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SIAYA COUNTY BILLS, 2021

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**THE SIAYA COUNTY AGRICULTURE INPUT GRANTS AND
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THE SIAYA COUNTY AGRICULTURE INPUT SUBSIDIES AND GRANTS BILL, 2021**A Bill for**

AN ACT of the County Assembly of Siaya to give effect to section 3 of the Crops Act No 16 Of 2013 to institutionalize and operationalize the County Agriculture Input Subsidies and Grants programme to enable farmers and fishermen access quality and affordable inputs by supporting strategic interventions for enhancing productivity, value addition, quality improvements and marketing; and for connected purposes

ENACTED by the County Assembly of Siaya, as follows—

PART I—PRELIMINARY**Short Title and Commencement**

1. This Act may be cited as the Siaya County Agriculture Input Grants and Subsidies Act, 2021 and shall come into operation on such a date as the County Executive Committee Member for Agriculture shall by notice in the *Gazette* determine.

Interpretation

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

“agriculture” means the science of production of plants and animals including fresh water and marine species for food, fuel, fiber and medicine;

“agricultural groups” include formal groups dealing with input, production, processing, and marketing of agricultural products and services;

“beneficiary” means subsistence and commercial actors along the agricultural value chain who are registered as having received agricultural material or service from County Government of Siaya;

“chief officer” means the chief officer in the department responsible for agriculture, irrigation, foods, livestock and fisheries;

“commercial farmer” means an agricultural producer producing for the market;

“committee” means the Siaya County Grant and Subsidy Implementation Committee established under section 5 of the Act;

“county” means Siaya County;

“county government” means the County Government of Siaya established under Article 176 of the Constitution;

“department” means the Department within the County Government of Siaya for the time being dealing with matters related to agriculture;

“equipment” means a tool or machinery used to aid production in agriculture;

“Executive Member” means the County Executive Committee Member for the time being in charge of agriculture livestock and fisheries;

“grant” means an input given by the County Government of Siaya for a particular agricultural purpose with no financial contribution from the targeted beneficiary;

“input” means agricultural material, tools or services used in agricultural production and shall include but not limited to tractor hire services, livestock, seeds, seedlings, fertilizer, feeds, fingerlings, nets, boats and any other as it may arise;

“marketing” means the process of linking agricultural produce to viable markets;

“productivity” means returns per shilling invested per given agricultural enterprise;

“subsidy” means input given by the County Government of Siaya for a particular agricultural purpose with part contribution from the targeted beneficiary;

“subsistence farmer” means an agricultural producer producing for household consumption;

“targeted beneficiary” means persons who qualify to receive a subsidy or a grant from the County Government of Siaya;

“value addition” means increasing economic value of agricultural commodity through particular production process for example processing, sorting and branding;

“value chain” means the full range of activities required to bring an agricultural product or service from input supply to consumption with value being added at each stage;

“vulnerable” means Siaya residents who are not able to afford agricultural input;

“vulnerable groups” means Siaya residents who are vulnerable and have organised themselves into common interest agricultural groups.

Object and Purpose of the Act

3. The object and purpose of this Act is to—

- (a) give effect to the Fourth Schedule of the Constitution in respect to agriculture;

- (b) provide a comprehensive, harmonized, efficient and effective legal and regulatory framework for institutionalizing and operationalizing the agriculture grants and subsidies programme;
- (c) improve affordability, accessibility and adoption of quality inputs and technologies;
- (d) institutionalize the process of agricultural input grants and subsidy procurement, acquisition and distribution within the county;
- (e) promote public private partnerships in implementation of the grants and subsidy programmes;
- (f) enhance productivity and commercialization of the agriculture sector in Siaya county;
- (g) stimulate economic growth among farm households;
- (h) improve efficiency and timeliness of input procurement and distribution processes;
- (i) improve participation, accountability and transparency of the grant and subsidy programme.

Application

4. This Act shall apply to all grant and subsidy programmes within the Department.

PART II— ESTABLISHMENT AND ADMINISTRATION OF SIAYA COUNTY GRANT AND SUBSIDY IMPLEMENTATION COMMITTEE

County Grant and Subsidy Implementation Committee

5. There is established a Committee to be known as the Siaya County Grants and Subsidy Implementation Committee.

Composition of the Committee

6. (1) The Committee shall comprise of—
- (a) the County Chief Officer responsible for the department dealing with agriculture who shall be the Chairperson;
 - (b) the County Chief Officer responsible for the department dealing with finance;
 - (c) the Director in the Department dealing with matters of fisheries;
 - (d) the Director in the Department dealing with crop production;
 - (e) the Director in the Department dealing with livestock production who shall be secretary;
 - (f) the Director in the Department dealing with Cooperatives;

- (g) two persons representing the farmers of the opposite gender appointed by the Executive Member to serve for a 2 years non-renewable term.

