

SPECIAL ISSUE

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REPUBLIC OF KENYA

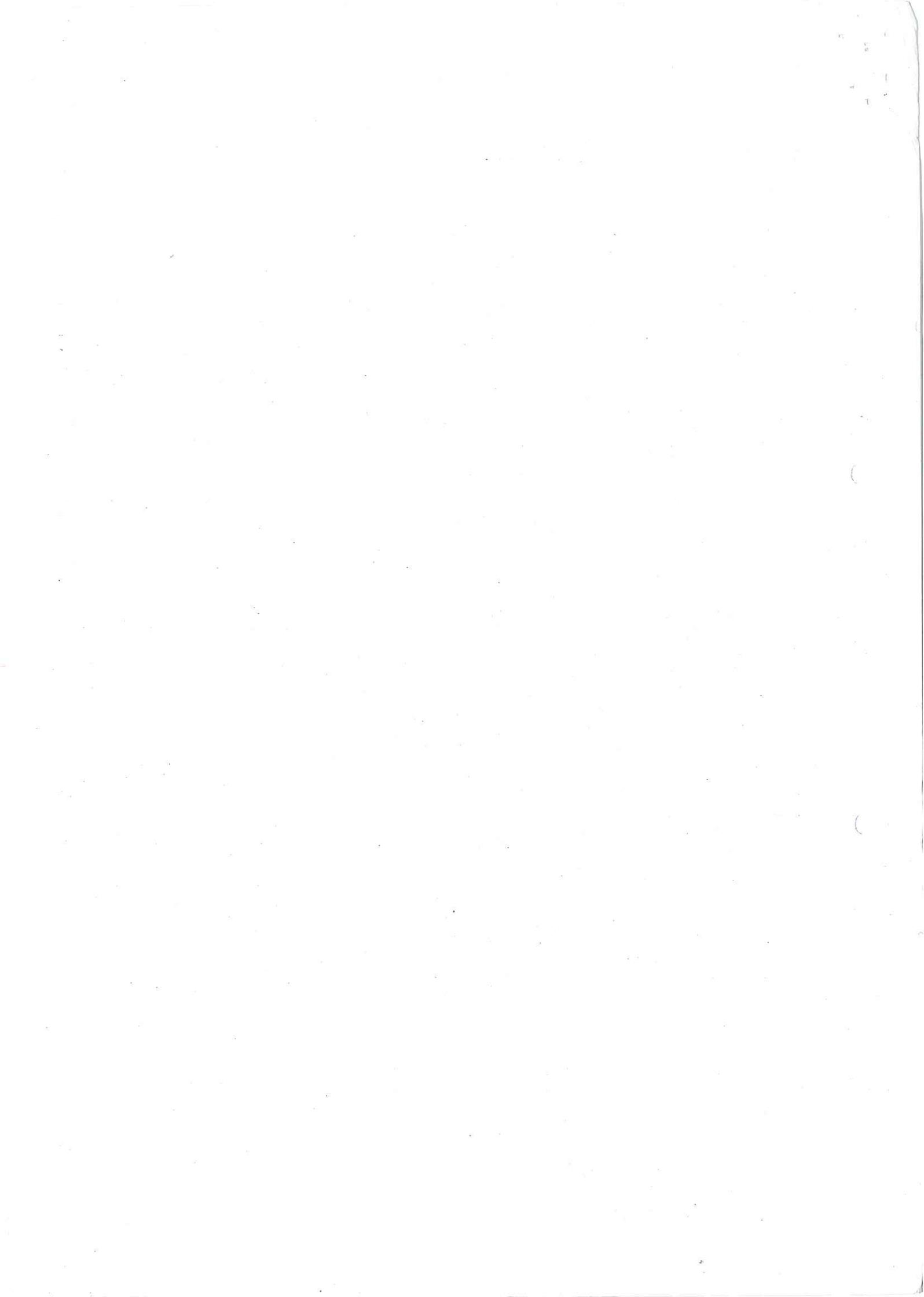
KENYA GAZETTE SUPPLEMENT

ACTS, 2016

NAIROBI, 26th April, 2016

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**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT**

No. 7 of 2016

Date of Assent: 22nd April, 2016

Date of Commencement: 10th May, 2016

**AN ACT of Parliament to make minor amendments to
statute law**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2016. Short title.

2. The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

SCHEDULE

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Land Adjudication Act (Cap. 284).	Long title	Delete the expression “trust land” and substitute therefor the expression “community land”.
	s.2	Insert the following new definitions in proper alphabetical sequence— “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land. “Minister” means Cabinet Secretary.
	s.3(1)	Delete the expression “Trust Land” and substitute therefor the expression “community land”. Delete the expression “county council” appearing in paragraph (a) and substitute therefor the expression “county government”.

s.23(2) Delete the expression “county council” wherever it appears in paragraph (d) and substitute therefor the expression “county government”.

s.23(3) Delete the expression “county council” appearing in sub-paragraph (b) (iii) and substitute therefor the expression “county government”.

