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TWELVETH PARLIAMENT – SECOND SESSION 2018
THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON THE CONSIDERATION OF PUBLIC PETITION TO REVIEW CROP ACT NO 16
OF 2013 TO RECOGNIZE BAMBOO AS SCHEDULED CROP

DIRECTORATE OF COMMITTEE SERVICES
CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2018

*Approved
7/6
[Signature]*

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LIST OF ABBREVIATIONS

(INBAR) International Bamboo and Rattan

CHAIRPERSON'S FOREWORD

The Public Petition on review of the Crop Act of 2013 to recognize bamboo as a scheduled Crop was conveyed to the National Assembly by the Speaker on Wednesday 13th December, 2017 pursuant to Standing Order 225(2) and the Petition to Parliament (Procedure) Act, 2012. The petition dated 12th October 2017 prays "that the National Assembly:

- (i) amends the First Schedule under section 7 of the Crop Act of 2013 to recognize bamboo as a scheduled crop
- (ii) Formulates any other relevant law and or regulations which will include Bamboo as a cash crop in Kenya

In considering the petition, the Committee invited the petitioner Mr. Eleri Kawe to present the petition on behalf of Embu Bamboo Farmers Association. The Committee also received a written submission from the Ministry of Environment and Forestry and Kenya Forestry Research Institute. The views of the petitioner and those of the Ministry are incorporated in this report.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules, which enabled us to complete the task.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Agriculture and Livestock to present this report to the House pursuant to the provisions of Standing Order 227 (2).

Signed: **Date:**.....

(HON. EMMANUEL WANGWE, M.P.)

**VICE CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE AND
LIVESTOCK**

EXECUTIVE SUMMARY

This report contains the Committee's proceedings during the hearing of the Public Petition on review of the Crop Act of 2013 to recognize bamboo as a scheduled Crop was conveyed to the National Assembly by the Speaker on Wednesday 13th December, 2017 pursuant to Standing Order 225(2) and the Petition to Parliament (Procedure) Act, 2012. While considering the petition, the Committee noted the following:

- i. Bamboo remains an important and promising resource for livelihood generation for the community and industrial development. It has immense potential added value for development compared to many other forest resources. Moreover, as a plantation crop, bamboo has great prospects for advancing social forestry. It is beneficial to promote bamboo planting for rehabilitating degraded lands and as an alternative source of timber. The root system of bamboo effectively secures the soil mantle. Bamboo is a fast growing woody plant and has the potential to rapidly generate a canopy that protects exposed, barren, or degraded mountainsides.
- ii. Its recognition as a scheduled crop would spur the development of the bamboo industry in Kenya which will draw more attention and resources towards its promotion. However, since there are many species of bamboo, it is imperative that this is done on the basis of species that have been proven to do well in the country and in consideration of the market and value-chains that have been developed in order to avoid loss of investment by the farmers.

Having considered the petition, the Committee was satisfied with the petitioner's submission that Bamboo be recognized as a scheduled crop in the Crops Act of 2013. The Act should be amended to provide for recognition of Bamboo as a scheduled Crop.

1.1 MANDATE OF THE COMMITTEE

The Departmental Committee on Agriculture and Livestock is one of the Fifteen Departmental Committees of the National Assembly established under Standing Order 216 and mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary and as may be referred to them by the House;
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and
- (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

1.2 COMMITTEE MEMBERSHIP

The committee comprises of the following members:-

1. Hon. Adan Haji Ali, M.P.
2. Hon. Emmanuel Wangwe, MP.
3. Hon. Florence Mutua, MP.
4. Hon. Maison Leshoomo, MP.
5. Hon. Silas Kipkoech Tiren, M.P.
6. Hon. Ferdinard Wanyonyi, MP
7. Hon. Francis Munyua Waititu, M.P.
8. Hon. Simba Arati, MP.
9. Hon. Dr. John Kanyuithia Mutunga, M.P.
10. Hon. Yegon Brighton Leonard,MP
11. Hon. Gabriel Kago Mukuha, M.P.
12. Hon. John Paul Mwirigi, M.P.
13. Hon. Adan Haji Yussuf, M.P.
14. Hon. Janet Jepkemboi Sitienei, M.P.
15. Hon. Dr. Daniel Kamuren Tuitoek, M.P.
16. Hon. Joyce Kamene, MP.
17. Hon. Fred Ouda, M.P.
18. Hon. Justus Makokha Murunga, MP.

Chairperson
Vice- Chairperson

1.3 COMMITTEE SECRETARIAT

First Clerk Assistant	-	Ahmad Kadhi
Third Clerk Assistant	-	Nicodemus Maluki
Legal Counsel II	-	Colletah Sigilai
Research Officer III	-	Eric Kariuki
Sergeant At arms	-	Alex Mutuku
Sergeant At arms	-	Faith Makena

1.4 RECOMMENDATION

Having considered the Petition keenly and the prayers sought by the petitioner, the Committee recommends that;

The Cabinet Secretary Gazettes bamboo as a scheduled crop under Section 7 of the Crops Act of 2013

2.0 INTRODUCTION

2.1 Background Information

Article 119 (1) of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. This Particular provision is operationalized by the Petitions to Parliament (Procedure) Act, 2012 and Standing Orders 219 and 220.

The Public Petition on review of the Crop Act of 2013 to recognize bamboo as a scheduled Crop was conveyed to the National Assembly by the Speaker of the National Assembly on Wednesday 13th December, 2017 pursuant to Standing Order 225(2) and the Petition to Parliament (Procedure) Act, 2012. The petition was referred to the Departmental Committee on Agriculture and Livestock for consideration and preparation of a report.

2.2 The Petition

The petitioner wished to draw the attention of the House to the following:-

- i. **THAT**, Bamboo plantations have many environmental benefits because they function as carbon sinks, produce oxygen, control soil erosion, provide organic matter, regulate water levels in watershed areas, conserve biodiversity, beautify the landscape, and essentially contribute to the purification and regulation of the environment and if the Government supports the growing of Bamboo, we shall have found a permanent remedy/solution to our water scarcity, deforestation and general land degradation;

- ii. **THAT**, Bamboo provides a clean and renewable energy alternative in form of charcoal briquettes and wood for domestic and industrial use. On protecting the environment, the bamboo plant is “magic” in mitigating the effects of climate change through rapid reforestation, slowing soil erosion and repairing damaged ecosystems. It should be known that bamboo is the fastest growing plant since in a duration of four (4) years, it reaches maturity and can be sustainably harvested for over 40 years;
- iii. **THAT**, based on the interest raised among Kenyans to farm bamboo as a cash crop, and based on the heightened demand by the global community specifically for industrialization (bamboo fiber is now priced above \$2.9 per kilo); and knowing the wide array of products that are being produced from this wonder plant (socks, shirts, smoothest towels, sweat absorbing panties etc.); and, bamboo having already attracted international companies such as Africa Plantation Capital Limited (part of Asia Plantation Capital), Bidco Company limited (already on the process of constructing a 5 billion Kenya shilling Bamboo production Factory), Tharaka Nthi County Government which has already started the construction of Bamboo processing factory under sponsorship of GreenPot among others;
- iv. **THAT**, bamboo as a crop has high potential and provides opportunities for addressing unemployment and create thousands of jobs along its value chain, starting from seedlings, nurseries, farming, harvesting, cottage industries, industrial usage and post industry impact;
- v. **THAT**, Bamboo farming if well managed, on top of giving farmers an alternative and permanent source of income, is a potentially big foreign revenue stream for both National and County Governments;

- vi. **THAT**, parliament legislates to provide a legal framework which will ensure that farmers are protected from exploitation by would be middlemen, brokers and other players and manufacturers who may want to take advantage of the unregulated industry;
- vii. **THAT**, this plant will address critical concerns which the Government of Kenya has been so much concerned about; the continued degradation and drainage of wetlands (swamps, springs, dams, rivers, lakes, deltas, estuaries, mangroves among others) heightened by human activities resulting to receding wetlands, drying of rivers, destruction of watershed areas and their respective biodiversity.
- viii. **THAT**, the government classifies Bamboo farming as a commercial plant which can be farmed commercially in both small or large scale; **THAT**, the Government will also be responsible in supporting the necessary research whose outcome will benefit the farmers, users and the **country** at large.
- ix. **THAT**, the Government will be required to provide the necessary information, knowledge and material support to Bamboo farmers through the relevant Ministries and departments.
- x. **THAT**, Parliament will prepare and sponsor appropriate Bills, laws , regulations and rules which touches on bamboo cash crop farming and the interrelated environmental protection issues;
- xi. **THAT**, the Government forms an inter-ministerial Agency whose responsibility shall be to oversee the full enforcement of the law, rules and regulations governing the cultivation, exploitation, marketing, exportation and importation of Bamboo raw materials and their products;

- xii. **THAT**, after Bamboo has been included under the first Schedule, the Government takes a leading role in marketing its products internationally;
- xiii. **THAT**, after its inclusion in the first Schedule, the Kenya Government will take its full responsibility in supporting Bamboo farming and will intervene at any stage of its production with a view of enhancing its cultivation and production;
- xiv. **THAT**, the National Assembly, through the Departmental Committee on Agriculture and Livestock
 - i. Urgently amends the First Schedule under section 7 of the Crop Act, 2013 to include Bamboo as a scheduled crop or ;
 - ii. Formulate any other relevant law and or regulations which will include Bamboo as a cash crop in Kenya

3.0 SUBMISSIONS AND EVIDENCE

3.1 PETITIONER- MR. TARATISIO IRERI KAWE

Having been seized of the Petition, the Committee invited the Petitioner for a briefing session on 1st March, 2018. During the meeting, the petitioner informed the Committee as follows:

1. He was presenting the petition on behalf of Embu Bamboo Farmers
2. Bamboo plant was classified as a grass and has many benefits, thus its inclusion in the First Schedule under section 7 of the crops Act, 2013 is justified.
3. Bamboo exhibited numerous environmental benefits including as carbon sinks, produce oxygen, control soil erosion, provide organic matter, regulate water levels in watershed

areas, conserve biodiversity, beautify the landscape, and essentially contribute to the purification and regulation of the environment.

4. Bamboo provides a clean and renewable energy alternative in form of charcoal briquettes and wood for domestic and industrial use. Bamboo is the fastest growing plant maturing in 4 years and can be sustainably harvest for over 40 years.
5. Based on the interest raised among Kenyans on bamboo as a cash crop, and global demand, prices were at \$2.9 per kilo. With finished products such as socks, shirts, smoothest towels, sweat absorbing undergarments. International companies such as Africa Plantation Capital Limited (part of Asia Plantation Capital), Bidco Company limited (Bamboo Production Factory), Tharaka Nthi County Government was establishing a Bamboo processing factory under sponsorship of Green Pot among others.
6. Bamboo provided opportunities for addressing unemployment and job creation along its value chain, starting from seedlings, nurseries, farming, harvesting, cottage industries, industrial usage and post industry impact.
7. Bamboo farming, provided farmers with alternative sources of income, as well as a foreign revenue stream for both National and County Governments.
8. Parliament should provide a legal framework which will ensure that farmers are protected from exploitation by middlemen, brokers and/or manufacturers who may want to take advantage of the unregulated industry.
9. The plant would mitigate environment concerns; the continued degradation and drainage of wetlands (swamps, springs, dams, rivers, lakes, deltas, estuaries, mangroves among others) heightened by human activities resulting to receding wetlands, drying of rivers, destruction of watershed areas and their respective biodiversity.

