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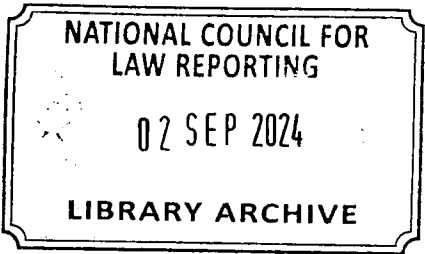
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

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THE HORTICULTURAL CROPS AUTHORITY BILL, 2024

A Bill for

AN ACT of Parliament to provide for the establishment, functions and powers of the Horticultural Crops Authority; regulation of the production, post-harvest handling and marketing of horticultural crops; to provide for the development and promotion of horticultural crops and for connected purposes

ENACTED by Parliament of the Republic of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as be cited as the Horticultural Crops Act, 2024.

Short title.

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

Interpretation.

“aggregation centre” means an area established close to growers for bulking of produce for purposes of collective marketing;

“Authority” means the Horticultural Crops Authority established under section 5;

“Board” means the Board of directors established under section 7;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to crops;

“contract farming” means agricultural production and produce supply carried out on the basis of an agreement between a dealer and a grower;

“dealer” means a person engaged in any commercial activity relating to the propagation of planting materials, collection, transportation, storage or sale of horticultural produce and includes a ship chandler, an exporter, importer, processor or a marketing agent;

“export” means the selling of horticultural produce to any market outside Kenya;

“financial year” means the period of twelve months commencing on the first day of July and ending on the

thirtieth day of June of the subsequent year;

“grower” means a person who cultivates horticultural crops in Kenya and includes a smallholder farmer and a plantation grower;

“import” means to bring into Kenya horticultural produce from another country;

“inspector” means a person appointed as such in accordance with section 40;

“marketing agent” means a person who buys horticultural produce for sale in the domestic market or export market;

“mother block” means an area established for plants, known to be free from diseases and true to type, that is used as a source of clean rootstocks and grafting, budding or propagation materials;

“national horticulture standards” means the Kenyan Horticulture Standards formulated and registered by the Kenya Bureau of Standards in consultation with the Authority and the horticulture industry;

“national horticulture traceability system” means the traceability system as may be approved by the Authority;

“nursery” means an area used for raising and selling horticulture seedlings and includes a tissue culture laboratory, greenhouse, shed net and open field;

“organic production” means a production management practice that seeks to maintain soil fertility and water resources by avoiding the use of chemically synthesized substances that have the potential to negatively affect human health;

“postharvest” means any activity undertaken after harvesting horticultural produce but before consumption of the produce;

“produce” means the harvested part of a horticultural crop and includes roots, tubers, fruits, leafy part, berries and cut flowers;

“produce handling facility” means an area where horticultural produce is assembled for purposes of grading,

sorting, packaging or storage;

“ship chandler” means a person registered and authorized by the Authority to supply horticultural produce to a ship or an aircraft;

“traceability” means the ability to track horticultural produce and a process owner from production to the final consumer and vice versa; and

“value chain” is a set of linked activities that enhance the worth of produce and links producers to processors and markets.

3. The objectives of this Act are to—

Objects of the Act.

- (a) accelerate the growth and development of the horticulture industry;
- (b) enhance productivity and income of farmers and other value chain actors;
- (c) organize and coordinate partners and stakeholders in the horticulture industry;
- (d) attract investment opportunities in the horticulture industry and improve the efficiency of agribusiness services;
- (e) facilitate the export of horticultural produce and products to augment the foreign exchange earnings of the country; and
- (f) safeguard food safety standards.

4. (1) This Act shall apply to—

Application.

(a) any horticultural produce or product—

- (i) grown, processed or marketed in Kenya; and
- (ii) imported to or exported from Kenya; and

(b) any farm, whether privately or communally held.

(2) This Act applies to the horticultural crops set out in the first schedule.

PART II—THE HORTICULTURAL CROPS AUTHORITY

5. (1) There is established an Authority to be known as the Horticultural Crops Authority.

Establishment of the Authority.

(2) The Authority 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 and disposing of movable and immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other matters or acts necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

(3) The headquarters of the Authority shall be in Nairobi City County.

(4) The Authority may establish such branches in Kenya as it may consider necessary for the efficient performance of its functions

6. The functions of the Authority shall be to—

Functions
of the Authority.

- (a) advise the Cabinet Secretary and the horticulture industry on matters relating to the development, promotion, import, export and food safety standards of horticulture;
- (b) regulate growers and dealers of horticultural produce and products;
- (c) determine and advise on research and technology priorities for the horticulture industry through collaboration with private sector and public and private research institutions;
- (d) collect and collate data, maintain a database and disseminate information on horticulture industry for development and promotion of the industry;
- (e) represent the country in national, regional and international fora on horticultural standards, trade, technology and innovations and any other related matters;
- (f) establish and enforce standards for traceability, labeling, packaging, grading, transportation and storage of horticultural produce in compliance with regional and international standards;
- (g) enforce quality and sanitary standards for

horticultural crops;

- (h) advise the Cabinet Secretary on levies, fees and import or export duties related to the horticulture industry; and
- (i) perform any other activity in furtherance of the development of horticultural crops or conducive to the exercise of any of its powers under this Act.

7. (1) The management of the Authority shall vest in a Board of directors consisting of —

Composition of
the Board.

- (a) a Chairman appointed by the President;
- (b) the Principal Secretary responsible for matters relating to crops development or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary responsible for matters relating to trade or a representative designated in writing;
- (e) a County Executive Committee Member responsible for agriculture, nominated by the Council of Governors;
- (f) the Chief Executive Officer who shall be an *ex-officio* member of the board with no voting rights; and
- (g) three persons from the private sector each nominated by a registered horticultural association representing—
 - (i) growers of horticultural crops;
 - (ii) exporters; and
 - (iii) horticulture marketing agents.

