

MEMO



TO: The Speaker of the Senate

THRO: The Clerk of the Senate

forwarded for approval and forwarding to Hon. Speaker.

THRO: The Deputy Clerk -M.A

THRO: Director, Committee Services-*forwarded & recommended*
03/11/2020

*Melker
3/11/20*

FROM: Clerk Assistant II

*Approved.
Kund
4/11/20*

DATE: 3rd November, 2020

SUBJECT: REPORT ON CONSIDERATION OF THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)

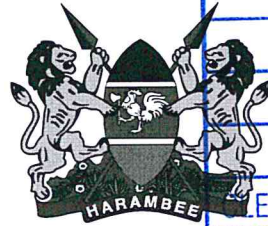
The Standing Committee on Agriculture Livestock and Fisheries has concluded its consideration of the Mung Beans Bill, (Senate Bills No. 9 of 2020) and has completed its report on the same.

This is to seek your approval of the Report for tabling in the Senate.

CAROL KIROREI

*Rt. Hon Speaker
You may approve
for tabling.
0002
03/11/20*

REPUBLIC OF KENYA



PAPERS LAID	
DATE	11/11/2020
TABLED BY	Vice Chair
COMMITTEE	Agriculture
CLERK AT THE TABLE	Doreen

TWELFTH PARLIAMENT

FOURTH SESSION

THE SENATE

THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND
FISHERIES

REPORT ON THE CONSIDERATION OF THE MUNG BEANS BILL,
(SENATE BILLS No. 9 of 2020)

Clerk's Chambers
Parliament Buildings,
NAIROBI

OCTOBER, 2020

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ABBREVIATIONS

AFA	-	Agriculture and Food Authority
COG	-	Council of Governors
CS	-	Cabinet Secretary
CECMs	-	County Executive Committee Members

PREFACE

Mr. Speaker Sir,

Establishment of the Committee

The Senate Standing Committee on Agriculture, Livestock and Fisheries was constituted on Wednesday, 24th June, 2020 during the Fourth Session of the Twelfth (12th) Parliament pursuant to the provisions of standing order 187 (1) of the Standing Orders of the Senate which states:

“Unless otherwise provided by any written law or these Standing Orders, the Senate Business Committee shall, in consultation with Parliamentary Parties, nominate Senators who shall serve on a Select Committee.”

Mandate of the Committee

The Standing Committee on Agriculture, Livestock and Fisheries is mandated under the Second Schedule of the Standing Orders to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.

Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely-

- i. The State Department of Agriculture;
- ii. The State Department of Livestock;
- iii. The State Department for Fisheries; and
- iv. The State Department of Cooperatives.

Membership of the Committee

The Committee is comprised of the following members-

1. Sen. Peter Njeru Ndwiga, EGH, MP - **Chairperson**
2. Sen. Enoch Wambua, MP - **Vice-Chairperson**
3. Sen. Kipchumba Murkomen, EGH, MP

4. Sen. (Canon) Naomi Jillo Waqo, MP
5. Sen. (Dr.) Michael Malinga Mbito, MP
6. Sen. (Eng.) Ephraim Maina, EBS, MP
7. Sen. Justice (Rtd.) Madzayo Stewart Mwachiru, MP
8. Sen. Issa Juma Boy, MP
9. Sen. Boniface Kabaka, MP

Secretariat of the Committee

The Committee secretariat is comprised of –

- | | |
|----------------------|---------------------------|
| 1. Ms. Carol Kirorei | - Clerk Assistant |
| 2. Ms. Sombe Toona | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Counsel |
| 4. Ms. Caroline Njue | - Research Officer |
| 5. Ms. Njeri Manga | - Media Relations Officer |
| 6. Ms. Mary Nyawira | - Audio Officer |
| 7. Mr. John Pere | - Serjeant-At-Arms |

Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the consideration of the Mung Beans Bill, (Senate Bills No. 9 of 2020).

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 213 (6), to present the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the consideration of the Mung Beans Bill (Senate Bills No. 9 of 2020) for consideration by the House.

Signed.....



.....

Date ...24/10/2020

SEN. PETER NJERU NDWIGA, EGH, M.P.

CHAIRPERSON

EXECUTIVE SUMMARY

The Mung Beans Bill, (Senate Bills No. 9 of 2020) sponsored by Sen. Enoch Wambua, M.P. was read a First Time in the Senate on 4th August, 2020 and thereafter stood committed to the Standing Committee on Agriculture, Livestock and Fisheries.

Pursuant to the provisions of Article 118 (1) (b) of the Constitution and standing order 140 (5) of the Senate Standing Orders, the Standing Committee on Agriculture, Livestock and Fisheries invited interested members of the public to submit their views on the Bill through advertisements in The Standard and The Daily Nation newspapers on Monday, 10th August, 2020. At its 97th Sitting held on 20th August, 2020 on the Zoom Online Meeting Platform, the Committee received submissions from the Council of Governors (COG).

Chapter One of this report contains an overview of the Bill setting out the salient provisions contained in it. Chapter Two of the report documents the submissions received from stakeholders. Chapter Three contains the Committee observations and finally, Chapter Four contains the Committee Recommendations.

1.0. INTRODUCTION

1.1. Overview of the Bill

The object of the Mung Beans Bill (Senate Bills No. 9 of 2020) is to provide for the development, regulation and promotion of the mung beans sector and a framework for the coordinated implementation of the National policies and strategies on development and regulation of the mung bean industry.