10. The Government should classify Bamboo farming as scheduled crop to be grown commercially, and support the necessary research whose outcome should benefit the farmers, users and the Nation.
11. The Government should provide information, knowledge and material support to Bamboo farmers through the relevant ministries and departments.
12. Parliament should legislate appropriate Bills, laws, regulations and rules on Bamboo.
13. The Government forms an inter-ministerial Agency whose responsibility shall be to oversee the full enforcement of the law, rules and regulations governing cultivation, exploitation, marketing, exportation and importation of Bamboo raw materials and their products
14. After Bamboo is included under the first Schedule, the Government takes a leading role in marketing its products internationally; take its full responsibility in supporting Bamboo farming and will intervene at any stage of its production with a view of enhancing its cultivation and production

3.2 MINISTRY OF ENVIRONMENT AND FORESTRY

Through his letter to the Committee dated 16th April, 2018 the Cabinet Secretary Ministry of Environment and Forestry submitted the following comments regarding the petition:-

The bamboo plant is made up of an underground axis and above ground axis. The underground axis comprises rhizomes, root, and buds. The above ground axis comprises stems, branches, and foliage. Buds on the rhizomes may develop into shoots that emerge from the ground. The new shoot elongates vertically into a main stem or culm until it attains its full height. The growth of a culm is completed in one growing season. In large bamboo species, new culms may grow to a height of more than 20 meters within 3 months.

Silvicultural management of bamboo is heavily based on its growth habit, particularly the way the underground rhizome develops leading to the formation of culms. Effective management involves systematic, but selective cutting of mature culms, thereby harvesting a crop that is valuable and useful. The removal of mature culms also maintains the vigour of the plant and allows for the continuous generation of new shoots. Two main systems of rhizome formation are predominant in bamboos, namely clump forming rhizomes and running or creeping rhizomes. Clump forming bamboos have rhizomes that exhibit a *sympodial* branching pattern. Running bamboos, on the other hand, have rhizomes with a *monopodial* branching pattern.

Table 1. Bamboo species introduced into Kenya.

Botanical Name	Form of Introduction	Origin
<i>Bambusa bambos</i>	Seed	Thailand and India
<i>Bambusa nutans</i>	Offsets	India
<i>Bambusa tulda</i>	Seed	Thailand and India
<i>Bambusa vulgaris</i>	Offsets	India
<i>Bambusa vulgaris Vitatta</i>	Cuttings	Asia
<i>Cephalostachyum pergracile</i>	Seed	Thailand
<i>Dendrocalamus asper</i>	Offsets	India
	Tissue Culture	Belgium
<i>Dendrocalamus brandisii</i>	Seed	Thailand
	Seed	India
<i>Dendrocalamus hamiltonii</i>	Cuttings	India
<i>Dendrocalamus membranaceus</i>	Seed	Thailand
<i>Dendrocalamus strictus</i>	Seed	Thailand and India
<i>Oxytenanthera abyssinica</i>	Seed	Zimbabwe and Sudan
<i>Oxytenanthera abyssinica</i>	Offsets	Zimbabwe
<i>Phyllostachys nigra var. henonis</i>	Offsets	Asia
<i>Phyllostachys pubescens</i>	Seed	Japan
<i>Shibataea kumasaka</i>	Offsets	Asia
<i>Thyrsostachys siamensis</i>	Seed	Thailand

a. Uses of Bamboo

Bamboo can be put to many uses, most of which have not been locally developed. The following are a few uses that could locally be developed for the benefit of the farmers.

- i. **Fencing** is the most common use of bamboo in Africa and throughout the tropics, particularly for homesteads and farms as a protection against grazing.
- ii. **Farming** has continued to make use of bamboo particularly as props or supports for horticultural crops like peas, flowers, and bananas. In addition, many farm tools are made from bamboo.
- iii. **Construction and Scaffolding** are well known important uses of bamboo in Asia. Large and strong bamboos have a high potential use as scaffolding and construction material throughout tropical Africa. The use of bamboo in reinforced concrete in buildings of various designs, sizes and uses is on the rise. For general construction purposes, only mature bamboo culms that are at least 3 years old should be used.
- iv. **Handicraft** is a traditional use of bamboo in Asian and African countries. Bamboo culms are split into strips and slivers and handcrafted into numerous products. Tea picking, fruit and laundry baskets are common products. In some countries, mat making is very common and provides livelihood to many communities. Other handicraft items include toys, ornaments, containers, musical instruments and various household products.
- v. **Production of edible bamboo shoots** is more common in oriental countries especially China, Japan, Taiwan and Thailand. Shoots of *Yushaniaalpina* are consumed by communities around Mount Elgon in Uganda and to a lesser extent, in Kenya. In other countries in Africa there are niche markets for bamboo shoots. Many hotels and Asian restaurants around Africa serve bamboo shoots as vegetable dishes. Some bamboo species recently introduced in East Africa produce good quality shoots. These include

Phyllostachyspubescens, *Dendrocalamusasper*, *D. hamiltonii*, and *Thyrsostachyssiensis* among others.

- vi. **Bamboo Furniture** production is widespread in Asia and is on the rise in Africa. Bamboo furniture such as chairs, sofa sets, and beds are relatively low priced compared to timber products. They are particularly suitable for tourism and household uses.
- vii. **Bamboo panels and particle boards** are important applications in Asia with a strong potential in Africa. Asian countries have produced designs that are, marketed worldwide. The technologies and machinery for manufacturing such products are readily available from China, Taiwan, and India. Production of bamboo panels and particleboard in Africa could reduce pressure on natural forests.
- viii. **Pulp and paper production** using bamboo is an age old occupation in China, where paper was originally handmade. Countries such as China, India, and Brazil produce significant amounts of pulp and paper from bamboo. Bamboo paper is sometimes blended with other species such as eucalypts.
- ix. **Biomass from bamboo** has comparable energetic value to wood. Bamboo can be used as an alternative to fuel wood, and it can be transformed into charcoal, briquettes, activated carbon and biodiesel. The increased use of bamboo as bio fuel can play an important role in reducing pressure on the slower growing trees.

3.3 Kenya Forestry Research Institute

Through the letter by the Principal Secretary, the Kenya Forestry Research Institute submitted the following comments on the petition:-

- i) Bamboo is classified as a grass but its management has over the years been under forestry Organizations. This is occasioned by its uses and the major function in the forest sector is the protection of water catchment areas. Bamboo is used in the building and

construction industries, food, beverage, pharmaceuticals, textile, beauty, energy and water sector etc.

- ii) Only one bamboo species, *Arundinaria Abyssinica* (alpine) that grows naturally in Kenya above altitude of 23000 feet above sea level. Since 1980's the Kenya Forestry Research Institute has introduced lowland bamboo species from East Asia where some of these species are performing well on farms and public lands. Many counties such as Migori, Busia, Tharaka Nithi, Kirinyaga, Laikipia, Vihiga, Narok and Kakamega have attained some meager coverage of lowland bamboo.
- iii) Provision of clear policy and legislation specifically for bamboo has been slow and this has hampered growth of bamboo for both industrial and domestic uses. For example:
 - a) The Forest Act of 1964 referred to bamboo as a minor forest product and only considered indigenous bamboo species growing in natural forests and on farms.
 - b) The Forest Act 2005 did not mention bamboo but the Forest Conservation and Management Act of 2016 only mentions bamboo in Part II under Financial Provisions, and section 25 part(c) where bamboo is mentioned on development expenditure estimates for timber and bamboo plantation and recreational tourism in public forests. Bamboo has ability to grow fast and to restore degraded landscapes at a relatively fast rate. Bamboo is also good for water purification hence good for urban forestry.
 - c) The National Forest Policy 2016 only mentions bamboo development under 1.2.1 historical perspectives where it states that bamboo was cleared in 1940s to create spaces for pine and cypress plantation.

- d) The former Ministry of Environment and Natural Resources, Kenya Forestry Research Institute, Ministry of Agriculture, Non Governmental Organizations and other stakeholders participated in a Multi - sector bamboo policy development in 2016 with support from the International Bamboo and Rattan (INBAR) network. This meetings ended up with a draft policy for Bamboo.
- e) In the absence of a specific Act of Parliament, Regulation and Policy dispensation for the growth of bamboo sector, the Agricultural Act 386 and the Farm Forestry Rules 2009 have as well with forest Act 2005 and Forest Conservation and Management Act 2016; referred specific cases of 10% tree cover and the Tree Seeds Regulation, and the same can be applied in the case of bamboo.
- f) Kenya Research Forestry Institute urges the Ministry of Environment and Forestry to take up this challenges and lead the development of commodities in the Environment and Forestry Sector. The Sector only deals with one commodity, wood/timber/tree yet the sector can developed to provide many commodities including bamboo for economic growth.
- g) Bamboo should be recognized as a scheduled crop within the Crop Act No. 16 of 2013.

4.0 COMMITTEE'S OBSERVATIONS

Upon analyzing the petition and through interaction with the petitioner and submissions from the Ministry of Environment and Forestry the Committee made the following observations:

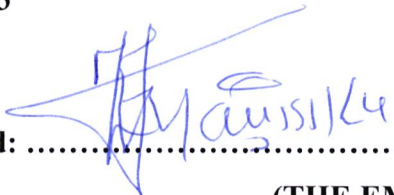
- i. Unlike other crops bamboo is not labour intensive
- ii. Bamboo has plenty of uses – construction, furniture, source of fuel , medicine, matchsticks, toothpicks among others

- iii. Bamboo remains an important and promising resource especially for rehabilitating degraded lands and as an alternative source of timber.
- iii. Its recognition as a scheduled crop would spur the development of the bamboo industry in Kenya as this will draw more attention and resources towards its promotion.
- iv. There are many species of bamboo, it is imperative that this is done on the basis of species that have been proven to do well in the country and in consideration of the market and value-chains that have been developed in order to avoid loss of investment by the farmers.

5.0 COMMITTEE RECOMMENDATIONS

Having considered the Petition keenly and the prayers sought by the petitioner, the Committee recommends that;

The Cabinet Secretary Gazettes bamboo as a scheduled crop under Section 7 of the Crops Act of 2013

Signed:  Date: *06/06/18*

(THE EMMANUEL WANGWE, M.P.)

VICE - CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

MINUTES OF THE 11TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK HELD ON THURSDAY 1ST MARCH, 2018 IN THE COMMITTEE ROOM 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00AM

PRESENT

- | | |
|--|-------------------|
| 1. Hon. Adan Haji Ali, M.P. | Chairperson |
| 2. Hon. Emmanuel Wangwe, MP. | Vice- Chairperson |
| 3. Hon. Ferdinard Wanyonyi, MP | |
| 4. Hon. Maison Leshoomo, MP. | |
| 5. Hon. Florence Mutua, MP. | |
| 6. Hon. Dr. Daniel Kamuren Tuitoek, M.P. | |
| 7. Hon. Gabriel Kago Mukuha, M.P. | |
| 8. Hon. Fred Ouda, M.P. | |
| 9. Hon. Justus Makokha Murunga, MP. | |
| 10. Hon. Adan Haji Yussuf, M.P. | |
| 11. Hon. Yegon Brighton Leonard,MP | |
| 12. Hon. Janet Jepkemboi Sitienei, M.P. | |
| 13. Hon. Joyce Kamene, MP. | |

APOLOGY

1. Hon. John Paul Mwirigi, M.P.
2. Hon. Silas Kipkoech Tiren, M.P.
3. Hon. Simba Arati, MP.
4. Hon. Dr. John Kanyuithia Mutunga, M.P.
5. Hon. Francis Munyua Waititu, M.P.

