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REPUBLIC OF KENYA

**WEST POKOT COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

NAIROBI, 12th February, 2016

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**THE WEST POKOT COUNTY AGRICULTURAL MACHINERY
SERVICES BILL, 2016**

A Bill for

AN ACT of the County Assembly of West Pokot to establish Agricultural Machinery Services and to provide for the institutional framework for the development and regulation of the same and for connected purposes

ENACTED by the County Assembly of West Pokot as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the West Pokot County Agricultural Machinery Services Act, 2016.

Interpretation

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

"agriculture" means cultivation of land and the use of land for any purpose of husbandry, aquaculture and food production;

"agricultural Machinery" includes tractors, implements, equipment, and machinery;

"committee" means the committee established under section 4 and appointed by the Executive Committee Member;

"executive committee member" means the County Executive Committee Member for the time being responsible for matters relating to Agriculture in the County;

"director" means the County director for the time being responsible for matters relating to agriculture;

"farmer" means, a person who is principally occupied in producing agricultural products on a farm;

"primary tillage" includes ploughing, chisel ploughing, sub soiling, re-ploughing;

"secondary" includes harrowing, ridging, furrowing and row cultivation.

Objects of the Act

3. The objects of this Act is to—

- (a) establish Agricultural Machinery Services station offering competitive machinery hire services to the farmers in the County;
- (b) provide machinery hire services at affordable rates;
- (c) create employment;
- (d) generate revenue for the County Government; and
- (e) provide a comprehensive, harmonized, efficient and effective legal and regulatory framework for agricultural machinery services in the County.

PART II—ESTABLISHMENT AND MANAGEMENT OF AGRICULTURAL MACHINERY SERVICES

Establishment of the Committee

4. (1) There is established a committee to be known as the West Pokot County Agricultural Machinery Services Committee.

(2) The Committee shall consist of—

- (a) the Agricultural Machinery Services Station manager, who shall be the secretary;
- (b) Chief Officer for Agriculture;
- (c) Chief Officer Finance;
- (d) Chief officer Livestock and Fisheries;
- (e) Director of Agriculture;
- (f) one farmer representing each sub-county; and
- (g) two stakeholders from organizations associated with farmers.

(3) The members referred to under sub section (2) (f) and (g) shall be appointed by the Executive Committee Member and hold office three years.

(4) The Committee shall hold meetings on a quarterly basis.

The Chairperson of the Committee

5. The members of the Committee shall elect a chairperson from the appointed members of the Committee and the member elected shall be a certificate holder of any professional field.

Functions of the Committee

6. The functions of the Committee shall be to—

- (a) approve the station work plans and budgets;
- (b) ensure proper management of station resources;
- (c) supervise, monitor and evaluate the performance of the station;
- (d) promote the development of agricultural machinery services in the county; and
- (e) set, review and approve agricultural machinery services charges as need arises.

Establishment of the Agricultural Machinery Service Station

7. (1) There is established a station to be known as the Agricultural Machinery Service Station which shall have and manage—

- (a) farm and agricultural machinery and equipment;
- (b) transport vehicles; and
- (c) infrastructure development.

(2) The station will offer the following range of services—

- (a) primary tillage, secondary tillage and planting services;
- (b) crop spraying;
- (c) farm produce transportation;
- (d) grain threshing and shelling;
- (e) forage harvesting;
- (f) hay baling;
- (g) survey and designing of water harvesting structures, perimeter survey and farm layout;
- (h) supervise the construction of dams, water pans, ponds and
- (i) pump setting; and
- (j) de-silting dams and water pans.

Staff of the Station

8. (1) The station shall consist of the following members of staff—

- (a) Station Manager who shall be—

- (i) an Agricultural Engineer graduate with at least three years' experience in a relevant field; and
- (ii) responsible for the day to day running of the Agricultural Machinery Station.
- (b) one Workshop Manager who shall be the deputy station manager being a University graduate with three years' experience in a relevant field of specialization.
- (c) diploma graduates in various fields of agricultural engineering including —
 - (i) Farm Power and Machinery;
 - (ii) soil and water; and
 - (iii) processing and survey.
- (d) Field Supervisors with certificate qualifications in—
 - (i) agriculture,
 - (ii) engineering,
 - (iii) soil and water conservation, and
 - (iv) mechanical under-hands; and
- (e) trained plant operators.