Delete the expression “Trust Land” appearing in sub-paragraph (b)(iii) and substitute therefor the expression “community land”.

The Urban Areas and Cities Act, 2011 (No. 13 of 2011).

s. 5 Delete the expression “five hundred thousand” and substitute therefor the expression “two hundred and fifty thousand.

s. 9(3) Delete the expression “two hundred and fifty thousand” appearing in paragraph (a) and substitute therefor the words “between seventy thousand and two hundred and forty-nine thousand”.

Insert the following new subsection immediately after subsection (3)—

“(4) Notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection (3)(a).”

s.10(2) Delete the expression “ten thousand” appearing in paragraph (a) and insert the expression “two thousand”.

New Add the following new section immediately after section 60—

Charges and rates.

61. Until such time as a new law relating to imposition of rates and charges is enacted, urban areas and cities may continue to impose rates and charges under the law for the time being in force in relation thereto with necessary modifications.

The County Governments Act, 2012 (No.17 of 2012).

- s.4(2) Insert the word "Committee" immediately after the word "Executive".
- s.5(2) Delete the words "establishment and staffing of" appearing in paragraph (f) and substitute therefor the words "establishing and staffing".
- s. 26(2) Delete the word "fifteen" and substitute therefor the word "ten".
- s.32(1) Insert the word "First" immediately before the word "Schedule".
- s.38 Insert the word "First" immediately before the word "Schedule".
- s.45(4) Insert the word "the" immediately before the word "exercise".
- s.46(2) Insert the word "departments" immediately after the word "establishing".
- s. 54 Delete subsections (2), (3) and (4) and substitute therefor the following—
- (2) There shall be, for every county, a consultative forum for the co-ordination of development activities consisting of the heads of departments in the county and heads of recognised professional bodies in the county.

(3) The consultative forum shall be chaired by the Governor or in his or her absence, the deputy Governor, and in the absence of both, a member of the county executive committee designated by the governor.

(4) The consultative forum may carry out such other function as may be provided in any county legislation.

- s.59(2) Delete the expression “(1)(a)” and substitute therefor the expression “(1)(b)”.
- s.81(3) Delete the word “the” appearing immediately before the word “subsection” in paragraph (c) and substitute therefor the word “this”.
- s.88(3) Delete the expression “section 88” and substitute therefor the words “this section”.
- s.121(2) Delete the expressions “(a)” and “(e)” appearing in paragraph (i) and substitute therefor the expressions “(b)” and “(f)” respectively.
- First Schedule. Delete the expression “31”, “33” and “39” appearing in the heading and substitute therefor the expressions “30”, “32”, and “38” respectively.
- The
Agriculture,
Fisheries and
Food
Authority Act,
2013 (No. 13
of 2013).
- s.1 Delete the word “Fisheries”.
- s.2 In the definition of “Authority” delete the word “Fisheries”.
- Delete the word “aquaculture” appearing in the definition of the word “agriculture”.
Delete paragraphs (b) and (d) from the definition of the word “agriculture”.

- s.3(1) Delete the word “Fisheries”.
- s.3(3) Delete the words “the Livestock Act and Fisheries Act”.
- s.4(a) Delete the words “and the Fisheries Act”.
- s.4(b) Delete the words “and aquatic”.
- s.4(b) Delete the expression “and the Fisheries Act”.
- s.4(c) Delete the words “and aquatic”.
- s.4(c) Delete the expression “and the Fisheries Act”.
- s.4(d) Delete the words “and aquaculture”.
- s.4(e) Delete the words “and aquatic”.
- s.4(f) Delete the expression “the Fisheries Act”.
- s.5(1) Delete paragraph (a) and substitute therefor the following—
- (a) a non-executive chairman appointed by the President;
- Delete paragraphs (d), (f), (g), (h) and (k).
- Delete paragraph (i) and substitute therefor the following new paragraph—
- (i) eight persons, being farmers representing farmer organizations in the major crop subsectors in Kenya appointed by the Cabinet Secretary in consultation with the Council of County Governors.
- s.5(2) Delete.
- s.5(3) Delete.
- s.5(4) Delete the expression “and (i)” appearing immediately before the word “shall” in the prefatory clause.