IN- ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|-----------------------|
| 1. Mr. Ahmad Kadhi | - | First Clerk Assistant |
| 2. Mr. Nicodemus Maluki | - | Third Clerk Assistant |
| 3. Ms. Colletah Sigilai | - | Legal Counsel |
| 4. Ms. Rose Ometere | - | Audio Officer |
| 5. Ms. Alex Mutuku | - | Sergeant At – Arms |

PETITIONERS (EMBU BAMBOO FARMERS SACCO)

- | | | |
|-----------------------------|---|-----------|
| 1. Mr. Eliud Nthiga | - | Chairman |
| 2. Mr. Taratisio Ileri Kawe | - | Treasurer |
| 3. Mr. Macws Mwara | - | Member |

MIN.NO. DC/ALF/ 043 /2018: PRELIMINARIES

The Chairperson called the meeting to order at 10.15 am followed by prayers from the Hon. Justus Makokha Murunga, MP. He further requested all present to make self-introduction and thereafter the agenda of the day was adopted as follows:-

- i. Brief from the legal Counsel on the petition to amend the Crop Act of 2013 to include bamboo in the First Schedule*
- ii. Meeting the petitioners to brief on the petition to amend Crop Act of 2013 to include bamboo in the First Schedule*
- iii. Consideration of the Warehouse Receipts Systems Bill, 2018*

MIN. NO. DC/ALF/044/2018 – CONFIRMATION OF MINUTES

The minutes of the previous meetings were confirmed as follows:-

1. Minutes of the 4th Sitting held on **Wednesday 7th February 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Dr. Daniel Kamuren Tuitoek, M.P and Seconded by the Hon. Janet Jepkemboi Sitienei, M.P.
2. Minutes of the 5th Sitting held on **Thursday 15th February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Dr. Daniel Kamuren and Seconded by the Hon. Florence Mutua, MP.
3. Minutes of the 6th Sitting held on **Monday 19th February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Gabriel Kago Mukuha, M.P. and Seconded by the Hon. Joyce Kamene, MP.
4. Minutes of the 7th Sitting held on **Tuesday 20th February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Adan Haji Yussuf, M.P. and Seconded by the Hon. Yegon Brighton Leonard, MP.
5. Minutes of the 8th Sitting held on **Wednesday 21st February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Yegon Brighton Leonard,MP and Seconded by the Hon. Joyce Kamene, MP.
6. Minutes of the 9th Sitting held on **Thursday 22nd February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Florence Mutua, MP and Seconded by the Hon. Adan Haji Yussuf, M.P.
7. Minutes of the 10th Sitting held on **Friday 23rd February, 2018** were confirmed as a true record of the proceedings after being proposed by the Hon. Gabriel Kago Mukuha, M.P.and Seconded by the Hon. Yegon Brighton Leonard, MP.

MIN.NO.DC/ALF/045/2018: MATTERS ARISING

Under Min. No. 029 /2018 the Committee deliberated on its earlier resolutions during the meeting with the Cabinet Secretary, Ministry of Agriculture and Irrigation on Monday 19th February, 2018. The Committee was concerned that none of the resolutions had been implemented by the Ministry as agreed during the said meeting. The secretariat was requested to communicate to the Ministry reminding them of the resolutions of that meeting.

MIN. NO. DC/ALF/ 046 /2018: BRIEF ON THE PETITION ON REVIEW OF THE CROP ACT TO RECOGNIZE BAMBOO AS SCHEDULED CROP BY THE LEGAL COUNSEL

The Committee was informed that: -

Public Petitions were governed by Article 119 of the Constitution, the Petitions to Parliament (Procedure) Act, 2012 and the National Assembly Standing Orders. The Petitioner petitioned the National Assembly to amend section 7 of the Crop Act No. 16 of 2013 to include Bamboo plant as a scheduled crop under the First Schedule.

The petitioner stated that the bamboo plant had been naturally growing in various parts of the country, though its potential had not been fully utilised. The petitioner appreciates that if fully utilized, bamboo plant can form a strong pillar of Kenya's future green economy. The petitioner also indicated that, some of the benefits of the bamboo plant include; medicinal value, livestock fodder, nutritional value, chemical value, environmental benefits and economic value.

The Committee was further informed that scheduled crops were, "***any of the crops listed under the First Schedule and includes such other crop as the Cabinet Secretary, on the advice of the Authority, may declare to be a scheduled crop under section 7***"

Section 7 of the Act providing for Declaration of scheduled crops states—

- (1) *The crops specified in the First Schedule are scheduled crops for purposes of this Act.*
- (2) *The Cabinet Secretary may, by notice in the Gazette, declare any other crop to be a scheduled crop for purposes of this Act.*
- (3) *the notice under subsection (2) shall prescribe development and regulation measures with respect to each scheduled crop."*

Members noted that the benefits of scheduled crops were;

- i. Promotion by the Authority - The Authority is mandated under section 8 to promote scheduled crops
- ii. Access to Commodity Fund - Further the Act establishes a Commodity Fund used to provide sustainable affordable credit and advances to farmers for farm improvement; farm inputs; farming operations; price stabilization and any other lawful purpose

approved by the Authority.

- iii. Regulation by the Authority - The Authority regulates all aspects of scheduled crops with a view to—
- a) promoting productivity;
 - b) facilitating the provision of farm inputs;
 - c) promoting trade and access to markets;
 - d) facilitating provision of infrastructure;
 - e) providing post-harvest services and technology;
 - f) facilitating the collection of farm products and storage;
 - g) training of farmers and provision of extension services;
 - h) providing of incentives to farmers;
 - i) availing credit facilities; and
 - j) value addition.

MIN.NO.DC/ALF/047/2018: SUBMISSION BY THE PETITIONER (MR. ERERI KAWE)

The chairperson invited the petitioner to the Committee. During the presentation, the Members were briefed as follows: -

1. Bamboo plant was classified as a grass and had many benefits, thus its inclusion in the First Schedule under section 7 of the crops Act, 2013 is justified.
2. Bamboo exhibited numerous environmental benefits including as carbon sinks, produce oxygen, control soil erosion, provide organic matter, regulate water levels in watershed areas, conserve biodiversity, beautify the landscape, and essentially contribute to the purification and regulation of the environment.
3. Bamboo provides a clean and renewable energy alternative in form of charcoal briquettes and wood for domestic and industrial use. Bamboo is the fastest growing plant maturing in 4 years and can be sustainably harvest for over 40 years.
4. Based on the interest raised among Kenyans on bamboo as a cash crop, and global demand, prices were at \$2.9 per kilo. With finished products such as shocks, shirts, smoothest towels, sweat absorbing undergarments. International companies such as Africa Plantation Capital Limited (part of Asia Plantation Capital), Bidco Company limited (Bamboo Production Factory), Tharaka Nthi County Government was establishing a Bamboo processing factory under sponsorship of Green Pot among others.

5. Bamboo provided opportunities for addressing unemployment and job creation along its value chain, starting from seedlings, nurseries, farming, harvesting, cottage industries, industrial usage and post industry impact.
6. Bamboo farming, provided farmers with alternative sources of income, as well as a foreign revenue stream for both National and County Governments.
7. Parliament should provide a legal framework which will ensure that farmers are protected from exploitation by the middlemen, brokers and/or manufacturers who may want to take advantage of the unregulated industry.
8. The plant would mitigate environment concerns; the continued degradation and drainage of wetlands (swamps, springs, dams, rivers, lakes, deltas, estuaries, mangroves among others) heightened by human activities resulting to receding wetlands, drying of rivers, destruction of watershed areas and their respective biodiversity.
9. The Government should classify Bamboo farming as scheduled crop to be grown commercially, and support the necessary research whose outcome should benefit the farmers, users and the Nation.
10. The Government should provide information, knowledge and material support to Bamboo farmers through the relevant ministries and departments.
11. The Parliament should legislate appropriate Bills, laws, regulations and rules on Bamboo.
12. The Government forms an inter-ministerial Agency whose responsibility shall be to oversee the full enforcement of the law, rules and regulations governing the cultivation, exploitation, marketing, exportation and importation of Bamboo raw materials and their products
13. After Bamboo is included under the first Schedule, the Government takes a leading role in marketing its products internationally; take its full responsibility in supporting Bamboo farming and will intervene at any stage of its production with a view of enhancing its cultivation and production

Committee Observations

1. The committee noted that there was need to seek the views of the Ministry of Agriculture and irrigation especially the views from the newly established State Department of

Agricultural Research and Agriculture and Food Authority (AFA) on the inclusion of Bamboo to the First Schedule.

2. The Committee should also seek views of the Ministry of Environment and Natural Resources on the environmental benefits of bamboo plant.
3. A comprehensive research on the bamboo growing countries like; Ethiopia, Japan and China should be done to help the Committee prepare its report.

MIN.NO. DC/ALF/048 /2017: ANY OTHER BUSINESS

1. The Chairperson informed the Committee that the International Livestock Research Institute (ILRI) had invited the Committee to participate in a stakeholder dissemination meeting on 9th March, 2018 at ILRI Campus Nairobi. The Committee nominated the Hon. Dr. Daniel Kamuren Tuitoek, M.P, Hon. Yegon Brighton Leonard, MP and the Hon. Gabriel Kago Mukuha, M.P respectively.
2. In order to allow Members to participate/ attend other scheduled weekly Committee meetings, it was unanimously resolved to be holdings meetings for only one hour. Members were urged to observe time in the next meeting.

MIN.NO. DC/ALF/049 /2017: ADJOURNMENT

The Chairperson adjourned the meeting at 12.05 pm.

Signed.....

(Vice - Chairperson)

Date.....06/06/2019

MINUTES OF THE 33RD SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK HELD ON TUESDAY 22ND MAY, 2018 IN ENGLISH POINT MOMBASA AT 9.00AM

PRESENT

- | | |
|--|-------------------|
| 1. Hon. Adan Haji Ali, M.P. | Chairperson |
| 2. Hon. Emmanuel Wangwe, MP. | Vice- Chairperson |
| 3. Hon. Dr. Daniel Kamuren Tuitoek, M.P. | |
| 4. Hon. Janet Jepkemboi Sitienei, M.P. | |
| 5. Hon. Maison Leshoomo, MP | |
| 6. Hon. Silas Kipkoech Tiren, M.P. | |
| 7. Hon. John Paul Mwirigi, M.P. | |
| 8. Hon. Gabriel Kago Mukuha, M.P | |
| 9. Hon. Adan Haji Yussuf, M.P. | |

APOLOGIES

1. Hon. Ferdinand Wanyonyi, MP
2. Hon. Simba Arati, MP.
3. Hon. Florence Mutua, MP.
4. Hon. Yegon Brighton Leonard,MP
5. Hon. Justus Makokha Murunga, MP
6. Hon. Dr. John Kanyuithia Mutunga, M.P.
7. Hon. Joyce Kamene, MP.
8. Hon. Francis Munyua Waititu, M.P.
9. Hon. Fred Outa, MP

IN- ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|-----------------------|
| 1. Mr. Nicodemus Maluki | - | Third Clerk Assistant |
| 2. Mr. Omar Abirahim | - | Fiscal Analyst |
| 3. Ms. Colletah Sigilai | - | Legal Counsel |
| 4. Ms. Rose Ometere | - | Audio Officer |
| 5. Mr. Alex Mutuku | - | Sergeant At- Arms |
| 6. Ms. Bishara Jimale | - | Secretary |
| 7. Ms. Sharon Aleyo | - | Office Assistant |

MIN.NO. DC/ALF/ 132 /2018: PRELIMINARIES

The Vice - Chairperson called the meeting to order at 9.15am and prayed.

MIN.NO. DC/ALF/133/2018: CONSIDERATION OF THE REPORT ON PETITION TO AMEND CROPS ACT OF 2013 TO INCLUDE BAMBOO AS A SCHEDULED CROP

The Committee was taken through the report and resolved to recommend that the Cabinet Secretary, Ministry of Agriculture and Irrigation gazettes' Bamboo as a scheduled Crop as stipulated in Section 7 of the Crops Act of 2013.