(2) The Committee shall be at liberty to co-opt any other members it deems fit for the performance of its functions.

(3) The committee shall be remunerated as per Salaries and Remuneration Commission guidelines.

Functions of the Committee

7. (1) The functions of the Committee shall be to—

- (a) establish programmes for provision of agricultural grants and subsidies;
- (b) provide strategic guidance and oversight in the implementation of this Act;
- (c) ensure that all projects implemented under this Act are consistent with the County's priorities specified in the relevant policy documents on county agricultural development and financing;
- (d) establish rules and regulations for identification and vetting of target beneficiaries of grants and subsidies;
- (e) spearhead formulation of regulations, guidelines and procedures for implementation of this Act;
- (f) verify quality of grants and subsidies supplied;
- (g) recruit and vet grant and subsidy input suppliers;
- (h) facilitate the monitoring and evaluation of the performance of grant and subsidy programs;
- (i) undertake procurement, release and distribution of grants and subsidies;
- (j) mobilize resources for grants and subsidies;
- (k) maintain a database of the beneficiaries of the grant and subsidy programmes;
- (l) perform any other functions as the Committee may deem necessary for the proper discharge of its mandate.

(2) The Executive Member shall prescribe regulations to govern the conduct of meetings of the Committee.

PART III—PRINCIPAL PROVISIONS

Beneficiary targeting

8. (1) Provision for Grants and Subsidies Implementation shall be based on the following—

(a) Beneficiary targeting—

(1) Grants

- (i) grants shall be administered to both individuals belonging to agricultural groups and agricultural groups;
- (ii) the Grant program shall be administered within the confines of Siaya County;
- (iii) selection of beneficiaries shall be done in a participatory process from a target beneficiary data base at ward level;
- (iv) the Committee shall keep a database of all the beneficiaries.

(2) Subsidies

- (i) subsidies shall be administered to individual farmers and agricultural groups;
- (ii) the subsidies program shall be administered within the confines of Siaya County;
- (iii) selection of beneficiaries shall be done in a participatory from a target beneficiary data base at ward level;
- (iv) the Committee shall keep a database of all the beneficiaries;
- (v) beneficiary contribution shall be determined by the Committee and shall be reviewed annually;
- (vi) each subsidy shall have regulations on exit strategy as determined by the Committee;

(b) Training of beneficiaries—

- (i) the Committee shall coordinate and facilitate training of beneficiaries before receipt of any Grant and Subsidy by the Department;
- (ii) beneficiaries shall be expected to meet the basic minimum requirements established by the Committee;
- (iii) monitoring and evaluation processes shall be carried out at the sub-county level as facilitated by the Committee.

(2) In the operationalization of the Grant and Subsidy program, special attention shall be paid to women, youths and vulnerable groups.

(3) The Grant and Subsidy shall operate in accordance with the principles of fairness, affirmative action, equity, transparency,

accountability, public participation, inclusiveness, equality, non-discrimination and protection of the marginalized.

(4) The Department shall open and maintain a register of all agricultural groups within the County.

(5) Each agricultural group shall prepare and submit a list of its members to the Chief Officer, which list shall be revised annually.

(6) Upon procurement of grants and subsidies the Committee shall be responsible for cascading the information to the targeted beneficiaries.

(7) Targeted beneficiaries shall access inputs from suppliers pre-qualified by the Department through Voucher system.

(8) The Executive Member shall prescribe regulations to operationalize the provisions of this Section and in particular the methods of targeting and tracking beneficiaries.

PART IV—FINANCIAL PROVISIONS

Financing

9. (1) The following revenues shall be restricted for use to operationalize the provisions of this Act—

- (a) Grants from the National Government;
- (b) 10% of monies allocated in the Department's annual budget estimates by the County Assembly of Siaya;
- (c) Grants and donations received from any lawful source for the purposes of this Act;
- (d) such monies received as user charges, fees payable, collectable under the Siaya County Finance Act;
- (e) any income generated by the Department for the purposes of this Act.