(2) The Cabinet Secretary shall ensure that the appointment of members under sub section (1) (g) fulfill, the requirements of gender and regional balance as enshrined in the Constitution.

(3) The chairperson and members appointed under sub section (1) (g) shall serve for a term of three years and shall be eligible for re-appointment for one further and final term

of three years.

8. (1) A person qualifies for appointment under section 7 (1) (g) if the person—

Qualifications
for appointment
to the Board.

- (a) is a citizen of Kenya;
- (b) meets the requirements of Chapter Six of the Constitution;
- (c) holds a degree from an institution recognized in Kenya; and
- (d) has knowledge and experience in agriculture, finance, law, administration, human resource management or such other expertise as the appointing authority may consider relevant.

9. The office of the chairperson or a member of the Board, other than an *ex officio* member, shall become vacant if the chairperson or the member—

Vacation of
office.

- (a) resigns by giving notice in writing to the Cabinet Secretary;
- (b) is absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is adjudged bankrupt or enters into a scheme of arrangement for the benefit of his or her creditors;
- (d) is incapacitated by prolonged physical or mental illness or is otherwise unable or unfit to discharge the functions of the office;
- (e) ceases to represent the interest in respect of which he was appointed to the Board;
- (f) contravenes the provisions of Chapter Six of the Constitution;
- (g) is convicted of a criminal offence; or
- (h) dies.

10. (1) The board shall have the powers necessary for the proper performance of its oversight functions over the Authority in this Act.

Powers of the
Board.

(2) Without limiting the generality of sub section (1), the Board has power to—

- (a) control, supervise and administer the assets of the Authority in such manner as best promotes the

- purposes for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditures and for the reserves of the Authority;
 - (c) receive any grants, gifts, donations or endowments and make legitimate disbursements from the amounts received;
 - (d) approve opening of such banking accounts for its funds as may be necessary;
 - (e) invest any funds of the Authority not immediately required for its purposes in any manner authorized under this Act;
 - (f) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate in furtherance of the purposes for which the Authority is established;
 - (g) appoint the Chief Executive Officer and approve the appointment of senior management;
 - (h) appoint agents for the implementation or performance of any function of the Authority under this Act;
 - (i) lay down policy guidelines for the operations and management of all the funds collected by the Authority; and
 - (j) undertake any other activity necessary for the fulfilment of the Authority's functions.

11. (1) The Board may, for the effective discharge of its functions, establish committees or abolish any such committees as it may deem necessary.

Committees of the Board.

(2) A committee established under this section shall consist of such persons as the Board from time to time appoint.

(3) The Board may co-opt into the membership of a committee any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Authority.

(4) Any person co-opted into a committee may attend the meetings of the committee and participate in its

deliberations, but has no right to vote at the meetings.

(5) The Board may stipulate the manner in which a committee established pursuant to this section shall conduct its functions in relation to meetings of the committee, including the procedure relating to—

- (a) the convening of meetings of a committee;
- (b) the number of members of a committee to constitute a quorum;
- (c) the appointment of a member of the committee to preside at meetings of the committee;
- (d) the manner in which questions arising at a meeting of the committee are to be addressed;
- (e) the voting rights of members of the committee; and
- (f) the disclosure of interest of a member in any matter being considered by the committee.

(6) Any decision made by a committee established under subsection (1) shall be ratified by the Board.

12. (1) The conduct and regulation of the business and affairs of the Board shall be in accordance with the Second Schedule.

Conduct of
business of the
Board.

(2) Except as provided in the Second Schedule, the Board may regulate its own procedures.

13. (1) There shall be a Chief Executive Officer of the Authority who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

The Chief
Executive Officer.

(2) The Chief Executive Officer shall be responsible for—

- (a) the day to day administration of the affairs and operations of the Authority;
- (b) administration, organization and control of staff of the Authority;
- (c) management of funds, property and affairs of the Authority;
- (d) implementation of policies and programmes of the

Authority and reporting thereon to the Board;

- (e) development of operational plans for achieving the objectives of the Authority; and
- (f) performance of any other function necessary for the implementation of this Act, as may be determined by the Board.

(3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years, upon satisfactory performance.

14. A person qualifies to be appointed to the position of a Chief Executive Officer if the person—

Qualifications of
the Chief
Executive Officer.

- (a) holds a bachelor's degree in an agriculture related field from an institution university recognized in Kenya;
- (b) holds a post graduate degree in a relevant field from an institution recognized in Kenya;
- (c) has at least ten years' knowledge and experience in an agriculture related field;
- (d) has at least five years' experience in a senior management position; and
- (e) meets the requirements of Chapter Six of the Constitution.

15. (1) There shall be a Corporation Secretary of the Authority who shall be the secretary to the Board.

Corporation
Secretary.

(2) The terms and conditions of service of the Corporation Secretary shall be determined by the Board in consultation with the Salaries and Remuneration Commission.

16. The Authority shall pay to the board members such remuneration or allowances as may be determined by the Salaries and Remuneration Commission.

Remuneration
of Board
members.

17. (1) No matter or thing done by a member of the Board or any officer, employee or agent of the Authority shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Authority, render the member, officer, employee or agent or any person acting under the directions of the Authority personally liable to any action, claim or demand whatsoever.

Protection from
personal liability.

(2) Despite sub section (1), a member of the Board or any officer, employee or agent of the Authority shall, in the conduct of the affairs of the Authority—

- (a) exercise due diligence in discharge of their functions; and
- (b) be held jointly and severally liable for any loss incurred due to any act done by him and which is contrary to this Act.