This was occasioned by the fact that there are many species of bamboo and it will be imperative that scheduling is done on the basis of species that have been proven to do well in the country and in consideration of the market and value-chains that have been developed in order to avoid loss of investment by the farmers.

MIN.NO. DC/ALF/ 134/2018: ANY OTHER BUSINESS

The Committee raised concerns over the challenges facing the operations of the National Cereals Produce Board (NCPB) and resolved to invite the Cabinet Secretary to brief on the Forensic Audit Report on the fertilizer subsidy and the procurement of maize by the board from the farmers and any other matter that may be relevant to the Committee in relation to the operations of NCPB ON Thursday 24th May, 2018 AT 10.00am.

MIN.NO. DC/ALF/ 135/2018: ADJOURNMENT

The Chairperson adjourned the meeting at 12.40pm

Signed.....

Date..... Vice (Chairperson)








DEPARTMENTAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES

MEMBERS ATTENDANCE REGISTER

DATE	VENUE	AGENDA	NAME	TITLE	TIME	SIGNATURE
11/03/2018	11th Floor	CONSIDERATION OF PETITIONS TO REVIEW CRIP ACT TO INCLUDE BANBOS	Hon. Adan Haji Ali, M.P.	Chairman	10:00AM	
			Hon. Emmanuel Wangwe, MP.	Chair		
			Hon. Simba Arati, MP.			
			Hon. Ferdinand Wanyonyi, MP	MP		
			Hon. Maison Leshoomo, MP.			
			Hon. Florence Mutua, MP	Member		
			Hon. Silas Kipkeoch Tiren, M.P.			
			Hon. Gabriel Kago Mukuha, M.P.	Member		
			Hon. John Paul Mwirigi, M.P.			
			Hon. Adan Haji Yussuf, M.P.	Member		
			Hon. Janet Jepkembai Siteni, M.P.	Member		
			Hon. Francis Munyua Waititu, M.P.			
			Hon. Dr. John Kanyuthia Mutunga, M.P.			
			Hon. Dr. Daniel Kamuren Tuitook, M.P.	Member		
			Hon. Fred Ouda, M.P.	Member		
			Hon. Joyce Kamene, MP.	Member		
			Hon. Justus Makokha Murunga, MP.	Member		
			Hon. Yegon Brighton Leonard, MP	Member		

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

MEMBERS ATTENDANCE REGISTER

DATE	VENUE	AGENDA	NAME	TITLE	SIGNATURE
22/5/2018					
		CONSIDERATION OF THE REPORTS ON A PETITION TO REVIEW THE CROP ACT NO. 16 OF 2013 TO RECOGNIZE BAMBOO AS SCHEDULED CROP			
			1 Hon. Adan Haji Ali, M.P.	Chair Person	
			2 Hon Emmanuel Wangwe, MP.		
			3 Hon. Simba Arati, MP.	Chair	
			4 Hon. Ferdinand Wanyonyi, MP		
			5 Hon. Maison Leshoomo, MP.		
			6 Hon. Florence Mutua, MP	Member	
			7 Hon. Silas Kipkoech Tiren, M.P.		
			8 Hon. Gabriel Kago Mukuha, M.P.	Member	
			9 Hon. John Paul Mwirigi, M.P.	Member	
			10 Hon. Adan Haji Yussuf, M.P.		
			11 Hon. Janet Jepkenboi Sitienei, M.P.	Member	
			12 Hon. Francis Munyua Waititu, M.P.		
			13 Hon. Dr. John Kanyuthia Mutunga, M.P.		
			14 Hon. Dr. Daniel Kamuren Tuitook, M.P.	Member	
			15 Hon. Fred Ouda, M.P.		
			16 Hon. Joyce Kamene, MP.		
			17 Hon. Justus Makokha Murunga, MP.		
			18 Hon. Yegon Brighton Leonard, MP		

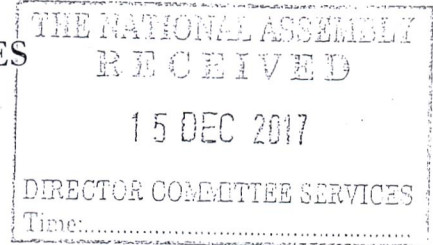
MEMO

TO: DIRECTOR, COMMITTEE SERVICES

FROM: PRINCIPAL CLERK ASSISTANT I
(HEAD OF TABLE OFFICE)

DATE: DECEMBER 13, 2017

SUBJECT: PUBLIC PETITIONS



The following two (2) Petitions were conveyed to the House, today, Wednesday, December 13, 2017: -

- (i) Conveyance by the Speaker on the review of the Crop Act No. 16 of 2013 to recognize bamboo as a scheduled crop; and DC - AGRICULTURE
- (ii) Petition by the residents of Mowlem Ward on the alleged irregular allocation of Land LR No. 11379/3 presented by the Hon. George Theuri, MP.

DC - LANDS

Enclosed please find the Petitions for your necessary action.


RANA K. TIAMPATI

(Encls.)

Copy to: -

1. Clerk of the National Assembly
2. Director of Legislative and Procedural Services

V. KADHI
A. MAETIRA
pls deaf
FA
15/12/17



TWELFTH PARLIAMENT
(FIRST SESSION)
THE NATIONAL ASSEMBLY

PETITION

(No.003 of 2017)

CONVEYANCE OF A PETITION ON REVIEW OF THE CROP ACT NO.
16 OF 2013 TO RECOGNIZE BAMBOO AS A SCHEDULED CROP

Honourable Members,

Standing Order 225 (2) (b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of a petition signed by one Taratisio Ireri Kawe on behalf of Embu Bamboo Farmers Sacco regarding proposed amendment to the Crop Act No.16 of 2013.

Honourable Members,

Pursuant to Article 119 of the Constitution, the Petitioner is requesting the National Assembly to amend Section 7 of the Crop Act No. 16 of 2013 to include Bambo plant as a crop on the First Schedule.

Honourable Members,

The petitioner states that Bamboo plant has been in existence in this country since time in memorial but the society has not fully utilised the plant. The Petitioner appreciates that if fully utilised, Bamboo plant can form a strong pillar of Kenya

future green economy. Further, the Petitioner highlights some of the benefits of bamboo plant amongst them, medicinal value, nutritional value, chemical value, environmental benefits and economic value.

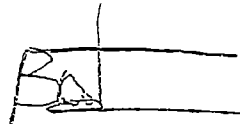
Honourable Members,

The Petitioner therefore, prays that the National Assembly amends the Section 7 of the Crop to declare Bamboo as scheduled crop on the First Schedule of the Crop Act 2013.

Honourable Members,

Pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Agriculture and Livestock for consideration. I urge the Committee upon appointment of its membership by the House and election of chairperson and vice chairperson, to engage the Petitioner and consider drafting a legislation to address the Petitioner's prayers.

I, Thank you!


THE HON. JUSTIN B.N. MUTURI, E.G.H, MP
SPEAKER OF THE NATIONAL ASSEMBLY
WEDNESDAY, 13TH DECEMBER, 2017

- (ii) plant disease control;
- (iii) markets;
- (iv) cooperative societies within the county;
- (v) soil and water conservation.

(2) In order to achieve the objects and purposes of this Act, it is the duty of the national and county governments to provide an enabling environment for the development of the crop subsector.

(3) The national and county governments shall determine and promote the implementation of agricultural policies and measures in a manner designed to promote, support and enhance productivity in the crop subsector.

PART II – DEVELOPMENT OF SCHEDULED CROPS

7. Declaration of scheduled crops

(1) The crops specified in the First Schedule are scheduled crops for purposes of this Act.

(2) The Cabinet Secretary may, by notice in the Gazette, declare any other crop to be a scheduled crop for purposes of this Act.

(3) The notice under subsection (1) shall prescribe development and regulation measures with respect to each scheduled crop.

8. Promotion of scheduled crops

In addition to the functions stipulated under any other law, the Authority shall—

- (a) formulate general and specific policies for the development of scheduled crops specified in the First Schedule;
- (b) facilitate marketing and distribution of scheduled crops through monitoring and dissemination of market information, including identification of the local supply-demand situation, domestic market matching and overseas market intelligence and promotion activities on scheduled crops;
- (c) enjoin the Ministry responsible for transportation and communications to effect an efficient, regular and economical means of transporting scheduled crops, for purposes of reducing marketing costs and ensuring stable consumer supply;
- (d) promote the establishment of wholesale markets in identified major centres of the country;
- (e) promote the establishment of agricultural produce collection centres in viable areas to serve as buying stations of farm products, packaging houses, pick-up points and meeting places of farmers' and growers' cooperatives;
- (f) establish linkages with various governments and private research institutions for the conduct of studies and researches designed to promote the production, marketing and processing of scheduled crops;

SCHEDULE (S.3)

FORM OF PETITION

I, the undersigned,

I am executive committee member (treasurer) of Embu Bamboo farmers SACCO and petitioning on behalf of the members and Bamboo farmers, I am a citizen of Kenya; residents of Embu County and a member of Embu County Bamboo farmers Co-operative Society SACCO;-

DRAW the attention of the House to the following:

That Kenya is a developing country and a large number of its population lives below the poverty level a fact which can be changed by embracing economical empowerment strategy through sustainable development.

Our country need to learn from the fast growing economy such as China, Japan and India.

It is a fact that agriculture can be a source of health and wealth in a country, if supported and managed well by both the Government and the society.

The house will appreciate that Bamboo can be a strong pillar of Kenya's future green economy. It will help in reduction of poverty and protection of the environment, and that it will also provide a practical and rapid solution for some of the natural resource challenges facing many Kenyans today.

The specific benefits of Bamboo are enormous but to name but a few:-

Environmental Impact

Bamboo forests have many environmental benefits because they function as carbon sinks, produce oxygen, control soil erosion, provide organic matter, regulate water levels in watersheds, conserve biodiversity, beautify the landscape, and essentially contribute to the purification and regulation of the environment.

Bamboo provides a clean and renewable energy alternative in the form of charcoal briquettes and wood for domestic and industrial use. On protecting the environment, the bamboo plant is "magic" in mitigating the effects of climate change through rapid reforestation, slowing soil erosion and repairing damaged ecosystems. Bamboo also serves as an excellent large-scale carbon sink, each plant taking in almost double the carbon dioxide of a tree. It does not release the trapped CO₂ as it stays captures inside the plant, even after the harvested timber is used in value added products for construction, flooring, panels, etc. it still functions as a carbon sink.

Bamboo regulates the quantity and quality of water, which are essential characteristics when managing watersheds. Bamboo forests also serve for sediment control. They form a sort of wall that prevents the loss of flow in rivers.

Bamboo plants with their interwoven system of roots and rhizomes contribute to the recovery and conservation of soils present on riverbanks and it can restore degraded Landscape.

Economic Value

Economists think that Bamboo it is a potential "green gold," and a silver bullet for design and architecture that is already attracting a global market. In China and other Asia in general, ambo farming has proved to be a major source of income and is a big contributor to the economy.

Commercially, it is used for furniture, a variety of building and roofing materials such as Fencing poles to veneer, floor tiles, and panels for walls and ceilings, scaffolding material, door and window frames and window blinds. In the paper and pulp industry, bamboo can be made into newsprint, toilet paper and cardboard, which would help conserve Kenya's finite resources, such as its forests. Domestically, bamboo is used to make mats, baskets, and canoes, fishing kits, fences, toothpicks, school desks, pencils and rulers. It is also a source of bio-energy

Commercial bamboo farmers may also benefit from acquiring carbon credits.

This untapped economical venture has already attracted international companies such as Africa Plantation Capital Limited, which is part of the Asia Plantation Capital Group among others.