(2) For the purposes of this section, Grants from the national government means support from the National Government which could be financial or material given to County Government of Siaya for agricultural production outlined in this Act.

(3) For the purposes of this section; 10 % of monies allocated in the Department's annual budget estimates means—

- (a) 10 % of monies allocated to the ward as the ward development fund;
- (b) 10% of monies allocated under the department's executive budget towards development;

(c) an equivalent of 10% of the above mentioned monies will be allocated from the department's recurrent budget to cater for administrative costs of the committee.

(4) For the purposes of this section, 10 % of monies allocated in the Department's annual budget estimates will not include—

- (a) monies allocated to personal emoluments of the department staff;
- (b) monies allocated to donor funded development programmes or their markup funds e.g KCSAP or ASDSP or similar programmes.

(5) The Committee shall in consultation with the County Treasury as prescribed by the Public Finance Management Act open a bank account into which monies received under subsection (1) shall be paid solely for the purpose of administering this Act.

(6) The revenues restricted under subsection (1) shall be utilised only as per the approved budget estimates by the County Assembly.

(7) At the end of the financial year any balance remaining shall be retained in the Bank account opened under subsection 2 and shall be factored in the following financial year's budget.

(8) The Executive Member shall with the approval of the County Executive Committee and the County Assembly prescribe the user charges, fees payable and income to be generated by the department.

(9) At the commencement of every financial year, the Committee shall prepare and submit to the Executive Member budget estimates for their operations.

(10) All procurements shall be guided by the Public Procurement and Asset Disposal Act, 2015.

(11) The Department shall be a procuring entity for the purposes of procuring supplies, goods and services utilised for the purposes of implementing this Act.

(12) The Executive Member shall make regulations which shall be approved by the County Assembly, within one year upon the commencement of this act, to clarify the implementation of this subsection.

Accounts and audit

10. (1) The Committee shall prepare and submit to the Executive Member books of accounts of income and expenditure, assets and liabilities.

(2) Audit of the account shall be conducted in accordance to Public Finance Management Act, 2012.

(3) 10% of the budget of grants and subsidies shall be allocated to administration, training of beneficiaries and monitoring and evaluation.

(4) Annual reports shall be forwarded to the County Assembly.

PART V— OFFENCES AND PENALTY

Offences

11. (1) A beneficiary shall not—

- (a) acquire grants and subsidies under false pretenses;
- (b) sell to another person an item obtained under a grant;
- (c) sell to another person an item obtained under a subsidy without the written consent of a Committee;

(2) A member of the Committee shall not—

- (a) issue a grant or a subsidy to a person who does not meet the minimum requirement for the grant or subsidy;
- (b) sell the material or tool under a grant or a subsidy at the price lower or higher than the prescribed price;
- (c) issue a grant and/or subsidy without a written consent of the Committee.

Penalty

12. Any person who contravenes the provisions of Section 11 of this Act shall be guilty of an offence, and shall upon conviction be liable for a fine not exceeding KSh. 20,000.00/= or imprisonment for six months or both.

PART VI—MISCELLANEOUS PROVISIONS

Regulations

13. (1) The Executive Member may make regulations generally for the better carrying out of the objects of this Act within six months upon its commencement and forward the same to the County Assembly for approval.

(2) Without prejudice to the generality of subsection (1), the Regulations may prescribe—

- (a) the terms of reference for the Committee;
- (b) the conduct and procedures of meetings of the Committee;
- (c) the manner of appointing and the terms of office of the two farmers representatives;
- (d) the methods of targeting and tracking beneficiaries;
- (e) financial provisions.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Act is to give effect to the implementation of Fourth Schedule Part 2 (1) of the Constitution of Kenya, 2010 by providing for a legislative and institutional framework for a comprehensive, harmonized, efficient and effective legal and regulatory framework for institutionalizing and operationalizing the agriculture grants and subsidy programmes. The Act further seeks to promote public private partnerships in implementation of the grants and subsidy programmes—

- (a) enhance productivity and commercialization of the agriculture sector in Siaya county;
- (b) stimulate economic growth among farm households; and
- (c) improve efficiency and timeliness of input procurement and distribution processes.

WILLIS OCHIEN'G,
*Chairperson, Committee on Agriculture,
Livestock and Fisheries.*