Part II-Responsibilities of the National and County Governments

Clause 2 of the Bill defines mung bean and mung bean products to mean—

- a) the plant or part of the plant of the species known botanically as *vigna radiata* of any inter-specific hybrid involving this species or of any progeny of such hybrid;
- b) any product, extract or substance obtained or derived from mung bean by any treatment or process.

i. Duties of the Agriculture and Food Authority

Clause 4 of the Bill states that the Authority shall perform the following duties-

- a) provide capacity building and technical assistance to county governments on its own initiative or on request by a county government;
- b) establishing, coordinating and monitoring the implementation of national standards and policies relating to the mung bean industry;
- c) adopt best mung bean farming and practicing practices by establishing linkages with international research agencies;
- d) develop the mung bean industry by ensuring allocation of adequate resources for the development of the industry;
- e) enhance efficiency and productivity in the mung bean industry by developing, adapting and disseminating new technologies;
- f) promote access to international mung bean markets by collaborating with the respective county executive committee members in determining the best areas for establishment of local, regional and international markets; and

- g) implement strategies in order to safeguard the interests of the growers in the mung bean industry.

ii. Duties of county executive committee members

Clause 5 of the Bill states that a county executive committee member shall-

- a) both locally and internationally market mung beans produced by the respective county;
- b) promote investment in the infrastructure necessary to facilitate access to markets and the transportation of mung beans and mung bean products within and outside the respective county;
- c) put in place measures to improve the quality of the production of mung beans within the county;
- d) provide assistance to growers on post-harvesting management of mung bean products;
- e) implement appropriate remedial measures to identified challenges affecting the mung bean industry in the county;
- f) put in place measures for the control of plant diseases or noxious weeds that affect mung bean production;
- g) formulate and implement county specific policies on the development and regulation of the mung bean industry within the respective county;
- h) promote the carrying out of mung bean trade through conducive taxation regimes;
- i) establish inter-county frameworks, institution and agencies that they may consider necessary for the promotion of the mung bean industry;
- j) develop and enact a county regulatory framework for the development, management and regulation of the mung bean industry.

iii. Prioritization of mung bean products in government feeding programmes

Clause 6 of the bill states that the national and county governments shall where they implement feeding programmes within learning institutions or areas falling within their mandates, implement a homegrown feeding program that is aimed at-

- a) strengthening the capacities of growers and communities;
- b) promoting the efficient production of mung beans in each county in order to ensure adequate supply to the schools, relevant institutions and food insecure areas in the county; and
- c) maximizing the benefits for the growers by linking schools and other relevant institutions to local production.

(2) in implementing a feeding programme under subsection (1), the Cabinet Secretary or county executive committee member responsible for the feeding program shall-

- a) ensure the price stability of mung bean products;
- b) put in place strategies that ensure that growers' own food stock is protected;
- c) ensure the minimum standards on production, quality and safety of mung beans by growers are maintained;
- d) put in place mechanisms to ensure accessibility and ease of transport of mung beans to schools, relevant institutions and areas implementing the feeding programmes; and
- e) ensure minimum nutritional standards are maintained in the affected schools, institutions and areas.

iv. Mung bean policy

Clause 7 of the Bill states that-

- (1) within six months of the commencement of this Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Beans Policy to promote growth and development of the mung beans industry in Kenya;

(2) in developing the National Mung Beans Policy, the Cabinet Secretary shall have regard to-

- a) adequate capacity development and support for growers and other stakeholders in the mung bean industry;
- b) development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;
- c) mechanisms needed to be put in place for the reduction of the cost of procurement of mung bean products;
- d) have in place a framework to monitor and evaluate implementation of the policy in the development and regulation of the mung bean sector;
- e) participation of stakeholders and communities at the county levels of government;
- f) effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry; and
- g) resources for implementation of the policy in each county.

(3) County governments shall incorporate the Mung Beans Policy in the respective County Integrated Development Plan and agriculture industry policies;

(4) Cabinet Secretary shall-

- a) facilitate public participation and involvement in the development and review of the policy;
- b) publish National Mung Beans Policy in the Gazette; and
- c) review the policy at least once every five years.

PART III-REGULATORY PROVISIONS

i. Requirement for registration of growers

Clause 8 of the Bill provides that-

- (1) Every grower shall register with the relevant county executive committee member.
- (2) Each county executive committee member shall maintain a register of all mung bean growers registered in the respective county under subsection (1) specifying-
 - a) the name of the grower;
 - b) the variety of mung bean grown; and
 - c) the location, size and parcel number of the land on which the mung bean is grown.
- (3) A county government may enact county legislation setting out-
 - a) further information required to be submitted by an applicant for registration;
 - b) the criteria for the registration of a grower within the respective county; and
 - c) such other matters as the county government may consider necessary for the registration of growers in the respective county.

ii. Requirement for licensing of marketers, processors and large scale traders

Clause 9 of the Bill provides that-

- (1) mung beans and mung bean products shall not be marketed, processed or traded on large scale by any person unless the person has obtained a license from the relevant county executive committee member.
- (2) Contravention of subsection (1) by any person commits an offence and is liable, on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

iii. Application for a license

Clause 10 of the Bill provides that-

- (1) Persons intending to market, process or carry out large scale trading of mung beans or mung bean products shall apply for a license to the county executive committee member in the form prescribed.
- (2) A county executive committee member shall notify an applicant of the decision on an application for a license within twenty-one days.
- (3) A county government may enact county legislation setting out-
 - a) Process of determination of an application for a license under this Act;
 - b) Criteria for issuance of a license within the respective county;
 - c) Process of application for the renewal of licenses under this Act; and
 - d) Information required to be submitted by an applicant for a license under this Act.

iv. Refusal to issue a license

Clause 11 of the Bill provides that a county executive committee member may refuse to issue a license under this Act where the application does not comply with the provisions of this Act and does not comply with the requirements of a relevant county legislation. The applicant has submitted false or misleading information in the application.

v. Cancellation of a license

Clause 12 of the Bill provides that-

- (1) a county executive committee member may cancel a license where the of such a license is in breach of the provisions of this Act or any other relevant national or county legislation.
- (2) A license may not be cancelled by a county executive committee member unless the county executive committee member-
 - a) Issues the license holder a notice in writing of at least fourteen days, of the intention to cancel; and

- b) Grants the license holder an opportunity to be heard on the intended cancellation.
- (3) The notice under subsection (2) shall Inform the license holder the timelines of compliance and notify the license holder of the breach and steps required to ensure compliance with the relevant law.
- (4) The license holder may request the county executive committee member to extend the timeline for compliance subsection (3)(c) for the period he may consider necessary.

vi. Application for review

Clause 13 of the Bill provides that a person aggrieved by the decision of a county executive committee member may within thirty (30) days of being notified of the decision apply for a review of the decision and the authority shall determine the application within sixty (60) days of receipt of the application and may confirm, vary or reverse the decision.

vii. Licenses to be renewed annually

Clause 14 of the Bill provides that a license issued under this Act is renewable annually.

viii. Dissemination of market information

Clause 15 of the Bill provides that the authority shall carry out market research and disseminate such information to growers and buyers.

ix. Maintenance of registers

Clause 16 of the Bill provides that-

- (1) the Authority shall keep and maintain a register of all growers, buyers and other entities registered or licensed to undertake actions regulated by this Act.
- (2) A county executive committee member shall keep and maintain a register of all licenses issued under this Act and furnish the authority with information on all growers registered and licenses issued, cancelled or

renewed by the county executive committee member on the fifth of every month.