Livestock Fodder

Young bamboo leaves can serve as fodder thus can be fed to livestock and farm animals such as cattle, goats, sheep and cows.

Nutritional Values

Bamboo shoot is a rich source of amino acids, phosphorous, dietary fiber, magnesium, protein, iron, potassium, copper, selenium, vitamin B1, nicotinic acid, calcium, zinc, sodium, riboflavin, carotene and essential minerals.

Chemical Values

Bamboo plant is a rich source of resins, arginine, silica, riboflavin, choline, thiamine, betaine, gluteline, cyanogenic glycosides, tyrosine, niacin, protein, albuminoids, histidine, oxalic acid, reducing sugar, phenylamine, nuclease, waxes, valine, urease, proteolytic enzyme, taxiphyllin, methionine, benzoic acid, urease, threonine, isoleucine, lysine, cysteine, acetylcholine.

Medical values

i. Antimicrobial Properties

Researchers agree that both the methanolic, ethanolic and methanol-ethanolic extracts of the bamboo plant is a potential source of antimicrobial drugs.

ii. Rhinorrhagia Treatment

Rhinorrhagia, which is also known as nosebleed is a health condition marked by

hemorrhage from the nose. This can be attributed to the rupture of small vessels lying atop of the anterior part of the cartilaginous nasal septum. Studies reveal that herbal medicine from the shoots, seeds, leaves and roots of the bamboo plant can be used for treating rhinorrhagia.

iii. Anthelmintic Purposes

Bamboo leaf can be used for preparing herbal drugs for destroying parasitic worms due to its strong anthelmintic compositions

iv. Anti-inflammatory Properties

Researchers reveal that combining a methanol extract of *Bambusa arundinacea* with nonsteroidal anti-inflammatory analgesic offers a strong anti-inflammatory effect. As a result, it can be used for tackling chronic inflammatory conditions such as arthritis, rheumatoid.

v. Astringent Properties

Due to the strong astringent properties of the bamboo plant, it can be used for preparing an herbal astringent lotion for reducing bleeding from minor abrasions or cuts. It can also be used for preparing cosmetics applied on the skin to make the skin less oily.

vi. Antispasmodic Effects

Due to the antispasmodic effects of the bamboo plant, it can be used for preparing antispasmodic drugs for relieving spasm of the involuntary muscles.

vii. Aphrodisiac Properties

Due to the aphrodisiac properties of the bamboo plant, it can be used for producing medicines for stimulating sexual desires.

viii. Anticoagulation Effects

Bamboo leaves have been proven effective for preventing the formation of blood clots due to its anticoagulant properties. As a result, herbal medicines from the leaves can be used for preventing and treating disorders caused by abnormal blood clots.

ix. Culinary Purposes

Young bamboo shoots are mostly used as green vegetables for cooking food, achara soup and curry. The young tender leaves can also be cut into small pieces and used for making pickles and for preparing meat and fish dishes. Young bamboo shoots can be stir-fried with other vegetables or stir-fried just alone. The shoots can also be used for producing soft drinks and bamboo wine.

x. Phlegm Treatment

Both the roots, branches, leaves, seeds and leaves of the bamboo plant can be used for preparing herbal medicines for treating phlegm. The medicine helps to clear the

thick viscous substance secreted by the mucous membranes of the respiratory passages, especially during cold.

- xi. Laryngitis Treatment
Herbal medicines from bamboo shoots can be used for treating laryngitis, which is a health condition caused as a result of the inflammation of the larynx. This inflammation usually results in painful cough, harsh breathing, huskiness or loss of voice.
- xii. Febrifuge Properties
Bamboo leaves, stems, and roots can be used for preparing herbal medicines for treating and reducing fever.
- xiii. Antioxidant potential of bamboo
Bamboo is known for its high anti-oxidizing properties and as such can aid the removal of potentially damaging oxidizing agents in a living organism.
- xiv. Anti-diabetic Properties
Bamboo shoots and its extracts can be used for preparing herbal medicines for regulating the blood sugar level.
- xv. Balanced Cholesterol Level
The herbal medicines from the bamboo plant parts can be used for regulating the cholesterol level.
- xvi. Healing of Skin Eruptions
Bamboo bark can be decocted and used for treating skin eruptions.
- xvii. Antileprotic Properties
Due to the antileprotic properties of the bamboo plant, studies reveal that the leaves can be used for preparing medicines for treating leprosy.
- xviii. Aids Digestion
Due to the high dietary fibre content of young bamboo shoots, studies reveal that including them in our diets aids easy digestion of food. It also boosts our appetite.
- xix. Stimulating Properties
The leaves can be used as a stimulant for raising the levels of physiological or nervous activities in the body.

It is with the above benefits in mind that I wish draw the attention of the parliament and request it to formulate and pass the necessary law and regulations which will make Bamboo crop a recognized cash crop in Kenya. By doing so, the Kenya Government will take it as its responsibility to assist in its farming and will intervene at any stage of its production with a view of enhancing its cultivation process, whether on private or public land.

THAT

I have not made any effort to have this matter addressed by any other body because the responsibility of making laws lies with our legislative body which is parliament which I am happy to petition

THAT

I wish to confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.

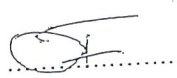
HEREFORE your humble petitioner Pray that Parliament—

Amend the first schedule under section 7 of the Crops Act, 2013, to include Bamboo as scheduled crop or formulate any other relevant law and or regulations which will include Bamboo as a cash crop in Kenya.

And your PETITIONER(S) will ever Pray.

That their petition is considered appropriately with a view of having it dealt with in accordance with the law and disposed off expeditiously.

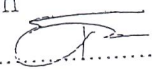
Name of petitioner National ID or Passport No Signature/ Thumb Impression

TARATISI O IRENI I LAVE  8600483

PETITION concerning recognizing Bamboo as a cash crop in Kenya and urging the house to appreciate that Bamboo can be a strong pillar of Kenya's future green economy, and which will help in reduction of poverty and protection of the environment, and that it will also provide a practical and rapid solution for some of the natural resource challenges facing many Kenyans today.

Therefore my prayer to parliament to amend the first schedule under section 7 of the Crops Act, 2013, to include Bamboo as scheduled crop or formulate any other relevant law and or regulations which will include Bamboo as a cash crop in Kenya.

Name of petitioner Signature/Thumb Impression

TARATISI O IRENI I LAVE 

Dated 12/10/2017

Tel. 0722861091

Email Address. Simalawe@yahoo.com

SPECIAL ISSUE

Kenya Gazette Supplement No. 28 (Acts No. 16)



REPUBLIC OF KENYA

NATIONAL COUNCIL FOR
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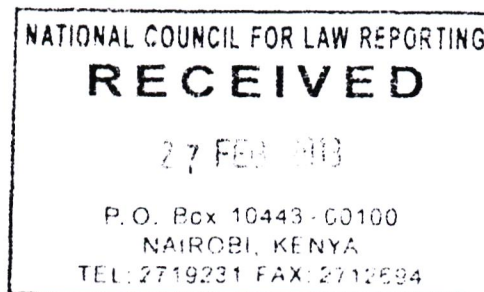
KENYA GAZETTE SUPPLEMENT

ACTS, 2013

NAIROBI, 25th January, 2013

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THE CROPS ACT, 2013

No. 16 of 2013

Date of Assent: 14th January, 2013

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Objects and purposes of the Act.
- 4—Guiding principles.
- 5—Application.
- 6—Role of national and county governments in development of crops.

PART II—DEVELOPMENT OF SCHEDULED CROPS

- 7—Declaration of scheduled crops.
- 8—Promotion of scheduled crops.
- 9—Commodities Development Fund.
- 10—Application of the Fund.
- 11— Identification of agricultural land.
- 12— Incentives to growers.

PART III—REGISTRATION REQUIREMENTS FOR SCHEDULED CROPS

- 13—Regulation of scheduled crops.
- 14—Freedom to register.
- 15— Registration of growers' associations.

PART IV—LICENSING AND TAXATION PROVISIONS

- 16—Registration of dealers.
- 17—Taxation of scheduled crops.
- 18—Manufacturing licence.
- 19— Illegal manufacture, possession, etc.
- 20—Issue of licences.
- 21—Application for renewal of a licence.
- 22—Conditions of a licence.
- 23—Revocation or alteration of a licence.
- 24—Surrender of licence.

25—Appeals.

**PART V—APPOINTMENT OF COUNTY OFFICERS AND
CROP INSPECTORS**

26—Appointment of county officers.

27—Appointment of crop inspectors.

28—Entry and inspection.

29—Powers of entry.

30—Obstruction of inspectors.

PART VI—MISCELLANEOUS PROVISIONS

31—Infected areas.

32—General power to impose levies.

33—Use of levies.

34—Power to recommend establishment of subsidiary bodies.

35—General prohibition and offence.

36—Offences relating to body corporate.

37—General penalty.

38—Restraint of breaches of this Act.

39—Supersession.

40—Regulations.

41—Dispute resolution by arbitration.

42—Repeal and saving.

43—Saving and transitional provisions with respect to rules, orders etc.

44—Administrative measures by the Cabinet Secretary.

FIRST SCHEDULE - SCHEDULED CROPS.

SECOND SCHEDULE - WRITTEN LAWS TO BE REPEALED.

THIRD SCHEDULE - TRANSITIONAL PROVISIONS.

THE CROPS ACT, 2013

AN ACT of Parliament to consolidate and repeal various statutes relating to crops; to provide for the growth and development of agricultural crops and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Crops Act, 2013 and shall come into operation on such a date as the Cabinet Secretary may, by notice in the Gazette, appoint and different dates may be appointed for different provisions.

Short title and commencement.

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

Interpretation.

“Authority” means the Agriculture, Fisheries and Food Authority established under the Agriculture, Fisheries and Food Authority Act, 2013;

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

“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

Cap 490.

“dealing in crop” includes collecting, transporting, storing, buying or selling crops or crop products but in the case of food crops, excludes any non-commercial activity;

“scheduled crop” means any of the crops listed under the First Schedule and includes such other crop as the Cabinet Secretary, on the advice of the Authority, may declare to be a scheduled crop under section 7; and

“non-scheduled crop” means any plant other than a scheduled crop that is grown in significant quantities to be harvested as food, or used as livestock fodder, fuel, or for any other economic purpose;

“licensing authority” means the Authority or the county government as the case may be.

3. The objective of this Act is to accelerate the growth and development of agriculture in general, enhance productivity and incomes of farmers and the rural

Objects and purposes of the Act.

population, improve investment climate and efficiency of agribusiness and develop agricultural crops as export crops that will augment the foreign exchange earnings of the country, through promotion of the production, processing, marketing, and distribution of crops in suitable areas of the country and in particular to—

- (a) circumvent unnecessary regulatory bureaucracy in the crops subsector;
- (b) reduce unnecessary levies, taxes or other barriers to free movement of crop products and provide for a rationalized taxation system;
- (c) reduce unnecessary regulation or overregulation of the crops subsector;
- (d) reduce duplication and overlap of functions among institutions involved in the regulation of crop agriculture;
- (e) promote competitiveness in the crops subsector and to develop diversified crop products and market outlets; and
- (f) attract and promote private investment in crop agriculture.

Guiding principles.

4. The national government and county governments shall be guided by the following principles in the management and administration of agricultural land—

- (a) has a communal function and land ownership has a social responsibility;
- (b) land owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner;
- (c) subject to Article 40 (3) of the Constitution, the State may acquire land for public purpose or in the public interest;
- (d) Pursuant to Article 66 of the Constitution, the State may regulate use of any land in the interest of public order, public morality, public health or land use planning.

5. This Act shall apply to all scheduled crops specified in the First Schedule and to all agricultural land whether privately or communally held as well as to farmers, farmers' organizations, cooperatives and community associations.

