

AGRICULTURAL MECHANIZATION BILL, 2021

Arrangement of Sections

PART I: PRELIMINARY

1. Short title
2. Interpretation
3. Objects and purpose
4. Application

PART II: ESTABLISHMENT OF THE AGRICULTURAL MECHANIZATION BOARD

5. Establishment of the Board
6. Membership of the Board
7. Qualification for Chairperson and Board members
8. Terms of service for the Board members
9. Functions of the Board
10. Powers of the Board
11. Appointment of the Managing Director
12. Qualification of Managing Director
13. Staff of the Board
14. Seal of the Board
15. Committees of the Board
16. Delegation of powers by the Board
17. Conduct of the affairs of the board

PART III: REGISTRATION AND LICENSING

18. Requirement for registration
19. Suspension and revocation
20. Licenses

PART IV- AGRICULTURAL MECHANIZATION QUALITY ASSURANCE AND CERTIFICATION

21. Declaration of Agricultural Machinery, Equipment and Structures
22. Establishment of Testing and Certification Centre
23. Functions of the Centre
24. Management and operations of the Centre
25. Qualifications for the Centre Director
26. Testing, certification and approvals of agricultural machinery and structures

27. Certification of plant operators
28. Appointment of inspectors
29. Entry and inspection
30. Powers of an inspector
31. Obstruction of inspectors

PART V- AGRICULTURAL MECHANIZATION RESEARCH AND TECHNOLOGY DEVELOPMENT

32. Agricultural Mechanization Research
33. Establishment of National Agricultural Mechanization Research Advisory Committee
34. Functions of the committee
35. Funding of the committee
36. Approval of new technologies

PART VI- PROMOTION AND DEVELOPMENT OF AGRICULTURAL MECHANIZATION

37. Role of National Government
38. Role of County Governments
39. Funds of the Board
40. Financial year
41. Annual estimates
42. Accounts and Audit

PART VIII - MISCELLANEOUS PROVISION

43. Information Sharing, Records and Returns
44. Protection from Personal Liability
45. Appeals
46. Regulations
47. General Prohibition and Offence
48. General Penalty

SCHEDULES

First Schedule- Conduct of the affairs of the Board

Second Schedule- List of Agriculture Machinery and Structures

AGRICULTURAL MECHANIZATION BILL, 2021

A Bill for

AN ACT of Parliament to provide for development, promotion and regulation of agricultural mechanization, for the establishment of an Agricultural Mechanization Board and for connected purposes.

ENACTED by the National Assembly as follows:

PART I: PRELIMINARY

- Short title 1. This Act may be cited as the Agricultural Mechanization Act, 2021
- Interpretation 2. In this Act, unless the context otherwise requires-
- “Agricultural equipment”** means a complete attachment with or without power hitch point used in agricultural operations.
- “Agricultural implement”** means an accessory or attachment used to carry out agricultural operations
- “Agricultural machinery”** means mechanical, electrical or electronically operated devices that uses power to apply force and control movement to perform agricultural tasks.
- “Agricultural mechanization”** means deployment of agricultural machinery, equipment, agro-structures and agro-processing plants for efficient, effective and sustainable agricultural production;
- “Agro-processing plant”** means a facility that mechanically or chemically transforms agricultural produce into an intermediate or final consumption product;
- “Agro-structures”** means buildings used purposely for agricultural production, harvesting, storage, drying, processing and, raising agricultural commodities including fish and livestock;
- “Board”** means the Agricultural Mechanization Board established under Section 5 of this Act;
- “Cabinet Secretary”** means the Cabinet Secretary for the time being responsible for matters relating to agricultural mechanization;
- “Centre”** means the Agricultural Mechanization Testing and Certification Centre as established in section 22;
- “Consultant”** means a person engaged in commercial provision of professional services in agricultural mechanization;
- “Commercial”** means with regards to;