PART IV-MISCELLANEOUS PROVISIONS

i. Penalties

Clause 17 of the Bill provide that a person who commits an offense for which no penalty is provided is liable, on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both.

ii. Regulations

Clause 18 of the Bill provides that the Cabinet Secretary in consultation with the Board may make regulations prescribing anything that may be prescribed under this Act and for carrying out the provisions of this Act.

iii. County legislation

Clause 19 of the Bill provides that county governments may enact legislation but not inconsistent with this Act and to make further provision for the performance of functions and exercise of powers of the county government under this Act.

Clause 20 & 21 of the Bill provides that for the production, development and regulation of mung beans, the Crops Act shall not apply. All directions, orders and authorizations given or licenses issued, or regulations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Authority.

1.2. Committal of the Bill to the Standing Committee on Agriculture Livestock and Fisheries

The Mung Beans Bill (Senate Bills No. 9 of 2020) was read a First Time in the Senate on 4th August, 2020. The Bill was thereafter committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

Pursuant to Article 118 (1) (b) of the Constitution and standing order 140 (5) of the Senate Standing Orders, the Committee invited views on the Bill from the public

by placing advertisements in the Daily Nation and the Standard newspapers on 10th August, 2020.

At its 97th Sitting held on 20th August, 2020 on the Zoom online meeting platform, the Committee received submissions the Council of Governors (COG). At its 105th Sitting held on 23rd October, 2020, the Committee considered the submissions received from the Council of Governors, and adopted its report at its 108th Sitting held on 24th October, 2020.

2.0. SUBMISSIONS

2.1. Submissions from the Council of Governors

At its 97th Sitting held on 20th August, 2020 on the Zoom online meeting platform, the Standing Committee on Agriculture, Livestock and Fisheries met with the Council of Governors to present the views of the Council on the Mung Beans Bill. Hon. Muthomi Njuki, the Chairperson of the Agriculture Committee of the Council submitted a written memorandum whose submissions are summarized below-

A. General recommendations

The Council of Governors recommended that the Senate amends the Mung Beans Bill to include not only the mung beans but also all other pulses e.g. cow peas and pigeon peas.

B. Specific recommendations

CLAUSE	PROVISION OF THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
4. Duties of the Agriculture and Food Authority.	4. For the realization of the objectives set out under section 3, the Authority shall— (a) put in place measures to improve the overall production of mung beans in the country; (b)... (c)... (d) develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry; (e)... (f) develop a framework to increase accessibility of affordable agricultural inputs by growers; (g) ensure allocation of adequate resources for the development of the mung bean industry; (j) implement strategies in order to safeguard the interests of the growers in the mung bean industry;	Amend clauses 4(a)(d)(f)(g) and (j) to read as follows: 4. For the realization of the objectives set out under section 3, the Authority shall— (a) in consultation with the County Governments, put in place measures to improve the overall production of mung beans in the country; (b)... (c)... (d) in consultation with the County Governments, develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry; (e)... (f) in consultation with the County Governments, develop a framework to increase accessibility of affordable agricultural inputs by growers;	To align the functions of the Authority to the provisions of Articles 6(2). 189 and section 1 of Part 2 to the Fourth Schedule of the Constitution.

		(g)ensure there is adequate resources for the development and regulation of the mung bean industry by the Authority and County Governments; (j) in collaboration with the County Governments, implement strategies in order to safeguard the interests of the growers in the mung bean industry;	
13. Application for review	13. (1) A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, apply to the Authority for a review of the decision.	Amend to read as follows: 13. (1) A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, apply to the Cabinet Secretary for a review of the decision.	It is our considered that the Cabinet Secretary is responsible for the implementation of the Act and hence reviews under the same should be channelled to the CS and not the Authority as proposed under the Bill.
21. Transitional provisions	21. All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.	Amend to read as follows: 21. All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act shall be deemed to have been made under the provisions of this Act and shall remain in force until specifically revoked under this Act.	To align the transitional clause to the provisions of the Act which empowers the CECMs to approve and revoke licenses under the Act and also to regularise the process of issuance of license under the Act.

3.0 COMMITTEE OBSERVATIONS

The Committee made the following observations-

1. Clause 4 sub clauses (a), (d), (f), (g) and (j) of the Bill provide for duties of the Agriculture and Food Authority but fail to align the functions of the Authority with the provisions of Articles 6(2), 189 and section 1 of Part 2 to the Fourth Schedule of the Constitution on consultation and cooperation between the national and county governments;
2. Clause 13 (1) of the Bill provides that a person aggrieved by a decision of a county executive committee member may apply to the Authority for a review of the decision. The Committee observes that applications for review of decisions should be channeled through the Governor as opposed to the Authority, and thereafter the aggrieved person may proceed to seek recourse at the High Court;
3. Proposal was made that the scope of the Bill should be expanded to cover all pulses. The Committee however, observes that the marketing of the mung beans is different from the marketing of other legumes and therefore lumping the beans with other pulses and legumes into one Bill would provide a challenge to its marketing;
4. That the Committee should amend the National Cereals and Produce Board Act to include pulses among the scheduled crops, as this would be a solution to the storage and marketing challenges facing the farmers currently and that the mung beans should be among the crops that are sold to the State's Strategic Food Reserve;
5. That there is need to increase capacity and resources towards research in the pulses industry. Although the Bill requires the Agriculture and Food Authority to establish linkages with international research agencies for the adoption of best mung bean farming and processing practices, there is need for the Senate to lobby for more resources to be set aside for programmes under the Kenya Agricultural and Livestock Research Organization (KALRO). This will ensure that the country develops the best seed; and

6. That despite the farmers' efforts to produce good quality mung beans, they are faced with marketing challenges. The Committee notes that the Bill also requires the Agriculture and Food Authority to promote access to international markets. This would go a long way in ensuring that farmers get value for their effort.