18. Section 17 shall not relieve the Authority of the liability to pay compensation to any person for any injury to him, his property or to any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

Liability of the
Authority for
damages.

19. (1) Pursuant to the Fourth Schedule of the Constitution, the county governments shall implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for—

Roles of
county
governments.

- (a) the establishment of fora for coordination of horticulture development partners and service providers;
- (b) mapping and aligning horticulture projects and programmes to existing government policies;
- (c) enforcing national standards on food safety and on the production, handling and marketing of horticultural crops, for local trade;
- (d) collecting and collating production and marketing statistics for planning and sharing with the Authority;
- (e) building the capacity of stakeholders including growers, grower associations and other value chain actors on matters relating to horticulture; and
- (f) facilitating the establishment of infrastructure for horticulture including markets, aggregation centres, transport, processing and storage facilities.

(2) In the execution of the roles specified in sub-section (1), the county governments may cooperate with the Authority in the development, promotion and regulation of

the horticulture industry in accordance with Article 6 (2) of the Constitution.

(3) A county government may, in accordance with this Act and subject to any other law, put in place programmes for ensuring the provision of the following incentives and facilities to growers—

- (a) affordable farm-inputs including quality seeds, planting materials and market linkage; and
- (b) technical support including linkages to research and extension services.

PART III—LICENSING AND REGISTRATION PROVISIONS

20. (1) The Authority shall issue the following licences with regard to horticultural produce and products

Licenses issued
by the Authority

- (a) export licence;
- (b) import licence to importers; and
- (c) processor license for exports.

(2) A person shall not process, import or export horticultural produce or product unless that person is licensed by the Authority.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for licensing under this section and the appeal process in case of refusal or denial of licence.

(4) A licence issued under this section shall remain in force from first of July until the thirtieth of June of the following year, unless earlier cancelled.

(5) A person who contravenes sub section (1) commits an offence and shall upon conviction be liable to a fine not exceeding two million shillings or to imprisonment for term not exceeding three years or to both.

21. (1) A person shall not process horticultural produce for local trade unless that person is licensed by the respective county government.

Licences issued
by county
governments.

(2) The Cabinet Secretary shall prescribe regulations providing for the procedure for licensing under this section

and the appeal process in case of refusal or denial of licence.

(3) A licence issued under this section shall remain in force from first of July until the thirtieth of June of the following year, unless earlier cancelled.

(4) A person who contravenes sub section (1) commits an offence and shall upon conviction be liable to a fine not exceeding two million shillings or to imprisonment for term not exceeding three years or to both.

22. (1) An application for the renewal of a licence shall be made to the Authority or respective county government not later than the first day of the month of March in which the current licence is due to expire.

Application for renewal.

(2) Despite sub section (1), late application for renewal of a licence may be made provided that a late application fee of ten per cent of the prescribed fee is paid to the Authority or county government, as the case may be.

23. (1) A dealer shall not deal in horticultural produce or product unless that person is registered by the Authority or county government in accordance with this Act.

Registration of dealers by the Authority and county government.

(2) The Authority shall register and maintain a list of the following dealers with respect to horticultural produce—

- (a) marketing agents in the export market;
- (b) ship chandlers;
- (c) clearing and forwarding agents;
- (d) nursery operators and mother block operators for the export market;
- (e) horticultural packing facilities for the export market; and
- (f) horticulture associations.

(3) A county government shall register and maintain a list of the following dealers with respect to horticultural produce—

- (a) marketing agents in the domestic market;
- (b) nursery operators, mother block operators and planting material propagators in the domestic market; and

(c) horticultural packing facilities in the domestic market.

(4) The Authority or respective county government shall issue a certificate of registration to an applicant who fulfills the registration requirements prescribed in regulations.

(5) A certificate of registration issued under this section shall remain in force from first of July until the thirtieth of June of the following year, unless earlier cancelled.

(6) A person who contravenes sub-section (1) commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or imprisonment for term not exceeding three years or to both.

24. (1) Every commercial grower shall be registered free of charge by the respective county government for purposes of—

Registration of growers.

(a) continuous data capturing and updating;

(b) production and marketing planning, inputs estimates and financial services; and

(c) quality assurance and traceability.

25. (1) A person shall not pack, process or store horticultural produce and products at premises that are not registered and licensed by the Authority or county government.

Produce packing, processing and storage facilities.

(2) A person who contravenes the provision of this section commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding three years or to both.

PART IV—PRODUCTION AND PROCESSING OF HORTICULTURAL CROPS

26. 1) The Cabinet Secretary may, on the advice of the Authority, establish institutional linkages to coordinate the provision of appropriate technologies, credit, farm inputs and marketing.

Development of horticultural crops.

(2) The Authority shall build the capacity of county officers on horticultural crops production, processing

technology, market potential and prospects for various types of horticultural products.

(3) The Authority in collaboration with county governments and private sector, shall facilitate development of specific crops varieties driven by market and research recommendations.

27. A grower of horticultural produce shall use inputs from a registered source.

Access to quality inputs.

28. The Authority shall register and monitor compliance with the certification scheme of the National Horticulture Standards to ensure conformity of produce and products to the regional and international market requirements.

Certification of National Horticulture Standards.

29. Every flower grower or dealer in flowers shall —

Production of flowers.

(a) adhere to sustainable environmental and water conservation practices; and

(b) safeguard the social welfare of workers.

30. The Authority shall develop guidelines for setting up production structures based on agro ecological zones.

Production technologies for horticulture.

PART V—MARKETING AND PROMOTION

31. The Authority shall, in collaboration with county governments, promote and register all horticultural produce and products produced in accordance with certification marks including geographical indications or regions as a certification mark of origin.