Application.

6. (1) Pursuant to the Fourth schedule of the Constitution—

Role of national and county governments in development of crops.

- (a) the Authority, on behalf of the national government, shall be responsible for licensing and charging of levies and breeder royalties on all scheduled crops on condition that the total sum of the levies charged by the Authority shall not exceed ten per centum of the gate value of the produce;
- (b) the county governments will implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for—
 - (i) development of crops grown within the county;
 - (ii) plant disease control;
 - (iii) markets;
 - (iv) cooperative societies within the county;
 - (v) soil and water conservation.

(2) In order to achieve the objects and purposes of this Act, it is the duty of the national and county governments to provide an enabling environment for the development of the crop subsector.

(3) The national and county governments shall determine and promote the implementation of agricultural policies and measures in a manner designed to promote, support and enhance productivity in the crop subsector.

PART II—DEVELOPMENT OF SCHEDULED CROPS

7. (1) The crops specified in the First Schedule are scheduled crops for purposes of this Act.

Declaration of scheduled crops.

(2) The Cabinet Secretary may, by notice in the Gazette, declare any other crop to be a scheduled crop for

purposes of this Act.

(3) The notice under subsection (1) shall prescribe development and regulation measures with respect to each scheduled crop.

Promotion of
scheduled crops.

8. In addition to the functions stipulated under any other law, the Authority shall—

- (a) formulate general and specific policies for the development of scheduled crops specified in the First Schedule;
- (b) facilitate marketing and distribution of scheduled crops through monitoring and dissemination of market information, including identification of the local supply-demand situation, domestic market matching and overseas market intelligence and promotion activities on scheduled crops;
- (c) enjoin the Ministry responsible for transportation and communications to effect an efficient, regular and economical means of transporting scheduled crops, for purposes of reducing marketing costs and ensuring stable consumer supply;
- (d) promote the establishment of wholesale markets in identified major centres of the country;
- (e) promote the establishment of agricultural produce collection centres in viable areas to serve as buying stations of farm products, packaging houses, pick-up points and meeting places of farmers' and growers' cooperatives;
- (f) establish linkages with various governments and private research institutions for the conduct of studies and researches designed to promote the production, marketing and processing of scheduled crops;
- (g) in consultation with the National Biodiversity Authority, advise the government on the introduction, safe transfer, handling and use of genetically modified species of plants and

organisms in the country;

- (h) conduct farmers' training programs aimed at increasing their knowledge on production technologies and on market potentials and prospects for various types of crops, through farmer training institutions;
- (i) establish experimental stations and seed farms for the development of varieties suitable to the agro-climatic conditions of the area and markets that will provide greatest value added to scheduled crops;
- (j) devise and maintain a system for regularly obtaining information on current and future production, prices and movement in trade, to determine and effect a balanced distribution of scheduled crops by means of inter-trading or intra-trading among the established wholesale markets;
- (k) establish and enforce standards in grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of crops to ensure health and proper trading;
- (l) ensure secure domestic food supply for the country;
- (m) formulate policies and guidelines on dealing with other crops;
- (n) promote and advise on strategies for value addition prior to the export of crops from Kenya;
- (o) recommend general industry agreements between farmers and processors of scheduled crops;
- (p) prescribe the minimum period within which farmers are to be paid for crops delivered and penalties for delayed payments; and
- (q) perform any other relevant function.

Commodities Fund **9.**(1) There is established a Fund to be known as the Commodities Fund.

(2) The Fund shall consist of-

- (a) monies paid as license fees, commission, export or import agency fees and fees that may accrue to or vest in the Authority in the course of exercise of its functions under the Act;
- (b) funds from any other lawful source approved by the Trustees; and
- (c) funds appropriated by Parliament for this purpose.

(3) The Fund shall be managed by a Board of Trustees to be appointed by the Authority with the approval of the National Assembly.

Application of the Fund.

10. (1) The Fund shall be used to provide sustainable affordable credit and advances to farmers for all or any of the following purposes—

- (a) farm improvement;
- (b) farm inputs;
- (c) farming operations;
- (d) price stabilization; and
- (e) any other lawful purpose approved by the Authority.

(2) The Authority shall, from time to time, make rules for the better management of the Fund in the best interest of farmers.

Identification of agricultural land.

11. (1) The Cabinet Secretary shall, with the advice of the Authority, develop rules for identifying agricultural land suitable for the production of each of the scheduled crops.

(2) The process of identifying agricultural land under subsection (1) shall be based on valid representations in accordance with constitutional principles of participation of the people, good governance, transparency and accountability.

(3) The county governments may from time to time, through the relevant county executive committee member, identify land suitable for the production of each of the

scheduled crops.

(4) The county executive committee member responsible for agriculture shall publicize any report on identified agricultural land and may prescribe regulations with respect to each scheduled crop.

(5) The classification of land referred to under subsection (1) shall be reviewed at appropriate intervals to ensure consistency with the agrarian reform program and the national land use policy.

(6) Despite the provisions of this section, a person may grow any scheduled crop on any part of Kenya.

12. (1) The Cabinet Secretary shall, on the advice of the Authority, establish institutional linkages to coordinate the provision of credit, farm inputs and marketing.

Incentives to growers.

(2) The Authority may, in accordance with rules and regulations made under this Act and subject to any other law, put in place programmes for ensuring the provision of the following incentives and facilities to growers and dealers of scheduled crops—

- (a) credit assistance including provision of equipment for land preparation and other non-monetary assistance;
- (b) credit guarantee;
- (c) affordable farm-inputs including quality seeds, planting materials and market linkage;
- (d) technical support including research and extension services;
- (e) infrastructural support including physical infrastructure development, financial and market information;
- (f) fertilizer cost-reduction investment projects including private sector involvement in fertilizer importation and distribution, promoting local fertilizer blending and initiating establishment of national or county fertilizer manufacturing plants;
- (g) pest and disease control;

- (h) post harvest facilities and technologies including storage, processing, distribution and transport facilities;
- (i) tax exemptions including tax breaks and duty waivers on the import of farm inputs and farm machinery.

PART III—REGISTRATION REQUIREMENTS FOR SCHEDULED CROPS

Regulation of scheduled crops.

13.(1) The Authority shall regulate all aspects of scheduled crops with a view to—

- (a) promoting productivity;
- (b) facilitating the provision of farm inputs;
- (c) promoting trade and access to markets;
- (d) facilitating provision of infrastructure;
- (e) providing post-harvest services and technology;
- (f) facilitating the collection of farm products and storage;
- (g) training of farmers and provision of extension services;
- (h) providing of incentives to farmers;
- (i) availing credit facilities; and
- (j) value addition.

(2) For purposes of subsection (1) the Authority shall have the power to issue guidelines requiring registration of any particulars in respect of different categories of scheduled crops.

(3) The Authority shall maintain the necessary statistical information with respect to the scheduled crops to enable proper planning.

Freedom to register.

14.(1) Every smallholder grower, for purposes of accessing economies of scale, shall have the freedom—

- (a) in the case of coffee growers, register with the co-operative society to which the person delivers coffee;
- (b) in the case of tea grower, register with the tea factory to which the person delivers

green leaf, by supplying such particulars as the Authority may, by regulations, prescribe;

- (c) in the case of sugar cane grower, register with an out-grower institution and any other organisation representing the interests of sugar farmers;
- (d) in the case of pyrethrum grower, register with a licensed pyrethrum processor, who shall keep or cause to be kept for statistical purposes a register of all pyrethrum growers so registered; and
- (e) in the case of any other grower, register with such association as the Authority may from time to time determine.

(2) A plantation grower may register with the Authority, by supplying such particulars as the Authority may prescribe.

(3) Where a farmer has entered into an agreement with an organisation representing the interest of such farmer, the Authority and every dealer in crops shall respect and enable the carrying out of the terms of such agreement, including the remission to the farmers organisation of any contributions that may, pursuant to such agreement, be deductible from the farmer.

15. The Authority shall maintain a register of all entities registering smallholder growers, in such form as it may determine, and shall enter in the register—

- (a) the full names of the scheduled crop factory;
- (b) the date of submission of annual returns of registered growers by the scheduled crop factory;
- (c) the particulars of numbers of registered growers, area planted with scheduled crop or variations of these particulars; and
- (d) any other particulars the Authority may deem necessary.

Registration of
growers'
associations.

**PART IV—LICENSING AND TAXATION
PROVISIONS**Registration of
dealers.

16.(1) Every dealer in a scheduled crop shall register with the Authority.

(2) A person shall not deal in a scheduled crop unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall, in consultation with the relevant county executive committee member responsible for agriculture, prescribe regulations providing for the procedure for registration of dealers and the regulations shall also set out the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Taxation of
scheduled crops.

17.(1) Pursuant to Article 209 of the Constitution, only the national government may impose, in relation to a scheduled crop—

- (a) income tax;
- (b) value-added tax;
- (c) customs duties and other duties on import of agricultural and aquatic products; and
- (d) excise duty.

(2) A county government may, pursuant to the Fourth schedule of the Constitution, impose fees for—

- (a) development of agricultural crops within the county;
- (b) development and regulation of scheduled crop markets within the county;
- (c) issuance of trade licences to any person trading in scheduled crops within the county; and
- (d) issuance of licenses for cooperative societies dealing with scheduled crops within the county.

(3) The fees imposed by a county government under subsection (2) shall not in any way prejudice national

economic policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

(4) The Cabinet Secretary shall, using the structures established under the Intergovernmental Relations Act, 2012, put in place mechanism to avoid double taxation of agricultural and aquatic products by the two levels of governments.

No. 2 of 2012.

18.(1) A person shall not manufacture or process a scheduled crop product for sale except under and in accordance with a licence issued under this Act.

Manufacturing
licence.

(2) An application for a licence under this section shall be in writing and in the prescribed form and shall be accompanied by the prescribed fee.

(3) The licensing authority may, after consultation with the county executive—

- (a) issue a manufacturing licence, in accordance with this Act;
- (b) refuse to issue the licence on any ground which may appear to the licensing authority to be sufficient and inform the applicant in writing of the reasons thereof;
- (c) cancel, vary or suspend any licence if in the findings of the licensing authority, the licensee is found to have contravened the regulations made under this Act for the operation of manufacturing or processing entities.

(4) A manufacturing licence issued under this section shall, in addition to authorizing the holder to carry on the business set out in subsection (1), also authorize the holder to carry out the business of packing and blending a crop product.

19.(1) A person who—

- (a) manufactures a scheduled crop for sale in contravention of this Act;
- (b) buys, sells, offers for sale, transports or has possession of a scheduled crop which to the person's knowledge or belief—

Illegal manufacture,
possession, etc.

- (i) has been grown, manufactured or processed otherwise than in accordance with this Act;
- (ii) is from a non-registered grower or dealer of such crop,

commits an offence and shall be liable, on conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

(2) If a person is in possession or has control of scheduled crop for which the person is unable to account to the satisfaction of a person authorized under this Act, such scheduled crop shall be deemed to have been grown, manufactured or dried otherwise than in accordance with this Act until the contrary is proved.

(3) If a person is convicted of an offence under this section, the court shall order that any scheduled crop and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the Government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

Issue of licences.

20.(1) A licensing authority shall issue licenses to applicants subject to such lawful conditions as the authority may determine.

(2) Every licence shall specify the premises upon which the business specified in the licence may be carried on.

(3) Licenses issued under this Act shall remain in force until the thirtieth of June next following the date of issue, unless earlier cancelled.

(4) There shall be payable for the issue of licenses under this Act such fees as the licensing authority, after consultation with the Cabinet Secretary or county executive as the case may be, prescribe.