3.0. COMMITTEE RECOMMENDATIONS

In view of the observations, the Committee recommends as follows-

1. That Clause 4 sub clauses (a), (d), (f), (g) and (j) be amended to align the functions of the Authority to the provisions of Articles 6(2), Article 189 and the Fourth Schedule of the Constitution;
2. That Clause 13 be amended to ensure that applications for review by a person aggrieved by a decision of the county executive committee member under the Act are channeled through the Governor as opposed to the Authority and if still aggrieved provide that the person may proceed to the High Court for recourse;
3. That clause 21 be amended to align the transitional clause to the provisions of the Act which empowers the county executive committee members to approve and revoke licenses under the Act and also to regularize the process of issuance of license under the Act; and
4. That the Bill proceeds to the next stage in the legislative process.

APPENDICES

APPENDIX I	Minutes of the Committee Deliberations
APPENDIX II	Committee Stage amendments to the Bill
APPENDIX III	Copies of the Newspaper advertisements on 10 th August, 2020
APPENDIX IV	The Mung Beans Bill, (Senate Bills No. 9 of 2020)

APPENDIX I

Committee Minutes

MINUTES OF THE NINETY SEVENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON THURSDAY, 20TH AUGUST, 2020 AT 12.00 NOON ON THE ZOOM ONLINE MEETING PLATFORM

PRESENT

1. Sen. Peter Njeru Ndwiga, EGH, MP - Chairperson
2. Sen. Enoch Wambua, MP - Vice-Chairperson
3. Sen. (Canon) Naomi Jillo Waqo, MP
4. Sen. Kipchumba Murkomen, EGH, MP
5. Sen. Boniface Kabaka, MP

ABSENT WITH APOLOGY

1. Sen. (Dr.) Michael Malinga Mbiti, MP
2. Sen. Issa Juma Boy, MP
3. Sen. (Eng.) Ephraim Maina, MP
4. Sen. Justice (Rtd.) Stewart Madzayo, MP

IN ATTENDANCE

1. H.E. Muthomi Njuki
Agriculture Committee
2. Mr. Robert Kiteme
3. Mr. Mussolini Kithome
4. Mr. Benson Loktari

COUNCIL OF GOVERNORS

- Chairperson,
- Secretariat
- Secretariat
- Secretariat

IN ATTENDANCE

1. Ms. Carol Kirorei
2. Ms. Caroline Njue
3. Ms. Mary Nyawira

SENATE

- Clerk Assistant
- Research Officer
- Audio Services

MIN. NO. 177/2020 PRELIMINARIES

The Chairperson called the meeting to order at 12.10 p.m. followed by a word of prayer.

MIN. NO. 178/2020 ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Kipchumba Murkomen, EGH, MP and seconded by Sen. Enoch Wambua, MP.

**MIN. NO. 179/2020 MEETING WITH THE CHAIRPERSON,
AGRICULTURE COMMITTEE OF THE COG**

The Chairperson welcomed the Governor to the meeting and informed him that the Committee was currently receiving submissions on the Mung Beans Bill, 2020. The Chairperson then welcomed the Governor to present the views of the Council of Governors on the Bill.

The Governor thanked the Committee for the invitation noting that mung beans were a major cash crop in many arid counties across the country. He then proposed the following amendments to the Bill-

1. That the Bill should not only cover the mung beans but also all other legumes i.e. beans and peas;
2. That Clause 4 be amended in sub clauses a, d and f to insert the words "*in consultation with county governments*" in order to align the functions of the Authority to the provisions of Articles 6(2), 189 and section 1 of Part 2 to the Fourth Schedule of the Constitution.
3. That Clause 13 be amended to replace the word "Authority" with the words "*Cabinet Secretary*". This is because the Cabinet Secretary is responsible for the implementation of the Act and hence reviews under the same should be channelled to the Cabinet Secretary and not the Authority as proposed under the Bill;
4. That Clause 21 on transition be amended to read "*...shall be deemed to have been made under the provisions of this Act and shall remain in force until specifically revoked under this Act.*" This is so as to align the transitional clause to the provisions of the Act which empowers the County Executive Committee Members to approve and revoke licenses under the Act and also to regularise the process of issuance of license under the Act;

5. That the mung beans be listed as one of the crops under the Strategic Food Reserve and compel the Ministry of Agriculture to review the Crops Act, 2013;

Members noted that marketing of the mung bean was different from other legumes and therefore lumping the beans with other pulses and legumes into one Bill would provide a challenge to its marketing.

MIN. NO. 180/2020 ANY OTHER BUSINESS

The Chairperson of the Agriculture Committee of the Council of Governors sought the assistance of the Committee with regard to-

1. The Crops (Tea Industry) Regulations, 2020 and The Crops (Sugar) (General) Regulations, 2020;
2. The Coffee Revitalization Programme funded by the World Bank; and
3. The Locust Lost Livelihoods intervention by the World Bank;

Following deliberations, it was resolved that communication be sent to the Committee setting out in detail the issues of concern for follow up with the Ministry.

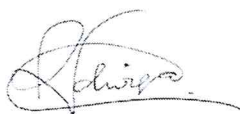
MIN. NO. 190/2020 DATE OF NEXT MEETING

The next meeting would be held on Friday, 22nd August, 2020 at 10.00 a.m.

MIN. NO. 191/2020 ADJOURNMENT

There being no other business the Sitting was adjourned at 12.45 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....31/8/2020.....

**MINUTES OF THE 105TH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON FRIDAY,
23RD OCTOBER, 2020 AT 11.00 A.M. AT THE WHITESANDS HOTEL,
MOMBASA**

PRESENT

- | | | |
|--------------------------------------|---|------------------|
| 1. Sen. Peter Njeru Ndwiga, EGH, MP | - | Chairperson |
| 2. Sen. Enoch Wambua, MP | - | Vice-Chairperson |
| 3. Sen. (Canon) Naomi Jillo Waqo, MP | | |
| 4. Sen. Boniface Kabaka, MP | | |
| 5. Sen. Issa Juma Boy, MP | | |

ABSENT WITH APOLOGY

1. Sen. Kipchumba Murkomen, EGH, MP
2. Sen. (Dr.) Michael Malinga Mbito, MP
3. Sen. (Eng.) Ephraim Maina, MP
4. Sen. Justice (Rtd.) Stewart Madzayo, MP

IN ATTENDANCE

1. Ms. Carol Kirorei
2. Ms. Regina Munyao
3. Ms. Caroline Njue

SENATE

- | | |
|---|------------------|
| - | Clerk Assistant |
| - | Legal Counsel |
| - | Research Officer |

MIN. NO. 206/2020 PRELIMINARIES

The Chairperson called the meeting to order at 11.10 a.m. followed by a word of prayer.

