for a renewal of a license the Forum may, on payment of the prescribed fee, issue to the applicant the appropriate license or renew the license

(3) A license issued under this section shall—

- (a) be in the prescribed form;
- (b) authorize the licensee to import or export, as the case may require, any poultry;
- (c) be specific with regard to the poultry to be imported or exported;
- (d) be valid for such period as the Forum may determine at the time of granting or renewal;
- (e) contain such other conditions as the Forum may deem necessary to impose for the protection of public safety in the importation or exportation the poultry.

(4) A license issued under this section may—

- (a) be amended at any time on written notice to the holder by the Forum, if in its opinion, the amendment is necessary for the purposes of public safety;
- (b) be impended or revoked by the Forum if the holder fails to comply with the conditions contained in the license or laid down in this Act or in any regulations made thereunder, and where a license is suspended or revoked the holder shall take such steps as may be recommended by the Forum to ensure that no threats to public safety occur.

PART VI—ENFORCEMENT PROVISIONS

Inspection of poultry by authorized officers

29. (1) The County Executive Committee Member shall, upon recommendation by the Forum, appoint any person or class of persons to be poultry inspectors for purposes of this Act.

(2) The County Executive Committee Member shall issue a certificate of appointment to every person appointed under this section.

(3) Notwithstanding the provisions of this section, the following officers shall be deemed to be poultry inspectors for the purposes of this Act—

- (a) public health officers appointed under the Public Health Act
- (b) veterinary officer appointed under the Veterinary Public Health Act

- (b) any other person upon whom any written law vests functions of the maintenance of law and order.
- (4) A poultry inspector appointed under subsection (1) shall—
 - (a) be subject to the general directions of the Forum;
 - (b) submit periodic reports to the Forum in such manner as may be prescribed on the status of compliance with of the provisions of Part V of this Act.

Power of entry by authorized officers

30. (1) For the purposes of ensuring compliance. with Part V of this Act or for purposes of ensuring prevention or control of a trans boundary poultry disease outbreak , a poultry inspector may enter any place or premises which the inspector believes on reasonable grounds that any person is in any way contravening the provisions of this Act.

(2) A poultry inspector entering any premises under this section shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises the certificate issued to him under section 31(2).

(3) In carrying out an inspection in any place pursuant to this section, a poultry inspector may —

- (a) examine any poultry, poultry product, goods, building, works or thing;
- (b) require any person in such place to produce for inspection, in the manner and form requested by the officer, any poultry, poultry product, goods, works, drawings, plans, approvals or thing;
- (c) conduct any test or analysis or take any measurements of samples of the poultry, poultry product, thing; or
- (d) require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant.

(4) A poultry inspector who has analyzed or examined anything under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination.

(5) A poultry inspector may not enter any premises except with the consent of the occupant or under the authority of a warrant issued under section 33.

Court procedures and proceedings

31. (1) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorizing the poultry inspector named in the warrant to enter and inspect any premises, subject to any conditions

specified in the warrant, if the magistrate or judge is satisfied by information on oath that —

- (a) the premises is a place referred to in section 32;
- (b) entry to the premises is necessary for the administration or enforcement of this Act;
- (c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) a poultry inspector executing the warrant issued under this section shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorised in the warrant.

Seizure by authorized officers

32. (1) During an inspection under this Act, a poultry inspector may seize any thing by means of which or in relation to which the poultry inspector believes, on reasonable grounds, that this Act or the other written law has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

(2) The poultry inspector may direct that the thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless authorized by an officer, no person shall remove, alter or interfere in any manner with anything seized.

(4) Any person from whom a thing was seized may, within thirty days after the date of seizure, apply to the Court for an order of restoration, and shall send notice containing the prescribed information to the County Executive Committee Member within the prescribed time and in the prescribed manner.

(5) The Court may order that the thing be restored immediately to the applicant if, on hearing the application, the court is satisfied, that—

- (a) the applicant is entitled to possession of the thing seized; and
- (b) the thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

Court to issue warrant on offences

33. (1) Where a corporation, registered society or other similar legal entity commits an offence under this Act, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence and shall, on conviction, be liable in respect of the offence

committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

(2) In any prosecution for an offence under this Act, it shall be sufficient proof of the offence to establish that the offence was committed by an employee or agent of the accused.

(4) Any act done or omitted to be done by an employee in contravention of any of the provisions of this Act shall be deemed also to be the act or omission of the employer, and any proceedings for an offence arising out of such act or omission may be taken against both the employer and the employee.

Obstruction

34. (1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to a poultry inspector who is carrying out duties under this Act.

(2) Any person who contravenes the provisions of this section commits an offence.

Restrictions for inspectors

35. (1) No poultry inspector shall—

- (a) directly or otherwise solicit for, or receive in connection with any of his duties, a payment or other reward whatsoever, whether pecuniary or otherwise, /or a promise or security for any such payment or reward whether or not he is entitled to claim; or
- (b) enter into any agreement to do, abstain from doing, permit, conceal or connive at any act whereby the Forum is or may be defrauded, or which is contrary to the provisions of this Act or the power of execution of the duty of that officer; or
- (c) disclose, except for the purposes of this Act, or when required to do so as a witness in a court of law or with the approval of the Forum, information acquired by him in the performance of his duties relating to a person, poultry, firm or poultry business; or
- (d) use his position to improperly enrich himself or others.

(2) Any person who contravenes the provisions of this section commits an offence.

Unlawful importation and exportation

36. Any person who facilitates the entry of poultry into the county through entry points other than designated entry points commits an

offence and shall, in addition to the penalty specified under section 37, be liable to confiscation and subsequent destruction by the County Government of any such poultry so entered.