Delete paragraph (a) and substitute therefor the following new paragraph—

(a) be a person who—

(i) holds a degree from a university recognized in Kenya; and

(ii) has knowledge and experience in agriculture, finance, law, administration, human resource management or such other expertise as the appointing authority may consider relevant.

s. 10 (1) Delete and substitute therefor the following new sub-section—

(1) There shall be a Director General who shall be the Chief Executive Officer of the Authority to be recruited by the Board of the Authority through a competitive process.

s.10(2) Delete and substitute therefor the following-

(2) The appointment of the Director-General of the Authority under subsection (1) shall be done by the Cabinet Secretary.

s.11 Delete subsections (2) and (5).

s.16 Delete subsections (2) and (3) and substitute therefor the following new subsections—

(2) Notwithstanding the provisions of subsection (1), all levies imposed under the Act on scheduled crops, shall be applied towards the sustenance, development, provision and for the benefit of the crop or sector in respect of which the levies are imposed.

(3) All levies imposed under the Act shall be collected and remitted to the respective directorate responsible for the crops appearing under the First Schedule of the Crops Act and if not remitted on or before the date prescribed by the notice, the amount due shall be a civil debt recoverable summarily by the Authority.

(4) A percentage of any levy imposed under the Act as shall be gazetted by the Cabinet Secretary and which shall not exceed twenty percent of the levy shall be remitted to the Board.

s.22(2) Delete paragraphs (g), (h) and (i).

s.40(1) Delete the words "farmer organisation" and substitute therefor the words "stakeholder organisations".

s.42 Delete and substitute therefor the following new section—

Measurement of
weight

42. The unit of measurement of all crop produce or products subject to regulations made under this Act by the Authority shall be as prescribed for each crop produce or product by the Cabinet Secretary by notice in the Gazette subject to any other law or regulations made under this Act and taking into account international standards.

s.43 Delete and substitute therefor the following new section—

Prohibition of
export of some
new produce

43. A person shall not export raw cashewnuts, pyrethrum, bixa, macadamia or any other agricultural product as may be prescribed, except with the written authority of the Cabinet Secretary.

First Schedule Delete subparagraphs (ix) and (x).

Para. 1 Delete subparagraph (vi) and substitute therefor the following new subparagraph—

(vi) The Pyrethrum Regulatory Authority;

Para. 9 Delete paragraph 9 and substitute therefor the following new paragraph—

9. The Cabinet Secretary may appoint an interim Board to be known as the Interim Management Committee with a Secretariat to undertake the functions of the Authority for a maximum period of one year or until a substantive Board is put in place, whichever is earlier.

The Crops
Act, 2013
(No. 16 of
2013).

s.2 In the definition of “Authority” delete the word “Fisheries”.

s. 8(g) Delete the word “biodiversity” appearing immediately after the words “the National” and substitute therefor the word “Biosafety”.

s.9(3) Delete the words “Authority with the approval of National Assembly” and substitute therefor the words “Cabinet Secretary”.

First Schedule Insert the following new item in Part 3—

Miraa

catha edulis

2016

Statute Law (Miscellaneous Amendments)

No. 6

The Kenya
Agricultural
and Livestock
Research Act,
2013 (No. 17
of 2013).

- s.5(1) Delete the words “marine and fisheries” appearing in paragraph (a).
- s.6(1) Delete paragraph (d), (e), and (h).
- s.6(1) Delete paragraph (i) and substitute therefor the following new paragraph—
- (i) five persons appointed by the Cabinet Secretary, of whom—
 - (i) one shall represent the interests of farmers;
 - (ii) one shall represent the interest of the general public;
 - (iii) one shall be a representative of an institution of higher learning;
 - (iv) two persons co-opted by the Board, who may be non-citizen scientists in the field of agriculture and who possess such knowledge and experience as may be necessary for the better carrying out of the functions of the Board; and
 - (v) the Director-General appointed in accordance with section 14.
- s.6(3) Delete paragraph (b) and substitute therefor the following new paragraph—
- (b) at least two deputy directors who shall include—

(i) the Deputy Director-General
crops; and

(ii) the Deputy Director- General
Livestock.

Delete Paragraph (c).

s.7 Delete paragraph (a) and substitute therefor
the following new paragraph—

(a) be appointed on such terms as the
Cabinet Secretary may determine.

s.15 Delete paragraph (a) and substitute therefor
the following new paragraph—

(a) holds a postgraduate degree or its
equivalent in a relevant area;

s.16 Insert the words “or crops” immediately after
the word “livestock”.

Insert the words “or crops” immediately after
the word “animal” appearing in paragraph
(b).

Delete paragraph (c) and substitute therefor
the following new paragraph—

(c) a postgraduate degree or its
equivalent from a recognised
university;

Delete the word “ten” appearing in paragraph
(d) and substitute therefor the word “five”.

s.32(2) Delete the word “fisheries” appearing in
paragraph (b).

Delete the word “fisheries” appearing in
paragraph (c).

Second Schedule Delete paragraph (c), (q) and (r).

Third Schedule Delete paragraph (e).

Fourth Schedule Delete paragraph (b).

Schedule