MIN. NO. 207/2020 ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Naomi Waqo, MP and seconded by Sen. Issa Boy Juma, MP.

**MIN. NO. 208/2020 CONSIDERATION OF PUBLIC
PARTICIPATION MATRIX ON THE MUNG
BEANS BILL**

The Legal Counsel presented the public participation matrix on the Mung Beans Bill, (Senate Bills No. 9 of 2020). The Committee made the resolutions as follows-

1. Clause 2

Proposal: That the Bill be amended to include all pulses.

Rationale: This will ensure proper marketing of all pulses as opposed to marketing of the mung beans only.

Resolution: Not agreed to as lumping the pulses together would water down marketing of the mung beans.

2. Clause 4

Proposal: That sub clauses a, d, f, g and j be amended to ensure the Agriculture and Food Authority consults with the county governments

Rationale: To align the functions of the Authority to the provisions of Articles 6(2). 189 and section 1 of Part 2 to the Fourth Schedule of the Constitution.

Resolution: Agreed to.

3. Clause 13

Proposal: That the clause be amended to read as follows-

13. (1) A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, apply to the Cabinet Secretary for a review of the decision.

Rationale: The Cabinet Secretary is responsible for the implementation of the Act and hence reviews under the same should be channelled to the CS and not the Authority as proposed under the Bill.

Resolution: Not agreed to. The Committee resolved that a person aggrieved by a decision of the county executive committee member should first apply for review at the Office of the Governor and if unsatisfied, proceed to the High Court.

4. Clause 21

Proposal: That the Clause be amended to read as follows-

“All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act shall be deemed to have been made under the provisions of this Act and shall remain in force until specifically revoked under this Act.”

Rationale: To align the transitional clause to the provisions of the Act which empowers the county executive committee members to approve and revoke licenses under the Act and also to regularise the process of issuance of license under the Act

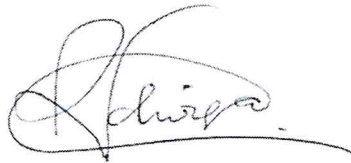
Resolution: Agreed to.

MIN. NO. 209/2020 DATE OF NEXT MEETING

The next meeting would be held on Friday, 23rd October, at 12.00 noon.

MIN. NO. 210/2020 ADJOURNMENT

There being no other business the Sitting was adjourned at 11.35 a.m.



SIGNED:.....

(CHAIRPERSON)

DATE:.....24/10/2020.....

APPENDIX II

Committee Stage amendments to the Bill

2nd November, 2020

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE MUNG BEAN BILL,
SENATE BILLS NO. 9 OF 2020**

NOTICE is given that Sen. Peter Njeru Ndwiga, Chairperson, Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Mung Bean Bill, Senate Bills No. 9 of 2020, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in the introductory clause by inserting the words “in consultation with the Council of County Governors,” immediately after the words “the Authority”.

CLAUSE 13

THAT clause 13 of the Bill be amended —

- (a) in subclause (1) by deleting the word “Authority” appearing immediately after the words “apply to the ” and substituting therefor the words “the county executive committee member”;
- (b) in subclause (3) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”;
- (c) by inserting the following new subclause immediately after subclause (3)

(4) A person who is aggrieved by the decision of the county executive committee member may, within thirty days of the decision, appeal to the High Court.

CLAUSE 21

THAT clause 21 of the Bill be amended by deleting the words “by the Authority as the case may be,” appearing immediately after the words “issued or made”.

Dated.....2020.

Sen. Peter Njeru Ndwiga,
Chairperson, Committee on Agriculture, Livestock and Fisheries.

APPENDIX III

Copies of the Newspaper advertisements on 10th August, 2020



REPUBLIC OF KENYA

TWELFTH PARLIAMENT | FOURTH SESSION

THE SENATE

The Mung Beans Bill (Senate Bills No. 9 of 2020)

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

The Mung Beans Bill (Senate Bills No. 9 of 2020) was read a First Time in the Senate on 4th August, 2020 and thereafter stood committed to the Senate Standing Committee on Agriculture, Livestock and Fisheries.

Pursuant to the provisions of Article 118 and standing order 140 (5) of the Senate Standing Orders, the Standing Committee on Agriculture, Livestock and Fisheries now invites interested members of the public to submit any representations that they may have on the Bill, by way of written memoranda.

The written memoranda may be emailed to the Office of the Clerk of the Senate on the address - cSenate@parliament.go.ke and copied to senatescalf@parliament.go.ke to be received on or before **Thursday, 20th August, 2020 at 5.00 p.m.**

The Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/senate>.

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Email: info@ndma.go.ke
 Fax No.: 254 (20) 2227982
 Telephone: 254 (20) 2227496/2227168
 254 722200656/ 734652220
 When replying please quote:

**NATIONAL DROUGHT M
ADDENDUM No. 1: TEN**

Reference is made to tender advertisement No. NDMA/02/2020-2021 published in the Kenya Gazette of 28th July, 2020.

Following various clarifications sought and deemed necessary. Prospective tenderers are invited to visit the website www.ndma.go.ke to inspect and download the Tender Document.

Tender Number	Tender Description
NDMA/02/2020-2021	Tender for the Construction of 96,000m ³ Mbomboni Water Pan and Auxiliary Works in Kilifi County
NDMA/04/2020-2021	Proposed Construction of Auxiliary Structure around Ngomeni Earth Dam in Makueni County
NDMA/07/2020-2021	Proposed Supply and Installation of Solar and Pipeline Works for Neema Water Project in Nyeri County

All other terms and conditions of the principle Tender Document.