Branding and Geographical indications.

32. (1) The Authority shall coordinate and be the lead agency in the promotion and marketing of horticultural produce and products in regional and international markets.

Development of horticulture markets and market promotion.

(2) The Authority shall, in collaboration with other government agencies, be responsible for collecting and collating horticultural data and market intelligence for advisory and planning purposes,

(3) The Authority shall, in consultation with the other government agencies and county governments, develop strategies that promote private investments in horticulture industry infrastructure.

(4) The county governments shall be responsible for—

- (a) the establishment and improvement of horticulture marketing infrastructure for local trade; and
- (b) collaborating with the Authority, other government agencies and the private sector to facilitate marketing of horticultural produce and products in the domestic markets.

PART VI—FOOD SAFETY AND QUALITY ASSURANCE

33. (1) Every dealer shall ensure that horticultural produce and products conform to quality standards in accordance with this Act.

Monitoring compliance.

(2) The Authority or respective county government shall issue a compliance certificate to a dealer whose produce or product conforms to the prescribed standards.

(3) The Authority shall monitor compliance of horticultural produce and products to the prescribed standards for exports and imports.

34. (1) Every dealer or grower shall, for purposes of food safety, ensure that —

Compliance with food safety standards.

(a) produce and products are handled, graded, packaged transported and stored in a manner that prevents produce contamination;

(b) produce is sourced from production sites that comply with the National Horticulture Standards and other relevant food safety standards;

(c) any personnel handling horticultural produce meets personal hygiene standards as outlined in the national horticulture standards; and

(d) horticultural crops are not grown in dumping sites or sewerage and contaminated water is not used for irrigation or washing produce.

(2) A person who contravenes any provision of this section commits an offence.

35. (1) The Authority may in collaboration with county governments and other government agencies conduct inspection, surveillance and sampling of

Inspections and Surveillance.

horticultural produce at collection centres, aggregation centers, markets, packing and storage facilities to ensure compliance with national, regional and international quality food safety and standards.

(2) Produce found to be contaminated with microbial contaminants, heavy metals or pesticide residues above the limits set in the food safety standards shall be seized and destroyed according to the relevant hazardous waste management laws.

(3) The Authority shall inspect imported produce and products at the importer's registered warehouse prior to distribution to ensure conformity with national, regional and international food safety and quality standards.

(4) A person shall not export or import immature fruit unless authorized by the Authority.

(5) A person who contravenes sub-section (4) commits an offence.

36. (1) A dealer shall ensure produce handling, grading, packaging and storage facilities of horticultural produce at the farm level meet minimum conditions as set out in the regulations made under this Act.

Produce
handling facilities.

(2) A person who contravenes sub-section (1) commits an offence.

37. (1) A person shall use pest control products and fertilizers in accordance with the national horticulture standards and as prescribed by regulations made under this Act.

Safe use of
pesticides and
fertilizers.

(2) A person who contravenes sub section (1) commits an offence.

38. (1) Organic production shall be done in accordance with regulations made under this Act and regional and international standards on organic products.

Organic
production.

(2) The Authority shall certify any horticultural produce or product labelled as "organic".

39. (1) A dealer shall demonstrate produce or product traceability as prescribed in the regulations.

Traceability of
produce.

(2) A dealer in horticultural produce shall adopt the national horticulture traceability system or an equivalent traceability system as may be approved by the Authority.

(3) A person who contravenes any provision in this section commits an offence.

40. (1) The Authority shall appoint qualified persons to be horticulture inspectors for the purposes of monitoring the quality of horticultural produce.

Appointment
of horticulture
inspectors.

(2) A county government may appoint qualified persons to be inspectors for the purposes of monitoring the quality of produce under this Act.

(3) The Authority shall train inspectors on national, regional and international quality standards.

(4) An inspector appointed under this section shall, upon completion of the training in sub section (3), be gazetted by the Cabinet Secretary.

41. (1) For the purposes of this Act, an inspector who has reasonable grounds may at any reasonable time conduct inspection and surveillance of horticultural farms, nurseries, aggregation centres, stores, pack houses, transport vehicles, markets or warehouses to ascertain compliance with the requirements of this Act and may—

Power of entry
and inspection.

- (a) perform the functions or exercise the powers conferred by this Act or any other written law;
- (b) make enquiries or carry out a search to ascertain if this Act is being complied with;
- (c) enter any farm or building occupied by the holder of a licence issued under this Act, or a person registered under this Act;
- (d) seize and remove any article or thing in respect of which the inspector has reasonable grounds for believing that an offence under this Act is being or has been committed; or
- (e) do any other thing authorized under this Act.

(2) The owner or occupier of a farm or premises or a vehicle which is inspected under subsection (1) shall render such reasonable assistance as may be required by the inspector.

(3) A person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (2), or who fails to give any

information reasonably required commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding one year, or both.

PART VII—FINANCIAL PROVISIONS

42. The funds of the Authority shall comprise—

Funds of the
Authority.

- (a) such monies as may be appropriated by the National Assembly for purposes of operations of the Authority;
- (b) all monies received in respect of levies and fees;
- (c) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act; and
- (d) all monies from any other sources provided for or donated or lent to the Authority.

43. (1) The Cabinet Secretary may, by notice in the Gazette, impose a levy to be levied on horticultural exports and imports, to be known as the horticultural crops levy.

Establishment of
levies.

(2) The levy imposed through a notice under subsection (1) shall be collected by the Authority and shall include—

- (a) export levy charged at the rate of one half per centum on the free on board value of any horticultural produce or product other than that which is canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories;
- (b) import levy charged at the rate of four per centum of the free on board value of a horticultural product imported as a finished product ;and
- (c) import levy charged at the rate of two per centum of the free on board value of a horticultural product imported as fresh produce

(3) A person who fails to pay the horticultural crop levy imposed under this Act commits an offence.