- a) agricultural machinery and equipment, the sale of agricultural machinery or use of such agricultural machinery to offer agricultural mechanization services for a consideration;
- b) agro-processing plants and agro-structures, the establishment of such agro-processing plants and agro-structures for a client for a fee; and,
- c) Service providers or consultant, the offering of any agricultural mechanization services to a client on payment of a services fee;

“County Executive Committee Member” means the County Executive Committee member responsible for matters relating to agricultural mechanization at the County

“Dealer” means any person who trades in agricultural machinery, equipment, agro-structures and agro-processing plants;

“Inspector” means an officer appointed under section 28 of this Act;

“Person” means an individual, a company or any other registered entity, which has legal rights and is subject to obligations.

“Service provider” “means a contractor or any other person engaged in commercial hiring, leasing out and provision of services in agricultural mechanization;

“Plant operator” is a person who controls the running of agricultural machinery or agro-processing plant.

Objects and purpose

- 3. To contribute to improvement of productivity in the agricultural sector through enhanced adoption of mechanization by;
 - (a) Assuring the quality of agricultural machinery; agro-structures and agro-processing plants; and services provided
 - (b) Improving access to agricultural machinery; agro-structures and agro-processing plants; and services

Application

- 4. This Act applies to:-
 - (a) Agricultural machinery and equipment which are imported, manufactured and distributed for crops, livestock, fisheries and forestry
 - (b) Agro-structures and agro-processing plants imported, constructed or locally assembled for crops, livestock, fisheries and forestry;
 - (c) Manufacturers, importers, dealers, service providers, consultants and plant operators.

PART II: ESTABLISHMENT OF THE AGRICULTURAL MECHANIZATION BOARD

- Establishment of the Board
5. There is established a Board to be known as the Agricultural Mechanization Board which shall be a body corporate with perpetual succession and a common seal.
- Membership of the Board
6. The Board shall consist of the following members;
- (a) The Chairperson who shall be appointed by the President
 - (b) The Principal Secretary for the time being responsible for agricultural mechanization
 - (c) Principal Secretary National Treasury
 - (d) The Principal Secretary responsible for matters relating to infrastructure and mechanical works
 - (e) Two nominees from the Council of Governors and appointed by the Cabinet Secretary
 - (f) Three members appointed by the Cabinet Secretary to represent the agricultural mechanization sub-sector as follows;
 - (i) One person nominated by the Kenya Federation of Jua-kali Association.
 - (ii) One person nominated by Kenya Private Sector Association.
 - (iii) One person nominated by farmers' organization.
 - (g) Managing Director as an ex-officio member
- Qualification for Chairperson and Board members
7. (1) A person shall be qualified as a chairperson of the Board if that person
- (a) is a citizen of Kenya
 - (b) meets the requirement of leadership and integrity set out in Chapter 6 of the constitution of Kenya
 - (c) holder of a university degree recognized in Kenya
- (2) A person appointed as a member of the Board by the Cabinet Secretary under Section 6(f) shall be
- (a) persons who have the relevant knowledge and experience in the agricultural sector; and
 - (b) holder of university degree recognized in Kenya
- (3) In appointing members under this section, the Cabinet Secretary shall ensure that there is gender equity and social inclusion.

Terms of service for the Board members

8. (1) The terms of members appointed under section 6 (f) shall be 3 years and shall be eligible for reappointment for one more term.
- (2) The office of member of the board appointed under section 6 (f) shall become vacant if a member:
- (a) resigns from office in writing addressed to the appointing authority
 - (b) is removed from office by the Cabinet Secretary if the member;
 - (i) has been absent from three consecutive meetings of the Board without notifying the chairperson
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors
 - (iii) is convicted of an offence involving false statement, fraud or dishonesty.
 - (iv) Is convicted of a criminal offence and sentenced to imprisonment
 - (v) is unable to by reason of physical or mental infirmity to discharge functions as a member of the board.
 - (vi) is found to have acted in a manner contrary to the provisions of Chapter 6 of the Constitution of Kenya and prejudicial to aims and objectives of this Act; or
 - (vii) Fails to comply with the provisions relating to disclosure and conflict of interest.
- (3) Where an office of a member of the board falls vacant by reason of death or in accordance to subsection (2), the appointing authority shall initiate the process of replacement in accordance with Section 6.