**James Oduor
CHIEF EXECUTIVE OFFICER**

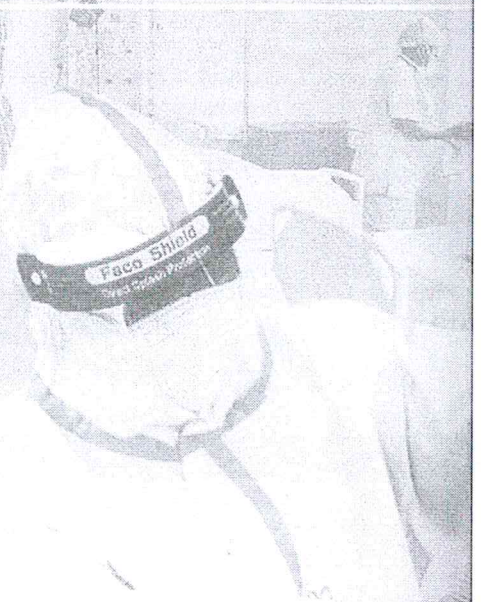
ROLE OF COUNTIES IN THE FIGHT AGAINST COVID-19

Special Feature

The lifting of the recent partial lockdown by President Kenyatta created opportunities for Kenyans to resume business and unrestricted return to inter-county movement of people, goods and services. But the freedom requires Kenyans to ensure they take the necessary measures in the fight against Covid-19.

As the populace strives to adjust to the new normal, the need for a structured public awareness campaign as part of concerted efforts and focus against the Covid-19 is of absolute necessity.

In this, the counties play a leading role as demonstrated by the initiatives being rolled out coupled with planned mitigation measures in the event of increased infections.



MOI SETS EYES ON TOP SEAT

Gideon Moi's party in ambitious plan to raid Ruto's support bases in Rift Valley

BY NATION TEAM

Independence party Kanu has set up a presidential campaign mobilisation strategy, just two weeks after the party announced its leader Gideon Moi will be on the ballot in 2022.

The party last month launched an online membership registration drive that its leaders said will be critical to what will be the 56-year-old Moi's first stab at the top job.

Since then, the Baringo senator has gone on an overdrive of meeting delegations in what is akin to the return of the allure of Kabarak — where his late father Daniel Moi hosted politicians at his palatial home and made make-or-break decisions on political careers.

"We know for sure that come 2022, we are in it. This time, we are not supporting anybody. We have done it for the last several elections where we go out there and support others. This time, we will have our own," Kanu secretary-general Nick Salat said at the party's headquarters last month.

"We do not want to just stay afloat. We want to take leadership."

The *Nation* has also learnt that the party is involved in a series of grassroots registration of members in various parts of the Rift Valley, as it seeks to build its support base in the region.

The registration drives are ongoing in Nakuru, Baringo, Kericho, Bomet, Narok, Kajiado, and parts of North Rift, including Uasin Gishu.

Nakuru Kanu branch organising-secretary Kimani Wa Kimani revealed to the *Nation* that the party has embarked on the online recruitment and campaigns to bolster its support.

Kanu officials familiar with the ongoing exercise revealed to the *Nation* that the activities mainly target those who feel disgruntled by Deputy President William Ruto's leadership style in the region.

"We will continue... raiding DP Ruto home turf," said the official.

The campaigns come a few weeks after Kanu unveiled a new team to boost the party's nationwide influence.

The team, chaired by Senate Majority Leader Samuel Poghiso, is making of decisions on party affairs, including articulation of policies and nationwide grassroots engagements.



Kanu secretary-general Nick Salat (left) and national chairman Gideon Moi during the launch of the digital membership recruitment drive at the party headquarters on July 30. SALATON NJAU | NATION

re-evaluation of the party's existing structures across the country.

Other committee members are Elizabeth Kimkung (vice-chairperson), nominated Senator Abshiro Halake, and Mr Salat. Also in the committee are Joseph Towett, George Wainaina, Aluoch Joshua, Bafadhil Abdirahman,

Edward Kivuvani and Job Waka.

But political commentator John Koech doubts that Senator Moi will make any significant political impact in popularising Kanu and tame Dr Ruto's surging popularity in Rift Valley.

"Ruto still remains the man to beat in Rift Valley in spite of the

vain efforts by his Kalenjin foes to cut him down to size. DP Ruto defied senior Moi previously and still made it to his current position," argued Mr Koech.

Reporting by Patrick Lang'at, Eric Matara, Onyango K'Onyango, Barnabas Bii

REPUBLIC OF KENYA



TWELFTH PARLIAMENT | FOURTH SESSION THE SENATE

The Mung Beans Bill (Senate Bills No. 9 of 2020)

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

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The Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/senate>.

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.

APPENDIX IV

The Mung Beans Bill, (Senate Bills No. 9 of 2020)

SPECIAL ISSUE

Kenya Gazette Supplement No. 130 (Senate Bills No. 9)



REPUBLIC OF KENYA

—————"

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2020

NAIROBI, 24th July, 2020

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIR

THE MUNG BEANS BILL, 2020
ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

1— Short title.

2— Interpretation.

3— Objects of the Act.

**PART II – RESPONSIBILITIES OF THE NATIONAL
AND COUNTY GOVERNMENTS**

4—Duties of the Agriculture and Food Authority.

5—Duties of county executive committee members.

6—Prioritisation of mung bean products in
government programs.

7—Mung bean policy.

**PART III – REGULATORY
PROVISIONS**

8— Requirement for registration by growers.

9— Requirement for licensing of marketers, processors
and large scale traders.

10— Application for a licence.

11— Refusal to issue a licence.

12— Cancellation of a licence.

13— Application for review.

14— Licences to be renewed annually.

15— Dissemination of market information.

16— Maintenance of registers.

**PART IV – MISCELLANEOUS
PROVISIONS**

17— Penalties.

18— Regulations

19— County legislation.

20— Exclusion from application of No. 16 of 2013.

21— Previous authorizations.