(5) The total fees charged under subsection (4) shall depend on the turnover of the dealer and shall not overburden small scale dealers and the cumulative total of all levies and fees payable shall in any event not exceed ten percent of the gate value of the agricultural or aquatic product.

(6) The licensing authority shall, at least thirty days before granting a licence under this Act, give notice of the proposed grant in the Gazette and in such other manner as the authority may determine.

(7) The notice referred to in subsection (6) shall—

- (a) specify the name or other particulars of the person or class of persons to whom the licence is to be granted;
- (b) state the purpose for the proposed licence and indicate the date such licence is proposed to be issued to the successful applicant; and
- (c) invite objections to the proposed grant of licence and direct that such objections be lodged with the Authority within fourteen days next following the date of the notice.

(8) The licensing authority may after considering the objections, if any, made under this section, grant the licence applied for, subject to such terms and conditions as may be specified therein.

(9) The issuance of a licence to an applicant under this Act shall not be withheld without reasonable cause.

(10) A licence issued under this Act shall not be transferable.

21. An application for the renewal of a licence under this Act shall be made to the licensing authority not later than the first day of the month of June in which the current licence is due to expire but, notwithstanding the foregoing, a late application may be made upon payment of a late application fee as may be prescribed by the licensing authority.

Application for renewal of a licence.

22.(1) A licence issued under this Act shall be subject to such conditions as the licensing authority may determine and as are specified in the licence and to any conditions which may be prescribed.

Conditions of a licence.

(2) The licensing authority may require that any class of licenses issued to a dealer will be subject to the condition that the dealer engages in actual growing of any

given crop.

(3) The licensing authority may at any time during the validity of a licence—

- (a) vary the conditions of the licence; or
- (b) impose conditions or further conditions on the licence.

Revocation or alteration of a licence.

23. The licensing authority may revoke, alter or suspend a licence issued under this Act if in its opinion—

- (a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee of the licence holder; or
- (b) a condition of the licence has been contravened or not complied with.

Surrender of licence.

24.(1) The holder of a licence which is revoked shall immediately surrender it to the licensing authority.

(2) A licence holder may at any time surrender the licence to the licensing authority and the licence shall cease to have effect forthwith.

Appeals.

25.(1) An applicant for or holder of a licence who is aggrieved by a decision of the licensing authority on or in respect of—

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence,

may appeal to the Cabinet Secretary.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

**PART V—APPOINTMENT OF COUNTY
OFFICERS AND CROP INSPECTORS**

26. (1) The Authority shall, in respect of each county, appoint an officer to be stationed in the county for purposes of this Act.

Appointment of
county officers.

(2) The Authority shall delegate such exercise of its powers and such performance of its functions to the officer appointed under subsection (1) as shall be necessary in the discharge of its mandate in that county.

(3) An officer appointed under subsection (1) shall be deemed to be an inspector for purposes of this Act, and shall exercise such powers and perform such functions as an inspector may exercise or perform under this Act.

(4) A county officer appointed under subsection (1) shall liaise with the county executive committee in the discharge of its functions.

27. (1) The Authority may appoint qualified persons, to be inspectors for each scheduled crop for the purposes of this Act.

Appointment of
crop inspectors.

(2) For purposes of subsection (1), the Authority may, by regulations, prescribe the qualifications for different categories of inspectors.

28.(1) A person duly authorized in writing in that behalf by the Authority may, at all reasonable times and upon production of such authority to any person so requesting—

Entry and
inspection.

- (a) enter any land or buildings occupied by the holder of a manufacturing licence issued under this Act, or a person registered under this Act;
- (b) make such inspection and enquiries as the person may deem necessary for ascertaining whether the provisions of this Act or the terms and conditions of the respective licence or registration are being complied with; and
- (c) may require any person found thereon to give such information as the person may require.

(2) A person who hinders or obstructs any person

duly exercising or attempting to exercise any of the powers conferred by subsection (1), 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 two years, or both.

Powers of entry.

29.(1) For the purposes of this Act, an inspector who has reasonable grounds may at any reasonable time, enter upon any land, premises or vehicle and may take such persons and things as the inspector considers necessary and may—

- (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) demand the production by a licence holder of the licence for examination;
- (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 or any person on land or in premises or a vehicle which is entered under subsection (1) shall render such reasonable assistance as may be required by the inspector.

(3) A person who refuses, unreasonably delays or fails to comply with a requirement under subsection (2) commits an offence.

Obstruction of inspectors.

30.(1) A person shall not prevent, hinder or obstruct an inspector in performance of the functions, and duties or exercise of powers conferred by this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

PART VI—MISCELLANEOUS PROVISIONS

31.(1) The Cabinet Secretary may, after consultation with the Authority, by order published in the Gazette—

Infected areas.

- (a) declare an area which is infected with a crop disease or pest to be an infected area;
- (b) prohibit the use of an infected area for planting, growing, collecting, storing or other dealing or for any purpose connected with those activities;
- (c) for the purpose of preventing crop disease or pest or the spread of the disease or pest, either in the crop or otherwise, prohibit the movement of planting seed or other crop material from, to, through or within an infected area or other specified areas;
- (d) extend, diminish or otherwise alter an infected area; and
- (e) where it is no longer infected with crop disease or pest, revoke the declaration of an infected area.

(2) The Cabinet Secretary may by regulations make further provisions for the control of infected areas.

32.(1) The Cabinet Secretary may, with the approval of Parliament, by a notice in the Gazette, impose a levy to be levied on a scheduled crop or crop product.

General power to impose levies.

(2) The Cabinet Secretary may, upon the advice of the Authority, at any time by notice, alter the rate of the levy imposed under subsection (1) and such altered rate shall come into force on such date, not being less than two months from the date of the notice, as may be specified in the notice.

(3) Different rates of levy may be imposed for different types or grades of crop products.

(4) Any levy imposed under this section shall be levied and collected in the manner prescribed.

(5) For the avoidance of doubt,—

- (a) the levies payable in the case of tea and sugar immediately before the commencement of this Act shall continue to be the payable rates until the Cabinet secretary specifically imposes different rates.
- (b) the rate of any other levy shall be specified in the notice under subsection (1) and shall not exceed four per cent of the value of the crop on which the levy is payable.

(6) A person who fails to pay the amount due in respect of any levy imposed under this Act commits an offence.

Use of levies.

33. The proceeds of any levy imposed under this Act shall form part of the general funds and property of the Authority and may be used by the Authority in the furtherance or exercise of any function or power of the Authority.

Power to recommend establishment of subsidiary bodies.

34. (1) The Authority may recommend the establishment of subsidiary bodies to discharge specific aspects, in particular—

- (a) food security;
- (b) value addition, marketing and export;
- (c) offer extension services for irrigation farming;
- (d) pest and disease control;
- (e) crop insurance;
- (f) marketing; and
- (g) any other aspect relating to crop development.

(2) Despite any other provisions of this Act and paragraph (c) of subsection (1), the National Irrigation Board established under the Irrigation Act shall continue carrying out its functions as set out under that Act for a period of one year from the date of commencement of this Act.

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General prohibition and offence.

35.(1) A person shall not—

- (a) breach or fail to comply with the provisions of this Act;
- (b) breach or fail to comply with any of, the

terms or conditions of a licence certificate issued to him or her under this Act;

- (c) fail to comply with a lawful requirement or demand made or given by the Authority or an inspector;
- (d) obstruct a person in the execution of the powers or duties under this Act;
- (e) knowingly or recklessly make a statement or representation which is false;
- (f) knowingly or recklessly furnish a document or information required under this Act which is false; or
- (g) knowingly or recklessly use or furnish a fake or forged or invalid certificate or a certificate that has been altered without authorization.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence.

36. 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 unless that person proves that—

- (a) the act or omission constituting the offence took place without the person's knowledge; or
- (b) the person took reasonable steps to prevent the commission of the offence.

37. A person who contravenes any provision of this Act, or commits an offence for which no penalty is prescribed, shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

38. Any person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court for—

- (a) a declaration that the provisions of this Act are being, have been, are about to be

Offences relating
to body corporate

General penalty.

Restraint of
breaches of this
Act.

contravened;

- (b) an injunction restraining any specified person from carrying out the contravention;
- (c) a writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or
- (d) any other lawful remedy.

Supersession.

39. If any conflict arises between the provisions of this Act and any other Act with respect to the development, management, marketing or regulation of a scheduled crop, the provisions of this Act shall prevail.

Regulations.

40.(1) The Cabinet Secretary may, in consultation with the Authority and the county governments, make regulations for the better carrying into effect of the provisions of this Act, or for prescribing anything which is to be prescribed under this Act.

(2) Without prejudice to the generality of the foregoing, regulations made under this section may provide for—

- (a) declaration and regulation of a scheduled crop including production, distribution and marketing;
- (b) the areas outside which a scheduled crop may not be cultivated, and regulating and controlling the variety, the cultural conditions, the method of production and grading of a specified crop;
- (c) regulations on the appropriate seeds and planting materials for export and import;
- (d) administration of plant breeder's rights in line with the existing international conventions to which Kenya is a signatory;
- (e) the control of crop pests and diseases;
- (f) standards, testing and certification of seeds and planting materials;
- (g) licensing and regulation of dealers in farm inputs;

- (h) regulation and controlling the method of blending, packaging and labelling of specified crops for purposes of traceability;
- (i) the periods for which licences and registration certificates shall be issued;
- (j) the forms and fees to be paid for anything to be done under this Act;
- (k) rules for ensuring food safety including handling, transportation, processing and market standards of food crops and crop products;
- (l) rules and regulations of any organization dealing with crops and crop products, made by any such organization to be in conformity with the provisions of this Act;
- (m) the submission of returns and reports by the holders of licences and permits under this Act;
- (n) standards, and the manner of grading and classification of various crop products under this Act;
- (o) measures of maintaining soil fertility including soil testing and regulation of soil salination, chemical degradation and toxic levels in plants;
- (p) developing guidelines for public education on safe use of agro-chemicals;
- (q) the procedure for processing of toxic crops;
- (r) the relationship between farmers and other dealers in crops;
- (s) the formula for the pricing of scheduled crops; and
- (t) the regulation of standard industry agreements.

41. For the purposes of ensuring expeditious resolution of disputes arising between farmers and other crop dealers, the Cabinet Secretary shall make rules to

Dispute resolution
by arbitration.

provide the procedure for arbitration of such disputes.

Repeal and
saving.

42.(1) The written laws specified in the Second Schedule are repealed.

(2) Notwithstanding the provisions of subsection (1),—

- (a) anything done under the provisions of the repealed law shall, unless the Authority otherwise directs, be deemed to have been done under this Act;
- (b) permits, licenses and all statutory instruments issued or issuable under the repealed Acts shall, unless the Authority otherwise directs, be deemed to have been repealed;
- (c) revocation of a license, permit or registration under this Act shall not indemnify the licensee from any liabilities to which the person may have become liable under the repealed law;
- (d) fees, levies and all other charges imposed under the repealed laws shall cease to be chargeable upon the expiration of a period of six months from the date of commencement of this Act;
- (e) subsidiary legislation issued under the repealed law shall continue to apply up to the thirtieth June, 2013.

Saving and
transitional
provisions with
respect to rules,
orders etc.

43.(1) Any rule, order, regulation, notification or other administrative act made or issued before the commencement of this Act under any repealed law, if it could have been made or issued under a corresponding provision of this Act, continue in force and shall have effect as if it had been so made or issued.

(2) The transitional provisions set out in the Third Schedule shall apply upon commencement of this Act.

Administrative
measures by the
Cabinet Secretary.

44. Subject to this Act, the Cabinet Secretary shall, in consultation with the Authority and the county governments, formulate and implement administrative measures to ensure smooth and orderly transition to the legal regime established by this Act.