44. (1) A county government may, pursuant to the Fourth Schedule of the Constitution, impose cess for—

Taxation
by county
government.

- (a) development of horticultural crops within the county; and
- (b) development and regulation of horticultural market infrastructure within the county.

(2) The cess imposed by a county government under this section shall not in any way prejudice national economic policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

(3) Cess on produce destined for the domestic market shall only be charged by the county from which the produce was grown or processed.

(4) Horticultural produce destined for the export market shall not be charged cess by the county government.

45. The financial year of the Authority shall be the period of twelve months ending on thirtieth of June of every year.

Financial year.

46. (1) At least three months before the commencement of each financial year, the Authority shall cause to be prepared estimates of revenue and expenditure for that financial year.

Annual estimates.

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

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Authority;
- (b) payment of allowances and other charges in respect of members of the Board;
- (c) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority;
- (d) the proper maintenance of the buildings and grounds of the Authority;
- (e) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and

- (f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Authority may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the Cabinet Secretary.

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

Accounts and
Audit.

(2) Within a period of three months after the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority together with—

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

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

No. 12 of 2003

48. (1) The Board may invest any of the funds of the Authority in securities in which, for the time being, trustees may by law invest trust funds, or in any other securities or banks which the National Treasury may, from time to time, approve for that purpose.

Investment of
funds

(2) The Board may place on deposit, with such bank as it may determine, any monies not immediately required for the purpose of the Authority.

PART VIII—GENERAL PROVISIONS

49. (1) Any person aggrieved by the refusal of the Authority to issue any licence or registration certificate, or by any decision of the Authority may within thirty days after being notified of such refusal or decision, appeal to the Cabinet Secretary.

Appeals.

(2) Any person aggrieved by the refusal of the county government to issue any licence or registration certificate, or by any decision of the county government may within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the County Executive Member for that time responsible for matters relating to Agriculture.

50. (1) Where any notice is required by or under this Act or any rules made thereunder to be served—

Service of notices.

(a) on any person, service thereof may be effected either personally on such person, by electronic means, registered post or courier services or any other means approved by the Board; or

(b) where the person to be served is a body corporate or other body of persons, service of any such notice may be effected by serving it personally on any secretary, director or other officer thereof, or by sending it by registered post addressed to the body corporate or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business or by courier services.

51. If an offence under this Act is committed by a body corporate or any other association of individuals, a director, partner or any other person involved in, or acting or purporting to act in the management of its affairs commits an offence.

Offences relating to bodies corporate.

52. Any person who commits an offence under this Act for which no penalty is provided shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months, or both.

General penalty.

53. (1) The Cabinet Secretary may, in consultation with the Authority, make regulations for the better carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations providing for—

- (a) the declaration of scheduled crops;
- (b) the regulation of a scheduled crop including its production, distribution and marketing of the crop;
- (c) the forms and manner of application for licensing and registration under this Act;
- (d) the fees to be paid under this Act;
- (e) food safety and quality standards, including standards for the handling, transportation, labelling, packaging, processing and market of horticultural produce and products;
- (f) the filing of returns by the holders of licences and certificates under this Act;
- (g) the manner of grading and classification of various horticultural produce and products under this Act;
- (h) the measures for maintaining soil fertility including soil testing and regulation of soil salination, chemical degradation and toxic levels in plants;
- (i) the responsible use of agro- chemicals;
- (j) the production, marketing and labelling of organic horticultural produce and products;
- (k) the qualifications for different categories of horticultural inspectors; and
- (l) the prescribing of anything which is to be prescribed under this Act.

PART IX—CONSEQUENTIAL AMENDMENTS

54. The First Schedule to the Crops Act is amended in the manner specified in the Third Schedule.

Amendment to
the First Schedule
No. 16 of 2013

PART X—SAVING AND TRANSITIONAL PROVISIONS

55. All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Agriculture and Food

Rights and
Obligations.

Authority with respect to horticultural crops shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Authority as the case may be.

56. (1) A person who was a member of staff of the Horticultural Crops Directorate, employed by the Agriculture and Food Authority immediately before the commencement of this Act not being under notice of dismissal or resignation or retirement, shall upon commencement of this Act and subject to subsection (3), become a member of staff of the Authority.

Transfer of staff.

(2) Any other member of staff within the Agriculture and Food Authority may upon consideration and appointment by the Authority become a member of staff of the Authority after the commencement of this Act.

(3) The Authority shall organize its structure with the approval of the Board taking into account the functions of the Authority under this Act.

(4) Notwithstanding subsection (1) and (2), if a person does not intend to become a member of staff of the Authority the person shall, within a period of twenty-one days from the appointed day, give notice in writing to the Authority.

(5) The staff pensions fund of Horticultural Crops Development Authority shall on the appointed day vest in the Authority.

57. All funds, assets, and other property, moveable and immovable which immediately before the commencement of this Act was vested in the Agriculture and Food Authority for the use of the Horticulture Directorate, shall with approval of the Cabinet Secretary vest in the Authority, subject to all interests, liabilities, charges, obligations and trusts affecting such funds, assets and property.

Assets and liabilities.

58. (1) Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature in relation to horticultural crops, shall on the commencement of this Act, be read and construed as a reference to the Authority.

Previous authorizations.

(2) All directions, orders and authorizations given, or licences or permits issued, or registrations made by the

Agriculture and Food Authority in relation to horticultural crops, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

59. All legal proceedings and claims pending in respect of actions and activities to which this Act apply shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced by or against the Agriculture and Food Authority had this Act not been enacted.