General penalty

37. Any person who commits any offence under this Act for which the penalty is not specifically provided shall be liable upon conviction to a fine of not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding twelve years or both

PART VII — MISCELLANEOUS PROVISIONS

Stakeholders' Forum

38. (1) The Forum shall encourage and assist individual poultry farmers to come together and form grassroots poultry producer associations, community based organizations, common interest groups, or primary cooperative societies or other similar organizations for purposes of developing the poultry industry in Kisumu County through the enjoyment of economies of scale, access to affordable credit and other services.

(2) Upon formation of the grassroots producer associations, each one of them shall be encouraged to register with such national organizations as may be prescribed for the purposes of attaining the objects referred to in subsection (1).

(3) The Department of Agriculture, Livestock and Fisheries shall, at least once in every six months, organize departmental consultative forums with the stakeholders referred to in subsection (2) to deliberate on matters affecting the poultry industry in the county.

Regulations

39. (1) The County Executive Committee member may, on recommendation of the

Forum, make Regulations generally for the better carrying out of the objects of this

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;
- (b) prescribe the national poultry organizations under section 38;
- (c) prescribe the forms of applications, notices, licences and other documents for use under this Act;
- (d) prescribe the fees payable under this Act.

SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE FORUM

1. The Chairperson or a member of the Forum other than the ex-officio members shall, subject to the provisions of this Schedule, hold office for a period of two years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term.

2. (1) A member other than an ex-officio member may-

- (a) at any time resign from office by notice in writing to the County Executive Committee Member;
- (b) be removed from office by the County Executive Committee Member on recommendation of the Forum if the member —
 - (i) has been absent from three consecutive meetings of the Forum without its permission;
 - (ii) is convicted of a criminal offence that amounts to a felony under the Laws of Kenya;
 - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months;
 - (iv) is otherwise unable or unfit to discharge his functions.

3. (1) The Forum shall, at its first meeting, elect a non executive Chairperson from amongst the persons appointed under section 15 (1) (e) of the Act.

(2) The Forum shall meet not less than 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.

(3) Notwithstanding subparagraph (3), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Forum at any time for the transaction of the business of the Forum.

(4) Unless three quarters of the total members of the Forum otherwise agree, at least fourteen days' written notice of every meeting of the Forum shall be given to every member of the Forum.

(5) The quorum for the conduct of the business of the Forum shall be half of the total members including the Chairperson or the person presiding.

(6) The Chairperson shall preside at every meeting of the Forum but the members present shall elect one of their number to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(7) Unless a unanimous decision is reached, a decision on any matter before the Forum shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (5), no proceedings of the Forum shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Forum may determine its own procedure and the procedure for any committee of the Forum and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

4. (1) The Forum may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Forum shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The Forum may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the Forum.

5. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

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

(3) A member of the Forum who contravenes subparagraph (1) commits an offence and is liable to a disciplinary measure.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Forum by any person generally or specially authorized by the Forum for that purpose

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Bill is to put in place the legislative framework required for the implementation of the County Poultry Policy. Towards this objective, the Bill proposes to establish stakeholder driven Poultry Development Forum that shall be responsive to current and emerging challenges in the poultry sector.

PART I sets out the preliminary provisions of the Bill.

PART II of the Bill sets out the guiding principles for the development of the poultry industry, lists down actions to be undertaken in order to put in place effective poultry production systems and the Part also provides for the guiding principles for the financing of the industry.

PART III of the Bill provides for the establishment and functions of the County Poultry Development Forum. **Section 14** of the Bill establishes the Forum as a body. **Section 15** of the Bill sets out the composition of the Forum which shall include the Chief officer in the Department for the time being responsible for poultry matters, the Director of Veterinary Services, the Director of Livestock Production and eight other persons appointed by the County Executive Member, for the time being in charge of poultry matters, upon nomination by the respective stakeholders.

Section 17 of the Bill sets out the functions of the Forum which shall include (a) advising county government department responsible for poultry issues and other agencies on policy matters relating to the development of the poultry industry; (b) seeking out stakeholder organizations, development partners, poultry farmers and research institutions in the poultry industry and coordinating or facilitating their work for the purposes of developing and advancing the poultry industry in Kisumu County; (c) recommending to the County Government appropriate measures for regulating import and export of poultry, poultry products and inputs; and (d) monitoring prices of poultry both regionally and nationally and advising the industry stakeholders accordingly.

PART IV of the Bill provides for the financial provisions of the Forum, from the Poultry Development Levy that may be imposed by the County Executive member in charge of poultry matters or from such fees, monies or other assets that may accrue to the Forum.

PART V of the Bill deals with licensing provisions. The Part provides that no person shall import or export any poultry except under and in accordance with a licence issued under **Section 30** of the Bill.

PART VI of the Bill sets out the enforcement provisions. **Section 31** empowers the County Executive Committee Member, for the time being

in charge of poultry, to appoint poultry inspectors who shall be charged with enforcement of the Act.

Section 33 gives power to a magistrate or judge of the High Court to issue a warrant authorizing a poultry officer to enter and inspect premises in the course of enforcing the provisions of this Act or any other written law.

PART VII of the Bill contains miscellaneous provisions. **Section 40** provides that the County Department, responsible for poultry issues, shall organize consultative forums with the poultry stakeholders at least once in every six months. **Section 41** of the Bill provides that the County Executive Committee Member shall, on the recommendation of the Forum, make Regulations for the better carrying out of the objectives of the Act.

The **Schedule** sets out the procedure for the conduct of the business and affairs of the Forum including the first meeting where there are provisions as regards the appointment of the chairperson of the Forum.

Dated the 29th February, 2016.

M. O. ONDIEK,
Chairperson, Agriculture Committee.