(2) During the initial period, the station shall be managed by the existing redeployed members of staff from the relevant County departments and recruitment of staff by the County Public Service Board for the station will be a gradual process.

Revolving Fund

9. (1) The station shall collect fees in return of the services rendered to its clients which fee will be estimated at 80% of the market rates and will be reviewed regularly by the Committee.

(2) In order to sustain its services, the money collected will form part of a revolving fund that shall be managed by County Treasury.

(3) All revenue earned shall be banked in the revolving fund account.

(4) An Authority to Incur Expenditure shall be issued to the station based on its financial year work plans and budgets to meet recurrent and development expenses.

PART III—OPERATIONAL GUIDELINES FOR AGRICULTURAL MACHINERY SERVICES

Terms and conditions

10. (1) The terms and conditions of services provided by the station shall be as follows—

- (a) services will be rendered to farmers within West Pokot County;
- (b) the services will only be rendered to the client upon full payment of the required fees;
- (c) applications for services will be submitted to the Manager of the Agricultural Machinery Services Station;
- (d) tractors and other farm equipment will not be hired to a private contractor;
- (e) the machinery will not be deployed—
 - (i) on rocky, steep sloped, muddy and water logged terrain, or
 - (ii) in an environment that will endanger the safety of the personnel and the equipment;
- (f) the client is required to comply with the programme provided by the management;
- (g) in case of the management inability to provide the service applied for in time, a payment refund in full or part will be made within one month; and
- (h) services will be provided on first come first served basis.

(2) Procedures for application for the Agricultural Machinery Services are—

- (a) application shall be made to the Manager of the Agricultural Machinery Services Station using an application form provided in the Schedule to this Act;
- (b) the application will then be processed according to the laid down terms and conditions;
- (c) on approval of the application the client is requested to pay the required fee in full using a banker's cheque or any other appropriate method;

- (d) upon payment of the required fee the station manager will instruct the field supervisor to assess the work and draw a program for executing the work.

Monitoring and Evaluation by the Committee

11. (1) The Station Manager shall make monthly, quarterly, semi-annual and annual reports to the Committee.

(2) The Committee will monitor and evaluate the performance of the Agricultural Machinery Services Station operations routinely on quarterly basis to ensure compliance with the set standards.

Regulations

12. The Executive Committee Member may make regulations generally for the better carrying into effect of any provisions of this Act.

SCHEDULE
THE COUNTY GOVERNMENT OF WEST POKOT



AGRICULTURE AND IRRIGATION

Telegraphic Address:

Department of Agriculture

Telephone:

P. O. Box 14 - 30600

Fax:

KAPENGURIA

E-mail:cdawestpokot@yahoo.com

When replying, please quote

APPLICATION FOR AGRICULTURAL MACHINERY SERVICES

Serial No.

Sub-County Agricultural Officer/Manager Agricultural Machinery Services
Station.

P.O. Box _____ City/Town _____

(indicate title of addressee as necessary)

Dear Sir,

I wish to apply for Agricultural Machinery services to be carried out on my farm as per my instructions or directions of my authorized representative. In making this application, I certify that I have read and understood the conditions under which the work will be undertaken, as outlined in the application form.

PART I—PERSONAL DETAILS

Full name of the Applicant: (in block letters) _____

Address: P.O. Box _____ Town _____ City _____

1. Telephone Number _____
2. Farm L.R.No. (s) _____
3. ID No. _____
4. Location: _____
5. Ward _____
6. Sub-County: _____
7. Method of payment:
 - (a) Bank/Bankers Cheque _____
 - (b) M-PESA _____
 - (c) Other (specify) _____
8. In accordance with the compulsory requirement, I have attached copies of my National Identity card.
9. Any other information; _____

PART II—WORK DETAILS

The applicant should indicate clearly the type(s) of service required.

1. Farm mapping (with contours) -----hectares
2. Farm survey and layout-----hectares
3. Survey and design for dams, water holes and water pans-----
hectare/No.
4. Dams/water holes/pans construction-----No
5. Terracing/cut off drains -----hectare /km
6. Bush clearing and ripping-----hectares
7. Land levelling-----hectares

8. Low loader hire-----hectares
9. Ploughing/harrowing/planting/ other (specify)-----hectares
10. Forage harvesting and baling
11. Spraying etc.