Pending
proceedings and
claims.

60. Any statutory instrument made or issued under the Crops Act, 2013 in relation to horticultural crops before the commencement of this Act shall be deemed to have been made or issued under this Act in so far as the statutory instrument is not inconsistent with this Act.

Statutory
instruments.

FIRST SCHEDULE**s.4****HORTICULTURAL CROPS****A. FRUIT CROPS**

<i>Common Name</i>	<i>Botanical Name</i>
Apple	<i>Pyrus malus L.</i>
Apricot	<i>Prunus armeniaca</i>
Avocado	<i>Persea spp.</i>
Bananas and plantains	<i>Musa sp.</i>
Berries	<i>Rubus sp.</i>
Bread fruit	<i>Artocarpus altilis</i>
Cape Gooseberry	<i>Physalis peruviana</i>
Carambola	<i>Averrhoa carambola</i>
Cherimoya	<i>Annonacherimola</i>
Chinese pear	<i>Pyrus prunifolia</i>
Citrus	<i>All citrus species</i>
Custard apple	<i>Annona sp.</i>
Date palm	<i>Phoenix dactylifera</i>
Giant granadilla	<i>Passiflora quadrangularis</i>
Goose berries	<i>All species</i>
Grapes`	<i>Viti ssp.</i>
Guava	<i>Psidium guajava</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Litchi	<i>Litchi chinensis</i>
Loquat	<i>Eriobotrya caponica</i>
Mango	<i>Mangifera indica</i>
Melons`	<i>Cucumis melo</i>
Mountain Pawpaw	<i>Carica candanacensis</i>
Mulberries	<i>Morus sp.</i>
Nectarine	<i>.Prunus sp. L.</i>
Passion fruits	<i>Passiflora spp</i>
Pawpaw	<i>Carica papaya</i>
Peach	<i>Prunus persica L.</i>
Pear	<i>Pyrus communis L.</i>
Pineapple	<i>Ananas comosus</i>
Plum	<i>Prunus sppL.</i>
Pomgranate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>

Strawberries	<i>Fragaria chiloensis</i>
Sweetsop (Sugar apple)	<i>Annonas quamosa</i>
Water melon	<i>Citrullus lanatus</i>
White sapote	<i>Casimiroa edulis</i>

B. MEDICINAL AND AROMATIC PLANTS

Common Name	Botanical Name
Aloe	<i>Aloe vera</i>
Artemesia	<i>Artemesia annua</i>
Chia seeds	<i>Salvia hispanica</i>
Salvia	<i>Salvia solaria</i>
Stevia	<i>Stevia rubundiana</i>
Moringa	<i>Moringa oleifera</i>
Jatropha	<i>Jatropha curcus</i>
Stinging nettle	<i>Urtica dioica</i> Linn
Methi	<i>Trigonella foenum-graecum</i>

C. VEGETABLES

Common Name	Botanical Name
African nightshade	<i>Solanum sp.</i>
Amaranth	<i>Amaranthus spp.</i>
Artichoke (globe)	<i>Cynara cardunculus</i> var. <i>scolymus</i>
Jerusalem Artichoke	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet root	<i>Beta vulgaris</i>
Broccoli	<i>Brassica oleracea</i> var. <i>italic</i>
Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemnifera</i>
Cabbage	<i>Brassica oleracea</i> var. <i>capitate</i>
Carrot	<i>Daucus carota</i>
Cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthriscus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum frutescens</i>
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale	<i>Brassica oleracea</i> var. <i>ancephala</i>

Coriander	<i>Coriandrum sativa</i>
Leafy Cowpeas	<i>Vigna unguiculata</i>
Cucumber	<i>Cucumis sativa</i>
Dioscorea	<i>Dioscorea</i> sp.
Dudhi	<i>Lagenaria siceraria</i>
Edible Mushroom	<i>Agaricus species</i>
Eggplants	<i>Solanum melongena</i>
Endive	<i>Cichorium endivia</i>
French beans	<i>Phaseolus vulgaris</i>
Garden cress	<i>Lespidium sativa</i>
Garden pea	<i>Pisum sativum</i>
Grain amaranth	<i>Amaranthus</i> sp.
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoracia rusticana</i>
Jute mallow	<i>Corchorus olitorius</i>
Karela	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea</i> var. <i>gongylodes</i>
Leaf amaranth	<i>Amaranthus</i> sp.
Leek	<i>Allium porrum</i>
Lettuce	<i>Lactuca sativa</i>
Loofah	<i>Luffa cylindrica</i>
Malabar gourd	<i>Cucurbita ficifolia</i> Bouché
New Zealand spinach	<i>Tetragonia expansa</i>
Okra	<i>Hibiscus esculentus</i>
Onion/ garlic	<i>Allium cepa</i>
Parsley	<i>Petroselinum crispum</i>
Parsnip	<i>Pastinaca sativa</i>
Pepper	<i>Capsicum</i> spp.
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkin leaves	<i>Cucurbita</i> sp.
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum raphaniticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Russian comfrey/	<i>Symphytum x uplandicum</i>
Rutabaga	<i>Brassica napobrassica</i>
Slenderleaf	<i>Crotalaria</i> sp.
Snow peas.	<i>Pisum sativum</i> var. <i>saccharatum</i>

Spider plant	<i>Cleome gynandra</i>
Spinach	<i>Spinacea oleracea</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicon</i>
Turnip	<i>Brassica rapa</i>
Vine spinach	<i>Basella alba</i>
Watercress	<i>Nasturtium officinale</i>

