

**THE SAMBURU COUNTY AGRICULTURAL MACHINERY
SERVICES ACT, 2015**

No. 4 of 2015

Date of Assent: 15th July, 2015

Date of Commencement: 29th July, 2015

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THE SAMBURU COUNTY AGRICULTURAL MACHINERY SERVICES ACT, 2015

AN ACT of the County Assembly of Samburu to establish Agricultural machinery services and to provide for the institutional framework for the development and regulation of the same and for connected and incidental purposes

ENACTED by the County Assembly of Samburu, as follows—

PART I—PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Samburu County Agricultural Machinery Services Act, 2015 and shall come into operation upon publication in the Kenya Gazette and the County Gazette.

Objectives of the Act

2. (a) The overriding objective of this Act is to provide a comprehensive, harmonized, efficient and effective legal and regulatory framework for development and regulation of agricultural machinery services in Samburu County.
- (b) To accelerate the growth and development of agriculture in general, enhance productivity and incomes for farmers through a combination of strategies that include; access to certified seeds, mechanization of agriculture, farmer organizations and marketing.
- (c) All county government agencies, public servants and bodies charged with development and regulation of crop agriculture shall at all times have due regard to, and observe, the objectives of this Act as set out in Sub-sections (a) and (b).

Interpretation

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

“administrator” means a Sub-County Administrator, Ward Administrator and Village Administrator;

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

“agricultural machinery” includes tractors, implements, equipment, and machinery;

“AMS” means Agricultural Machinery Services;

“cash crop” means an agricultural crop which is grown for sale to return a profit and shall include wheat, burley among others;

“committee” mean such persons elected by members of a farmers association to represent and run the association on behalf of the farmers;

“county assembly” means the County Assembly of Samburu;

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

“county government” means the County Government of Samburu;

“crop agriculture” includes all activities relating to or connected with crop farming, husbandry, trade or marketing;

“crops” means any plant that is grown in significant quantities to be harvested as food, as livestock fodder, fuel, or for any other economic purpose;

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

“farmer association” means an association formed by farmers to promote their agricultural interests;

“farmer” means a person who is principally occupied in producing agricultural products on a farm;

“sub-location” means that administrative area administered by the sub-chief, which may also be referred by such other title as the county assembly may assign.

4. This Act shall apply within jurisdiction of the Samburu County Government.

PART II—ESTABLISHMENT AND MANAGEMENT OF AGRICULTURAL MACHINERY SERVICES

Establishment of agricultural machinery services

5. (1) There is established the Agricultural Machinery Services.

(2) The service shall consist of agricultural machinery and equipment procured by the County Government to accelerate the growth and development of Agriculture.

(3) The County Executive Committee member shall in consultation with Farmers Associations determine, plan, budget and procure such Agricultural Machinery and Equipments based on needs and funds availability.

(4) The agricultural machinery and equipments shall be devolved to farmers associations based on their agricultural activity, potential, readiness and capacity.

(5) The machinery and equipments shall remain the property of Samburu county.

Devolution and Management of AMS

6. (1) The County Government shall devolve the machinery to farmers association who shall manage the machinery on a day to day basis for the furtherance of the objectives set out in this Act.

(2) It is an offence for a Farmers Association or their committees to dispose machinery devolved to them by the County Government.

(3) The use of agricultural machinery shall be provided to farmers at a fee.

(4) The amount of money charged per acre or such other agreed basis, shall be determined by the farmers associations or their committees in consultation with the director, provided that such an amount is uniform across the county.

(5) The farmers association and their committees shall hire competent machine operators and their assistants to operate the machinery.

(6) The operators and their assistants shall be employees of the farmers association and not staff of the County Government.

(7) It is the responsibility of the farmers associations to pay wages of their staff as well as observe good human resource management practices.

(8) The committees and the operators shall ensure that the machinery are competently serviced and maintained to guarantee longer life span or durability.

Financial Management

7. (1) The revenues collected from AMS shall be banked and utilized by the committees to meet the cost of providing the services.

(2) The legitimate cost shall include provision of fuel and lubricants for the machinery, repair and maintenance of the machinery, payment of wages for the plant operators, and purchase of new machinery.

(3) Subject to rules and regulations set by the County Executive Committee Member, minimum farmers association operation cost may be paid through AMS revenue.

(4) Subject to the approval of the County Executive Committee Member and the County Assembly, an amount of money may become chargeable on revenues from AMS.

(5) The director and the administrators shall ensure and cause farmers associations to uphold sound financial management practices.

(6) Every farmers association shall keep adequate financial records of the AMS and provide an annual report to the director.

Powers and Grounds for withdrawal of Agricultural Machinery

8. (1) The County Executive Committee Member with the approval of the County Assembly may recall agricultural machinery devolved to a particular Farmers Association.