THE MUNG BEANS BILL, 2020

A Bill for

AN ACT of Parliament to provide for the development, regulation and promotion of the mung beans sector, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Mung Beans Act, 2020. Short title.
2. In this Act—
 - “Authority” means the Agriculture and Food Authority established under Section 3 of the Agriculture and Food Authority Act; Interpretation.
 - “buyer” means a legal person engaged in acquiring mung beans for re-sale in the local or export market;
 - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture; No. 13 of 2013.
 - “county executive committee member” means the county executive committee member responsible for matters relating to agriculture in a county where mung bean is grown;
 - “licence” means a licence granted under section 10;
 - “mung bean” means the plant or part of the plant of the species known botanically as *vigna radiata* or of any inter-specific hybrid involving this species or of any progeny of such hybrid;
 - “grower” means a person who grows or cultivates mung bean in Kenya, or a person who manages, controls or cultivates land in Kenya on which mung bean is grown; and
 - “mung bean product” means any product, extract or substance obtained or derived from mung bean by any treatment or process.
3. The object of this Act is to— Objects of the Act.
 - (a) provide a framework for the co-ordinated implementation of the national policies and

- strategies on the development and regulation of the mung bean industry;
- (b) facilitate and develop a framework to regulate and promote the development of the mung bean industry in Kenya in order to make it competitive at the international level;
 - (c) promote the productivity of the mung bean industry and generate higher income for growers;
 - (d) to promote the use of mung beans by the national and county governments in the implementation of feeding programs;
 - (e) facilitate the introduction of modern mung bean farming techniques and general modernization of the mung bean industry for cost control and productivity improvement; and
 - (f) provide a framework for implementation of effective marketing strategies for mung bean in Kenya and at the international level.

PART II – RESPONSIBILITIES OF THE NATIONAL AND COUNTY GOVERNMENTS

4. For the realization of the objectives set out under section 3, the Authority shall—

- (a) put in place measures to improve the overall production of mung beans in the country;
- (b) establish, co-ordinate and monitor the implementation of national standards and policies relating to the mung bean industry;
- (c) provide technical assistance and capacity building to county governments on its own initiative or upon request by a county government;
- (d) develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;
- (e) establish linkages with international research agencies for the adoption of best mung bean farming and processing practices;
- (f) develop a framework to increase accessibility of affordable agricultural inputs by growers;

Duties of the
Agriculture and
Food Authority.

- (g) ensure allocation of adequate resources for the development of the mung bean industry;
- (h) collate, manage and disseminate information on the mung bean industry;
- (i) promote access to international mung bean markets and for this purpose, collaborate with the respective county executive committee members in determining appropriate areas for the establishment of local, regional and international markets;
- (j) implement strategies in order to safeguard the interests of the growers in the mung bean industry;
- (k) initiate financing schemes for growers to enable access to affordable funding for farmers; and
- (l) perform any other function necessary for the implementation of this Act.

5. For the realization of the objectives set out under section 3, a county executive committee member shall—

- (a) put in place measures to improve the quality and quantity of the production of mung beans within the county;
- (b) provide agricultural extension services to the growers in the respective county;
- (c) enforce regulations and standards on quality control of inputs and production of mung beans at the county level;
- (d) market mung beans produced in the respective county both locally and at the international level;
- (e) initiate, undertake and participate in the collection, preparation, production and dissemination of data and information on mung bean production, processing and marketing in the county;
- (f) promote the circulation and access to timely market information by growers;
- (g) promote investment in the infrastructure necessary to facilitate access to markets and the transportation of mung beans and mung bean products within and outside the respective county;

Duties of county executive committee members.

- (h) identify challenges affecting the mung bean industry in the county and implement appropriate remedial measures;
- (i) avail farm inputs and implements including seeds, fertilizers and other planting materials in order to facilitate mung bean production;
- (j) develop programs to intervene on soil conservation and improvement;
- (k) provide assistance to growers on post-harvesting management of mung bean products;
- (l) promote the carrying out of mung bean trade through conducive taxation regimes;
- (m) establish inter-county frameworks, institutions and agencies that they may consider necessary for the promotion of the mung bean industry;
- (n) formulate and implement county specific policies on the development and regulation of the mung bean industry within the respective county;
- (o) develop and enact a county regulatory framework for the development, management and regulation of the mung bean industry;
- (p) put in place measures for the control of plant diseases or noxious weeds that affect mung bean production;
- (q) put in place strategies for access to affordable credit and insurance packages for growers;
- (r) investigate complaints relating to unfair trade practices within the county; and
- (s) perform any other function necessary for the implementation of this Act.

6. (1) The National and county governments shall, where they implement feeding programmes within schools or other institutions or areas falling within their respective mandate, implement a homegrown feeding programme aimed at—

- (a) maximizing the benefits for growers by linking schools and other relevant institutions to local production;

Prioritisation of mung bean products in government feeding programmes.

- (b) strengthening the capacities of growers and communities; and
- (c) promoting the efficient production of mung beans in each county in order to ensure adequate supply to the schools, relevant institutions and food insecure areas in the country.

(2) In implementing a feeding programme under subsection (1), the cabinet secretary or county executive committee member responsible for the feeding program shall—

- (a) ensure the minimum standards on production, quality and safety of mung beans by growers are maintained;
- (b) ensure minimum nutritional standards are maintained in the affected schools, institutions and areas;
- (c) ensure the price stability of mung bean products;
- (d) put in place mechanisms that ensure accessibility and ease of transport of mung beans to schools, relevant institutions and areas implementing the feeding programmes; and
- (e) put in place strategies that ensure that the growers' own food stock is protected.

Mung bean policy.

7. (1) Within six months of the commencement of this Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.

(2) In developing the National Mung Bean Policy, the Cabinet Secretary shall have regard to—

- (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry;
- (b) adequate capacity development and support for growers and other stakeholders in the mung bean industry;
- (c) the participation of stakeholders and communities at the national and county levels of government;

- (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;
 - (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the mung bean sector;
 - (f) the resources required at the national and county levels of government for the effective implementation of the policy;
 - (g) mechanisms needed to be put in place for the reduction of the cost of procurement of mung bean products;
 - (h) the capacity building programmes and strategies needed to be carried out to ensure that growers are able to respond to the needs identified for the implementation of the policy; and
 - (i) the resources necessary for the implementation of the policy in each county.
- (3) County governments shall incorporate the Mung Bean Policy in the respective County Integrated Development Plan and agriculture industry policies.
- (4) The Cabinet Secretary shall—
- (a) publish National Mung Bean Policy in the *Gazette*;
 - (b) review the policy at least once every five years;
and
 - (c) facilitate public participation and involvement in the development and review of the policy.

PART III – REGULATORY PROVISIONS

8. (1) Every grower shall register with the relevant county executive committee member.