PART III—MACHINERY, WORKSHOP SERVICES, TRANSPORT AND FARM PLANNING SERVICES

1. Agricultural Machinery Services

Tractor powered operations

- (i) Ploughing
- (ii) Ploughing old land
- (iii) Re-ploughing (new land)
- (iv) Re-ploughing (old land)
- (v) Ridging
- (vi) Harrowing (new land)
- (vii) Harrowing (old land)
- (viii) Tine Cultivation
- (ix) Chisel Cultivation
- (x) Planting - with seed drill
- (xi) Planting – with planter
- (xii) Inter-row Cultivation
- (xiii) Combine Harvesting
- (xiv) Maize shelling per 90kg.bag
- (xv) NB- Charges in KSh./ha to conform with the prevailing market rate
for each season. This will be determined by the Committee

2. Heavy earth moving machinery (Mechanized Soil Conservation Services)

Description:

Agricultural Work Non-Agricultural Work Charges per hour (KSh) :

	Dry Rate	Wet Rate	Dry Rate
(a) Cat D6, Honomag D600C, TD15 and all other 150-170HP	3,020	4,615	7,000
(b) Cat D7, Komatsu D75, TD20E and all other 180HP to 240HP	3,772	5,200	7,500
(c) Cat D8 and Telex 14 and all other above 240HP	4,720	7,000	10,500
(d) Aveling Marshall 140, Cat 12M/ Grader MF 500B and all other 120-149 HP...	2,640	4,000	7,000
(e) Cat D4, TD 11, Bucket loaders and all other 110HP and below	1,960	3,000	5,450
(f) Dragline 160HP.....	3,020	4,615	7,000
(g) Excavator 140HP.....	2,640	4,000	7,000
(h) Earth movement in cubic Meters (m3).....	180	285	310
(i) Compressor.....	1,000	1,570	1,700

Terms and Conditions Applicable to Heavy Earth Moving Machinery under PART III, Section 2 Above:

1. Dry Rate means that the client supplies the consumable inputs namely fuels and lubricants and pays operator allowance. The operator allowance is Ksh.1200 or the respective Government per diem rates, whichever is greater per operational day.

2. Wet Rate means that Agricultural machinery services station supplies the consumable inputs namely fuels and lubricants and it also pays daily staff allowance at the rate of Ksh.1200 or the respective Government per diem rates, whichever is greater per working day.

3. Agricultural work refers to production e.g. bush clearing and ripping, construction of water conservation structures (dam, terraces, etc).

4. Non-Agricultural work refers to earth-engaging activities outside the farm e.g. classified roads, excavation for town development projects, etc.

5. Non-Agricultural Works will be charged on **Dry Rate only** as there will be no provision for Wet Rates.

3. Planning and Design: KSh.

- (a) Dam Survey and Design (perdam)..... 25,000
- (b) Detailed Survey with contours (per ha).....2,000
- (c) Perimeter survey area determination (per ha).....600
- (d) Farm Survey and layout planning (per ha).....4,600

4. Transport Hire:

- (a) Low loader (40 tons capacity) per km.....250
- (b) Operator's allowance per working day 1,000
or the respective Government per diem rates, whichever is greater, per operator.
- (c) Tractor and Trailer for transport rates be calculated based on prevailing market rates or as the Committee may decide.

5. Personal Hire (Daily or part of the day thereof) KShs.

- (a) Professional 5,000
- (b) Technicians 3,500
- (c) Artisans 2,000

6. Proposed Tractor Hire Services Rates 2016 (subject of 80% of the market rates)

Operation	Unit	Rate [Ksh]
1. Ploughing (new land)	Acre	3,000
2. Ploughing (old land)	Acre	2,500
3. Reploughing (old land)	Acre	2,000
4. Re ploughing(new land)		2,000
5. Harrowing (new land)	Acre	1,800
6. Harrowing (old land)		1,800
7. Tine Cultivation	Acre	2,400
8. Chisel Cultivation		8,000
9. Furrowing	Acre	1,000
10. Ridging		1,000
11. Seed Planting	Acre	1,000
12. Seed Drilling	Acre	1,000
13. Inter row Cultivation	Acre	1,600
14. Boom Spraying	Acre	1,000
15. Maize Shelling	Bag	50
16. Transportation	Ton-km	100