D. HERBS AND SPICES

<i>Common Name</i>	<i>Botanical Name</i>
Almond seed	<i>Prunus dulcis</i>
Anise seeds	<i>Pimpinella anisum</i>
Basil	<i>Ocimum basilicum</i>
Bay leaves	<i>Laurus nobilis</i>
Black pepper	<i>Piper nigrum</i>
Cardammon	<i>Elettaria cardamomum</i>
Chives	<i>Allium schoenoprasum</i>
Cinnamon	<i>Cinnamomum verum</i>
Clove	<i>Syzygium aromaticum</i>
Coriander seeds	<i>Coriandrum sativum</i>
Cumin	<i>Cuminum cymium</i>
Dill	<i>Arethum graveolens</i>
Fennel	<i>Foeniculum vulgare</i>
Fenugreek	<i>Trigonella foenum graecum</i>
Garlic	<i>Allium sativum</i>
Ginger	<i>Zingiber officinale</i>
Lemon grass	<i>Cymbopogon citratus</i>
Marjoram	<i>Origanum majorana</i>
Mint	<i>Mentha sp.</i>
Mustard	<i>Brassica juncea</i>
Nutmeg	<i>Myristica fragans</i>
Oregano	<i>Origanum vulgare</i>
Paprika	<i>Capsicum annum</i>
Parsley	<i>Petroselinum crispum</i>
Purslane	<i>Portulaca oleracea</i>

Rosemary	<i>Rosmarinus officinalis</i>
Saffron	<i>Crocus sativas</i>
Sage	<i>Salvia officinalis</i>
Taragon	<i>Artemisia dracunculus</i>
Thyme	<i>Thyrus serpyllum</i>
Turmeric	<i>Curcuma longa</i>
Vanilla	<i>Vanilla planifolia</i>
White pepper	<i>Piper nigrum</i>

E. FLOWERS AND ORNAMENTAL PLANTS

Common Name	Botanical Name
Agapanthus/African Lily	<i>Agapanthus africanus</i> , <i>A.umbellatus</i>
Alstromeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus</i> Sp. eg (<i>Amaranthus acanthochoiton</i>)
Ammi	<i>Ammi</i> spp.
Anthuriums/Flamingo Flower	<i>Anthurium</i> Sp.
Arabicum	<i>Ornithogalum saundersiae</i>
Asparagus Fern	<i>Asparagus</i> Sp. eg (<i>Asparagus aethiopicus</i>)
Asters/Michaelmas Daisy	<i>Aster Sunhelence</i> , <i>Aster Novi-belgii</i>
Astrantia	<i>Astrantia</i> Sp. eg (<i>Astrantia major</i>)
Begonia	<i>Begonia</i> Sp. eg (<i>Begonia obliqua</i>)
Bupleurum	<i>Bupleurum rotundifolium</i> "graffiti"
Callistaphus	<i>Callistaphus</i> Spp.
Carnations	<i>Dianthus</i> Spp.
Carthamus/Safflower/Saffon	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia</i> Sp.
Chrysanthemums	<i>Dendratherma grandiflora</i> <i>/Chrysanthemum</i> Sp.
Craspedia	<i>Craspedia</i> Sp).
Crocasmia	<i>Crocasmia</i> Sp.
Delphinium/Larkspur	<i>Delphinium</i> Sp.
Dianthus	<i>Dianthus</i> Sp.

Dill	<i>Anethum Sp</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops Sp</i>
Eryngium/Sea	<i>Eryngium Sp</i>
Holly/Alphine	
Eucalyptus	<i>Eucalyptus L'H'er)</i>
Freesia	<i>Freesia Sp</i>
Gerbera/Transvaal Daisy	<i>Gerbera Hybrids</i>
Gladiolus/Sword Lily	<i>Gladiolus hybrids</i>
Grass	<i>Cortaderia Sp and Zoysia Spp</i>
Gypsophilla/Baby Breath	<i>Gypsophila paniculata</i>
Species	
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia Sp</i>
Hypericum	<i>Hypericum Sp</i>
Lavernder	<i>Lavunda Sp</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>
Lisianthus/Prairie	<i>Eustoma grandiflorum</i>
Gentian/Wildflower	
Longiflora	<i>Ecapris longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobbydick	<i>Gomphocarpus Sp</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia Sp</i>
Orchids	<i>Cymbidium hybriden</i>
Ornithogalum/Star Of	<i>Ornithogalum Thyrsoides</i>
Bethlehem	
Panicum	<i>Panicum Sp</i>
Papyrus	<i>Papyrus</i>
Pelargonium	<i>Pelargonium Sp.</i>
Pennisetum	<i>Pennisetum Sp.</i>
Phlox	<i>Phlox Speg</i>

Phormium	<i>Phormium Sp</i>
Ranunculus	<i>Ranunculus Sp</i>
Roses	<i>Rosa Hydrida</i>
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersisiae	<i>Ornithogalum saundersiae</i>
Scabiosa	<i>Scabiosa Sp.</i>
Setaria	<i>Setaria Sp.</i>
Solidago/Garden Rod	<i>Solidago gardensis</i>
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium spp.</i>
Strelitzia and hybrids	<i>Strelitzia Sp.</i>
Sunflower	<i>Helianthus annus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla	<i>Zantedeschia Sp.</i>
Lily/Arum Lily	

SECOND SCHEDULE

s.12

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. (1) The Board 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. Meetings

(2) Notwithstanding the provisions of sub paragraph (1), the Chairperson may, and upon request 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.

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

(4) The quorum for the conduct of the business of the Board shall be seven members.

(5) The Chairperson shall preside at every meeting of the Board at which he is present but in his absence, the vice-Chairperson shall preside and shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

(6) In the event of the absence of both the Chairperson and the Vice-Chairperson, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

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

(8) Subject to paragraph (4), no proceeding of the Board shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure

for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact 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.