(2) Each county executive committee member shall maintain a register of all mung bean growers registered in the respective county under subsection (1) specifying—

Requirement for registration by growers.

- (a) the name of the grower;
- (b) the location, size and parcel number of the land on which the mung bean is grown; and
- (c) the variety of mung bean grown.

(3) A county government may enact county legislation setting out—

- (a) the criteria for the registration of a grower within the respective county;
- (b) information required to be submitted by an applicant for registration; and
- (c) such other matters as the county government may consider necessary for the registration of growers in the respective county.

9. (1) A person shall not market, process or carry out large scale trading of mung bean or mung bean products unless the person has obtained a licence from the relevant county executive committee member.

Requirement for licensing of marketers, processors and large scale traders.

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

10. (1) A person who intends to market, process or carry out large scale trading of mung bean or mung bean products shall make an application for a licence to the county executive committee member in the form prescribed by the county executive committee member.

Application for a licence.

(2) A county executive committee member shall notify an applicant of the decision on an application for a licence within twenty one days.

(3) A county government may enact county legislation setting out—

- (a) the criteria for the issuance of a licence within the respective county;
- (b) information required to be submitted by an applicant for a licence under this Act;
- (c) the process of determination of an application for a licence under this Act;

- (d) the process of application for the renewal of licences under this Act; and
- (e) such other matters as the county government may consider necessary for licensing in the respective county.

11. A county executive committee member may refuse to issue a licence under this Act where— Refusal to issue a licence.

- (a) the applicant has submitted false or misleading information in the application;
- (b) the application does not comply with the provisions of this Act; or
- (c) the application does not comply with the requirements of a relevant county legislation.

12. (1) A county executive committee member may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant national or county legislation. Cancellation of a licence.

(2) A county executive committee member shall not cancel a licence issued under this Act unless the county executive committee member—

- (a) issues the holder of the licence a notice, of at least fourteen days, of the intention to cancel the licence; and
- (b) grants the holder of the licence an opportunity to be heard on the intended cancellation.

(3) The notice specified under subsection (2)(a) shall—

- (a) be in writing;
- (b) notify the holder of the licence of the breach and the steps required to be taken to ensure compliance with the relevant law and avoid cancellation;
- (c) inform the holder of the licence of the timelines within which compliance is required; and
- (d) contain such other information as the county executive committee member may prescribe.

(4) A county executive committee member may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the county executive committee member may consider necessary.

(5) A county government may enact county legislation, not inconsistent with this Act, prescribing further grounds for, and the process of, cancellation of a licence issued under this Act.

(6) A county executive committee member shall inform the holder of a licence issued under this Act of the cancellation of such a licence in writing.

13. (1) A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, apply to the Authority for a review of the decision.

Application for review.

(2) An application for review shall be in such form as the Cabinet Secretary may prescribe.

(3) The Authority shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision under review.

14. A licence issued under this Act is renewable annually.

Licences to be renewed annually.

15. The Authority shall carry out market research and disseminate such information to growers and buyers.

Dissemination of market information.

16. (1) The Authority shall keep and maintain a register of all growers, buyers and other entities registered or licensed to undertake actions regulated by this Act.

Maintenance of registers.

(2) A county executive committee member shall keep and maintain a register of all licenses issued under this Act.

(3) A county executive committee member shall furnish the Authority with information on all growers registered and licences issued, cancelled or renewed by the county executive committee member on the fifth day of every month.

PART IV– MISCELLANEOUS PROVISIONS

17. (1) A person who commits an offence under this Act for which no penalty is provided is liable, on

Penalties.

conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

(2) Where an offence under this Act is committed by a partnership, company, association or co-operative society, every person who at the time when the offence was committed—

- (a) was director, partner or officer;
- (b) had knowledge or should have had knowledge of the commission of the offence; and
- (c) did not exercise due diligence to ensure compliance with this Act,

commits an offence and is liable for the offence as if that person had themselves committed the offence, unless the person proves that the act or omission constituting the offence took place without their knowledge, consent or connivance and that they exercised diligence to prevent the commission of the offence as they ought to have exercised having regard to the nature of their functions as director, partner or officer concerned as aforesaid and to all the circumstances.

18. (1) The Cabinet Secretary may, upon consultation with the Authority and county governments, make Regulations—

- (a) prescribing anything that may be prescribed under this Act; and
- (b) generally for the better carrying out of the provisions of this Act.

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

- (a) the regulation of the processing, importation and exportation of mung bean and mung bean products;
- (b) the forms to be used in the application for registration, licensing, contracts and related activities;
- (c) the process of application for registration, licensing and related activities; and

(d) any fee which may be charged for anything done under this Act.

19. A county government may enact legislation, not inconsistent with this Act, to make further provision for the performance of functions and exercise of powers of the county government under this Act.

County
legislation.

20. The Crops Act shall not apply to the production, development and regulation of mung beans.

Exclusion from
application of No.
16 of 2013.
No. 16 of 2013.
Previous
authorizations.

21. All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principle object of the Bill is to provide for the development, regulation and promotion of the mung bean sector in Kenya. It provides for the support of farmers of mung beans in each county in the production and marketing of their produce.

The Bill also provides for the regulation of the production and sale of mung bean products by county governments and the Agriculture and Food Authority. It also encourages the use of mung beans as a food security item by the National and county governments in their various feeding policies and programs.

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

This Bill, once enacted, would confer on the Cabinet Secretary responsible for agriculture the power to make regulations for the purpose of bringing into effect the provisions contained in the Bill. It therefore delegates limited and conditional legislative powers.

The Bill does not limit fundamental rights and freedoms.

Statement of how the Bill concerns County Governments

The Bill concerns county governments in that it contains provisions relating to the development, regulation and promotion of the mung bean sector. Mung bean is an agricultural produce. Paragraph 1 of Part 2 of the Fourth Schedule to the Constitution designates agriculture as a function of county governments.

It therefore follows that the development, regulation and promotion of mung beans would affect counties in the performance of the agriculture function. The Bill therefore affects the functions and powers of county governments in terms of 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill deals with matters other than those listed in the definition of a money Bill under Article 114 (3) of the Constitution and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 22nd July, 2020.

ENOCH KIIO WAMBUA,
Senator.