NB: The subsidy of services will only apply to services offered to farmers in West Pokot County

**PART V—GENERAL CONDITIONS OF WORK FOR
AGRICULTURAL MACHINERY SERVICES.**

1. The applicant should complete, sign and submit the application Form in duplicate and attach the relevant documents as stipulated therein and return it to the office offering the desired services.
2. For survey and design services only one copy of design map will be given to the applicant. Each extra copy will cost KSh.1200.
3. Station Machinery and other equipment shall not be hired to private contractors.

Terms and Conditions in Respect to Agricultural Machinery Services

1. I am aware of the conditions and charges in force, which have been published and set by the County Government of West Pokot, Department of Agriculture and Irrigation.

2. I understand that payment in respect of jobs under Part III section (1) will be paid for in advance at 100%. I also understand that payment in respect to jobs under section 2, estimated at up to 50 hours, will be paid for in advance in full. Subsequent payments will be made for every tranche of 50 hours of work upon the completion of the previous one and before the continuation of further work on the project (for earth moving machinery).

3. I also understand that payments in respect of all other jobs specified in section (3), (4) and (5) and part IV estimated at KSh. 100,000 or less will be paid for in advance at 100%. Those jobs estimated at more than KSh. 100,000 will be paid for in advance at 70% or KSh. 100,000, whichever is the greater. The balance must be paid before completion of work and not later than (1) month after the completion of work.

4. I understand that the subsequent payments referred to in Part II section 2 must be paid when due otherwise a penalty of KSh 2,000.00 per machine (on site) per day will be charged on me for a maximum of 7 days from the due date. Thereafter the machine(s) deployed in my work will be de-mobilized elsewhere; I further understand that should I require the services to continue after additional payments are made, I will meet the cost of mobilizing and de-mobilizing the equipment back to and from my farm, respectively.

5. I undertake to make this payment failing which I shall be charged interest at the rate of 2% per one (1) month after being invoiced for all unpaid sums, until I make full payment.

6. I understand and do accept the condition that no work will commence until I have filled and signed the required forms and return them to the relevant office with a photocopy of my national identity card (for individuals) and legal identification documents (for firms) as specified above.

7. I also understand and do accept the requirement that no new services will be rendered to me until I clear my previous debts if any.

8. I also understand that if dissatisfied with the quality of service, I can demand stoppage of the work. Nevertheless, I shall pay in full for the work done up to the point of such instruction of withdrawal. It is also a compulsory requirement that the applicant signs a completion of work certificate once work is completed or withdrawal after instructions are given.

Applicant's Date..... Signature.....

Official Stamp/Seal (where applicable)

Witness's Full Name.....

Signature..... Address: P. O. Box.....

Town..... City.....

Date..... Identity Card No.

(a copy of the witness's national identity card must be attached)

For official use only

Application No..... Date received.....

Approved/Not approved..... Date Approved/not approved.....

Job No..... Estimated cost.....

Manager Agricultural Services Station

Name in Full.....

Signature..... Date.....

OFFICIAL GOVERNMENT STAMP:

MEMORANDUM OF OBJECTS AND REASONS

West Pokot is a food deficit county, coupled with high poverty levels that necessitate over 60% of the population to be on relief food. There is urgent need therefore to put in place a strategy and legislation that seek to reverse this scenario.

The Bill seeks to put in place the legal framework that will provide for the establishment and regulation of the Agricultural Machinery Services in the County so as to accelerate the growth and development of Agriculture and thus enhance food security and incomes for farmers.

PART I of the Bill provides for the short title, interpretation and the object of the Act.

PART II of the Bill establishes the Agricultural Machinery Services Management Committee and a station that ensures that farmers get the right services from the office.

PART III of the Bill gives the operational guidelines on the operation of the Agricultural machinery services. It also gives the Executive Committee Member the Power to make regulations to be approved by the County Assembly.

Dated the 2nd February, 2016.

JACKSON KORIKWANGAN,
The Committee Chairperson for Agriculture and Irrigation.