Disclosure of interest.

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

3. (1) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson and the Chief Executive Officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer.

Common seal.

(2) Despite sub paragraph (1), the Board shall, in the absence of either the Chairperson or the Chief Executive Officer in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

4. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require¹⁰⁰ to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Contracts and instruments.

THIRD SCHEDULE

s.54

CONSEQUENTIAL AMENDMENTS TO THE CROPS ACT, NO. 16 OF 2013

Deleting the following words appearing in the First Schedule

Amaranth	<i>Amaranth spp.</i>
Artichoke	<i>Cynara scolymus</i>
Broad beans	<i>Vicia faba L.</i>
Cluster bean	<i>Cyamopsis tetragonoloba</i>
Asparagus	<i>Asparagus officinalis</i>
Broccoli/Cauliflower	<i>Brassica oleracea var. botrytis L.</i>
Brussels sprouts	<i>Brassica oleracea var. botrytis L.</i>
Cabbage	<i>Brassica oleracea var. capitata L.</i>
Cantaloupe/Muskmelon	<i>Cucumis melo L.</i>
Chirvil	<i>Anthriscus cerefolium</i>
Garden cress	<i>Lespidium sativa L.</i>
Corriander	<i>Coriandrum sativum</i>
Karella	<i>Cucumis spp</i>
Kohlrabi	<i>Brassica oleracea var gongloydes.</i>
Leek	<i>Allium porrum L</i>
Lettuce	<i>Lactuca sativa.</i>
Okra	<i>Hibiscus esculentus L.</i>
Onion	<i>Allium cepa L.</i>
Parsley	<i>Petroselinum crispum (Mill) Nym.</i>
Parsnip	<i>Pastinaca sativa L.</i>
Pea	<i>Pisum sativum L Sensulato</i>
Pepper	<i>Capsicum spp.</i>
Pumpkim/Squash/Courgatte	<i>Cucurbita pepo L.</i>
Radish	<i>Raphanus sativus L.</i>
Rhubarb	<i>Rheum rhaponticum L.</i>
Spinach	<i>Spinacea oleracea L.</i>
Swiss orchard.	<i>Beta vulgaris.</i>
Dill	<i>Arethum graveolens L.</i>
Other flower species	<i>Liliacea, Umbilliferae, Roses, etc</i>
Turnip	<i>Brassica rap L.</i>
Water cress	<i>Nasfurtium officinale Ribr.</i>

Water melon	<i>Citrullus spp.</i>
Guava	<i>Psidium .</i>
Eggplants	<i>Solanum melongena L.</i>
Collards/Kales	<i>Brassica oleracea var ancephala DC.</i>
Cucumber	<i>Cucumis sativus L.</i>
Chinese cabbage	<i>Brassica chinensis L.</i>
Rutabaga	<i>Brassica napobrassica</i>
Carrots	<i>Daucus carota L.</i>
Celery/celeriac	<i>Apium graveolens L.</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps.	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicum</i>
Turnip	<i>Brassica rapa</i>
Beet	<i>Beta vulgaris L.</i>
Watercress	<i>Nasturtium officinale</i>
Guava	<i>Psidium</i>
Indigenous Vegetables	<i>(Blacknightshade, Spider plant , etc)</i>
Fruit trees	<i>(Mangoes, Avocado, Citrus,Pawpaw,etc)</i>

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide for the regulation of the production, post-harvest handling, marketing and processing of horticultural crops, to provide for the development and promotion of horticultural crops and to provide for the establishment, functions and powers of the Horticultural Crops Authority.

PART I of the Bill provides for preliminary matters including the interpretation of key terms, the object of the Act and the application of the Act.

PART II of the Bill provides for the establishment of the Horticultural Crops Authority and the functions of the Authority. It also specifies the composition, functions and powers of the board of the Authority. It also provides for the roles of the county governments in regulating, developing and promoting horticultural crops.

PART III of the Bill provides for the licensing and registration of grower associations, dealers and processors by the Authority and county governments.

PART IV of the Bill provides the production and processing of horticultural crops. It provides for the development of horticultural crops, access to inputs and production technologies for horticulture.

PART V of the Bill provides for the marketing and promotion of horticultural crops. It provides for the registration of horticultural produce and the use of geographical indications in branding and development of horticulture markets.

PART VI provides for food safety and quality assurance. It provides for the safe use of pesticides and fertilizers, organic production of horticultural crops and traceability of produce. It also provides for the appointment of inspectors and the conduct of surveillance and inspections.

PART VII of the Bill provides for financial matters. It stipulates the monies that constitute the funds of the Authority and provides for the preparation of annual estimates, investment of funds and auditing of accounts of the Authority. It also imposes levies on horticultural produce and products.

PART VIII of the Bill provides for general matters. It provides for the appeals against the decisions of the Authority, offences and penalties and the power of the Cabinet Secretary to make regulations.

PART IX of the Bill contains saving and transitional provisions. It provides for the amendment of the Crops Act, 2013. It provides for the

transition of the assets and liabilities and staff of the Agriculture and Food Authority to the Authority.

The First Schedule contains a list of horticultural crops.

The Second Schedule contains provisions as to the conduct of the business and affairs of the Authority.

The Third Schedule contains consequential amendments to the Crops act, No 16 of 2013

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

The Bill delegates legislative powers to the Cabinet Secretary. It does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill affects the functions of the county governments within the meaning of Article 110 of the Constitution and is therefore a Bill concerning counties for purposes of the Standing Orders.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the annual estimates.

Dated the 7th August, 2023.

SABINA WANJIRU CHEGE,
Member of Parliament.