(2) Subject to Sub-section (1) above, the county executive committee member shall be guided by the following—

- (a) mismanagement of the machinery;
- (b) misuse;
- (c) embezzlement of funds;
- (d) vandalism;
- (e) failure to file annual reports;
- (f) corruption; and
- (g) conflicts within a farmers association.

(3) The County Executive Committee Member may withdraw agricultural machinery for the purpose of disposal of any boarded machinery.

Agricultural Machinery for enhancement of cash crops

9. (1) The provisions of Sections 6 – 8 shall not apply to machinery and equipments that relate to cash crop farming.

(2) Machinery and equipments for the enhancement of cash crop farming shall be managed by the office of the director.

(3) The Executive Committee Member shall develop rules and regulations to govern the operation of machinery and equipments for cash crop farming.

(4) The director in consultation with the executive committee member shall develop a service charter for such machinery.

Disposal of Agricultural Machinery

10. (1) The County government is the titleholder of the agricultural machinery and is the only entity that can dispose the same, and shall do so in accordance with existing government rules and regulations or such other county legislation enacted by the county assembly; provided that the proceeds of disposal shall be utilized to procure replacement machinery.

PART III—ESTABLISHMENT OF FARMERS ASSOCIATIONS**Establishment of farmers associations in Samburu county**

11. (1) There are established associations to be known as Farmers Associations in the County.

- (2) The farmers associations shall be—
- formed and established at the sub-location level;
 - registered with the County government upon payment of Kenya shillings two thousand only (Ksh.2,000); and
 - relevant only in areas undertaking crop farming.

Membership

12. (1) The membership of Farmers Associations shall be open to farmers undertaking crop agriculture, who come from the same sub-location.

- (2) Membership shall be—
- by registration; and
 - upon payment of Kenya shillings Two hundred that is renewable annually;
 - subject to the rules and regulations made by the County Executive Committee Member.

Functions and Powers of Farmers Associations

13. Each farmers association shall—

- Elect a committee to run the affairs of the association;
- Come up with guidelines to effective management of the agricultural machinery;
- With a request from the county executive committee member participate in the process of developing policy that relate to the promotion of agriculture and farmers in the county;

(4) Approve monthly, quarterly and annual plans and budgets of the association;

(5) With a resolution of an annual general meeting, dissolve its committee if it is not running the affairs of the association in the furtherance of the objectives of this Act; and

(6) Any other function that the County Executive Committee Member assign.

Composition of the Committees

14. (1) Subject to Section 13(1) every farmers association, in a duly convened meeting, shall elect a committee from within its members.

- (2) Each Committee shall be composed of—
- a representative of the youth and the disabled;
 - the Chairperson of a group ranch Committee if any within the sub-location;
 - the Ward Administrator, Village Administrator, Ward Office Managers and the sub-chief ex-official members; and
 - any other number of members as the community may appoint.
- (3) Not more than two thirds members of the same gender.
- (4) Each committee shall in their first meeting elect the chairperson, treasurer and the secretary.

(5) The farmers association in consultation with the county executive committee member shall determine the term of office of the committee, provided that the term shall not exceed three years.

Duties and Powers of the Committee

15. (1) The management of the farmers association shall vest in a committee elected in accordance with Section 14.

- (2) The committee shall—
- employ and manage machine operators;
 - open and maintain a bank account;
 - utilize the revenues of the AMS to meet the expenses of the farmers association;
 - maintain proper books of accounts and records;
 - produce and present annual reports including financial reports to the farmers association;

- (f) operate, service and maintain all the machinery devolved to the farmers association;
- (g) make and maintain a register of all farmers of the association, including the acreage under cultivation;
- (h) collaborate and consult the director on matters concerning the development of agriculture and farmers;
- (i) convene meetings of the Farmers Association;
- (j) promote best farming practices in the county; and
- (k) perform any other function as it may be assigned by the County Executive Committee Member or by other legislation.

Office of the Director

16. (1) The director shall —

- (a) be responsible for the effective management of the agricultural machinery services devolved to farmers association;
- (b) dedicate a small team of staff to offer support services to the farmers association, in regard to agricultural machinery services;
- (c) consult and co-operate closely with the Farmers Associations, Sub-County Administrators, Ward Administrators, Village Administrators and Ward Office Managers.

(2) The Director shall mobilize and support Farmers Associations and oversee the delivery of Agricultural Machinery Services.

(3) Conflicts arising out of the agricultural machinery services shall be resolved through alternative dispute resolution mechanisms initiated by the Agricultural Machinery Committee and presided over by a director.

17. The County Executive Committee Member may make regulations generally for the better carrying into effect of any provisions of this Act and such regulations shall be tabled before the County Assembly for approval.