FIRST SCHEDULE

(S. 7)

SCHEDULED CROPS

Part 1

Crops with breeding program under compulsory certification

Sugarcane.....	<i>Saccharum</i> spp.
Tea.....	<i>Camellia</i> spp.
Coffee.....	<i>Coffea</i> spp.
Rhodes grass	<i>Chloris gayana</i>
Irish potatoes	<i>Solanum tuberosum</i> L.
Cotton	<i>Gossypium</i> spp.
Sunflower	<i>Helianthus annuus</i> L.
Soya beans	<i>Glycine max</i> (L.) Merr.
Beans.....	<i>Phaseolus vulgaris</i> L.
Barley	<i>Hordeum vulgare</i> L.
Finger millet	<i>Eleusine coracana</i> (L.) Gaertn.
Maize.....	<i>Zae mays</i> L.
Pearl millet	<i>Pennisetum</i> (L.) R.Br.
Rice	<i>Oryza sativa</i> L. (1)
Sorghum	<i>Sorghum bicolor</i> (L.) Moench.
Wheat	<i>Triticum aestivum</i> .
Wheat (pasta).....	<i>Triticum monococcum</i> L.

Part 2

Crops with breeding program under voluntary certification

Bananas.....	<i>Musa</i> spp.
French beans	<i>Phaseolus vulgaris</i> L.
Silver leaf desmodium.....	<i>Desmodium uncinatum</i>
Lupin	<i>Lupinus</i> spp.
Lucerne	<i>Medicago sativa</i> L.
Green leaf desmodium.....	<i>Desmodium intorium</i> (Miller).
Setaria	<i>Setaria</i> spp.
Congo signal	<i>Bracharia</i> spp
Coloured guinea grass	<i>Panicum coloratum</i>
Pyrethrum	<i>Chrysanthemum</i> spp.
Cassava.....	<i>Manihot esculenta</i>

Sweetpotato.....	<i>Ipomeea batatas</i>
Kenaf	<i>Hibiscus cannabinus</i> L.
Sesame	<i>Sesamun indicum</i> L.
Safflower	<i>Carthamus tinctorius</i> L.
Ground nut	<i>Arachis hypogaea</i> L.
Pigeon pea	<i>Cajanus cajan</i> .
Dolichos bean ...	<i>Dolichos lablab</i> L.
Cowpea	<i>Vigna unguiculata</i> (L.) Walp.
Chick peas.....	<i>Cicer arietinum</i> L.

Part 3**Crops with no breeding program**

Oats.....	<i>Avena sativa</i> L.
Rye	<i>Secale cereale</i> L.
Triticale	<i>Tricosecale</i> Wittm.
Broad beans	<i>Vicia faba</i> L.
Cluster bean	<i>Cyamopsis tetragonoloba</i> .
Pea	<i>Pisum sativum</i> L.
Common Vetch	<i>Vicia sativa</i> L.
Castor bean	<i>Ricinus communis</i> L.
Jojoba	<i>Simmondsia chinensis</i> .
Linseed	<i>Linum unitatissimum</i> L.
Oil seed rape	<i>Brassica napus</i> L.
Flax	<i>Linum usitatissimu</i> L.
Sisal.....	<i>Agave</i> spp.
Beet	<i>Beta vulgaris</i> L.
Turnip	<i>Brassica rapa</i> L.
Other flower species	<i>Liliaceae, Umbelliferae, Roses,</i> etc
Blue stem grass	<i>Andropogon</i> spp.
Buffel grass	<i>Cenchrus ciliaris</i> L.
Cock's foot	<i>Dactylic glomerata</i> .
Columbus grass	<i>Sorghum alnum</i>
Paspalum grass	<i>Paspalum gayanus</i>
Rye grass.....	<i>Lolium</i> spp.
Sudan	<i>Sorghum sudanense</i> .
Love grass	<i>Eragrostis</i> spp.
Bermuda grass.....	<i>Cynodon dactylon</i> .
Butterfly pen	<i>Clitoria ternatea</i> .
Centrosema.....	<i>Centrosema pubescens</i> Benth.
Clover	<i>Trifolium</i> spp.

2013	Leucaena	<i>Leucaena lencocephala.</i>
	Siratro	<i>Macroptilium atropurpureum</i>
	Stylosanthes.....	<i>Stylosanthes guianensis.</i>
	Amaranth	<i>Amaranthus spp.</i>
	Artichoke	<i>Cynara scolymus.</i>
	Asparagus	<i>Asparagus officinalis.</i>
	Sugar beet	<i>Beta vulgaris L.</i>
	Broccoli/cauliflower	<i>Brassica oleracea var. botrytis L.</i>
	Brussels sprouts	<i>Brassica oleracea var.</i>
	<i>gemnifera.</i> Cabbage	<i>Brassica oleracea</i>
	<i>var. capitata L.</i>	
	Cantaloupe/ Muskmelon	<i>Cucumis melo L.</i>
	Carrot	<i>Daucus carota L.</i>
	Celery / Celeriac	<i>Apium graveolens L.</i>
	Chicory	<i>Cichorium intybus L.</i>
	Chinese cabbage	<i>Brassica chinensis L.</i>
	Chirvil	<i>Anthriscus cerefolium .</i>
	Collards / Kale	<i>Brassica oleracea var ancephala</i>
	DC.	
	Corriander	<i>Coriandrum sativum</i>
	Cucumber	<i>Cucumis sativus L.</i>
	Dill	<i>Arethum graveolens L.</i>
	Eggplants	<i>Solanum melongena L</i>
	Endive	<i>Cichorium endivia L</i>
	Garden cress	<i>Lespidium sativa L.</i>
	Karella	<i>Cucumis spp.</i>
	Kohlrabi	<i>Brassica oleracea var. gongylodes.</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>
	Pumpkin/Squash/Courgette.....	<i>Cucurbita pepo L.</i>
	Radish	<i>Raphanus sativus L.</i>
	Rhubarb	<i>Rheum rhaponticum L.</i>
	Rutabaga	<i>Brassica napus var. napobrassica</i>
	L.	
	Spinach	<i>Spinacea oleracea L.</i>
	Swiss chard	<i>Beta vulgaris</i>
	Tomato	<i>Solanum lycopersicon.</i>
	Turnip	<i>Brassica rap L.</i>

Water cress	<i>Nasturtium officinale</i> Ribr.
Water melon	<i>Citrullus</i> spp.
Coconut	<i>Cocos nucifera</i> .
Cashewnut	<i>Indigenous Vegetables</i> (<i>Blacknightshade, Spider plant, etc</i>)
Guava.....	<i>Psidium</i>
Fruit trees (Mangoes, Avocado, Citrus, Pawpaw, etc)	

SECOND SCHEDULE

(S. 42)

WRITTEN LAWS TO BE REPEALED

1. Agricultural Produce (Export) Act (Cap. 319);
2. Agricultural Produce Marketing Act (Cap. 320);
3. Crop Production and Livestock Act (Cap. 321);
4. Canning Crops Act (Cap. 328);
5. Cereals and Sugar Finance Corporation (Cap. 329);
6. Coconut Industry Act (Cap. 331);
7. Coconut Preservation Act (Cap. 332);
8. Cotton Act (Cap. 335);
9. Pyrethrum Act (Cap. 340);
10. Sisal Industry Act (Cap. 341);
11. Tea Act (Cap. 343);
12. Coffee Act (No. 9 of 2001);
13. Sugar Act (No. 10 of 2001);
14. The Irrigation Act (Cap. 347).

THIRD SCHEDULE

(S. 43)

TRANSITIONAL PROVISIONS

Interpretation.

1. In this Schedule—

“appointed day” means the day on which this Act comes into force;

“assets” include all property movable or immovable and all estates, easements and rights whether equitable or legal in, over or out of property, choses-in-action, money or goodwill of the former institutions

whether situated in Kenya or elsewhere;

“former institutions” means the institutions existing immediately before the commencement of this Act as specified under the Agriculture, Livestock, Food and Fisheries Authority Act, 2012;

“liabilities” means liabilities, debts, charges, duties and obligations of every description, whether present or future, actual or contingent, and whether to be observed or performed in Kenya or elsewhere; and

“rights” means all rights, powers, privileges and immunities whether actual, contingent or prospective, whether observed or performed in Kenya or elsewhere.

2.(1) On the appointed day, all the funds, assets and other property, both movable and immovable, which immediately before such day were vested in the former institutions shall, by virtue of this paragraph, vest in the Authority.

Assets and liabilities.

(2) On the appointed day, all rights, powers and liabilities, which immediately before such day were vested in, imposed on or enforceable against a former institution shall, by virtue of this paragraph, be vested in, imposed on or enforceable against the Authority.

(3) If, on the appointed day, any suit, appeal, arbitration or other proceedings of whatever nature and wheresoever instituted in relation to the business of the former institutions which is, by virtue of this paragraph, transferred to the Authority, shall not abate, be discontinued or be in any way prejudicially affected by reason of such transfer of the business of the former institutions or of anything contained in this Act, and any suit, appeal arbitration or other proceedings shall be continued, and enforced by or against the Authority.

(4) In the case of assets and liabilities arising under any loans which vest in the Authority on the appointed day, the Authority may enter into such arrangements or agreements over such rights and liabilities with the Government or any other third party.

3. Any reference in any written law or in any document or instrument to a former institution shall, on and after the appointed day, be construed to be a reference

Reference to former institutions.

to the Authority.

Proceedings.

4. Any proceedings pending immediately before the appointed day to which a former institution was a party shall be continued as if the Authority was a party thereto in lieu of the former institution.

Agreements, deeds,
etc.

5. Every agreement, deed, bond or other instrument to which a former institution was a party or which affected the former institution and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Authority were a party thereto or affected thereby instead of the former institution and as if for every reference (whether express or implied) therein to the former Authority there were substituted in respect of anything to be done on or after the appointed day.

Administrative
decisions.

6. The administrative decisions made by a former institution or by the Cabinet Secretary which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Authority or the Cabinet Secretary under this Act.

Staff.

7. Any person who, at the commencement of this Act, is a member of staff of any of the former institutions shall, on the appointed day, become a member of staff of the Authority on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary:

Provided that—

- (a) a member of staff of any of the former institutions may retire on the basis of abolition of office in accordance with the existing regulations;
- (b) a member of staff of any of the former institutions may be deployed in the civil service with mutual consent of any such member and the national government.

Disciplinary
proceedings.

8.(1) If on the appointed day—

- (a) any disciplinary proceedings against any member of staff of a former institution are in the course of being heard or instituted, or have been heard or investigated by the

- ▶ former institution but no order or decision has been made thereon;
- (b) any such member of staff is interdicted or suspended,

the Authority shall—

- (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
- (ii) in the case of paragraph (b), deal with such member of staff in such manner as it deems appropriate having regard to the offence committed by him or her, including the completion of disciplinary proceedings that have been commenced against that member of staff.

(2) If on the appointed day, any penalty, other than dismissal, has been imposed on any member of staff of a former institution pursuant to disciplinary proceedings against the member and the penalty has not been, or remains to be, serviced by such member of staff, the member shall, upon transfer to the Authority, serve or continue to serve such penalty to its full as if it had been imposed by the Authority.

9.(1) A member of staff of a former institution who becomes a member of staff of the Authority shall continue to be governed by the existing Government pension scheme.

Pension.

(2) If any person whose services are transferred to the Authority is, on the appointed day, a member of any statutory voluntary pension scheme or provident fund, the person shall continue to be governed by the same regulations under those schemes or funds, as if the person had not been so transferred, and for purposes of the regulations governing those schemes or funds, service with the Authority shall be deemed to be service in the former institution.