Functions of the Board

9. (1) Subject to this Act, the Board shall be the designated authority on agricultural mechanization matters in the country and shall regulate the agricultural mechanization sub-sector and enforce the provisions of this act;
- (2) Notwithstanding the generality of subsection (1) the Board shall-
- (a) Establish standards of agricultural mechanization service provision
 - (b) Recommend development of standards for the agricultural machinery, equipment, agro-structures and agro-processing plants.
 - (c) Enforcement of agricultural mechanization regulations and standards
 - (d) Collect, analyze, report and maintain a database for knowledge sharing platform in relation to its mandate
 - (e) Promote and coordinate research and innovations in agricultural mechanization.

- (f) Registration and licensing of importers, exporters, manufacturers and consultants
- (g) Facilitate capacity building of stakeholders
- (h) Coordinating with other regulatory bodies and players in view of adopting locally, durable, safe and high performing agricultural machinery for quality assurance
- (i) engage with agencies including stakeholders, industry, regional and international organizations on matters falling within its mandate;
- (j) Perform such other functions and duties that are consistent with and as may be necessary to carry out the objectives and provisions of this Act;

Powers of the Board

10. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have powers to -
- (a) Sue and be sued;
 - (b) Purchase or otherwise acquire, hold, charge or dispose of moveable and immovable property;
 - (c) borrow and make investments;
 - (d) enter into contracts;
 - (e) manage, control and administer the assets of the Board;
 - (f) mobilize resource including receiving gifts, grants, donations or endowments made to the Board and make disbursement therefrom in accordance to the provisions of this Act;
 - (g) subject to approval of the Cabinet Secretary, for the time being responsible for matters relating to finance, invest any of the Board funds not immediately required for the purposes of this Act, as it may determine; and
 - (h) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made;
 - (i) impose such fees or charges for services that the Board may offer;
 - (j) set terms and conditions of service of officers of the board in accordance with existing laws and regulations; and
 - (k) do or perform all such other acts or things necessary for the proper performance of its functions under this Act as may be lawfully done or performed by a body corporate.

(2) The Board may, if it considers it necessary, create or take part in the creation of, become a member of, or associate with a body or corporation designed to assist or promote agricultural mechanization.

Appointment
of the
Managing
Director

11. (1) There shall be a Managing Director who shall be competitively recruited by the Board and appointed by the Cabinet Secretary.
- (2) The Managing Director shall be the Chief Executive Officer of the Board.
- (3) The Managing Director shall hold office for a period of three years on such terms and conditions as the Board may determine, and shall be eligible for re-appointment for one further term.
- (4) The Managing Director shall be an *ex officio* member of the Board of Directors but shall have no right to vote at any meeting of the Board.
- (5) The Managing Director shall—
- (a) subject to the direction of the Board, be responsible for the day-to-day management of the Board;
 - (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Board; exercise, discharge and performance of its objectives, functions and duties; and the general administration of resources and staff of the Board;

Qualification
of Managing
Director

12. (1) A person shall qualify to be appointed to the position of a Managing Director if such a person;
- (a) holds at least a Degree in Agricultural Engineering or related field from an institution recognized in Kenya;
 - (b) Registered with relevant professional body;
 - (c) has at least fifteen years' experience in a relevant-field;
 - (d) has at least five years' experience in a position of senior management; and
 - (e) meets the requirements of Chapter Six of the Constitution of Kenya.

Staff of the
Board

13. The Board may appoint such officers, agents and other staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act, upon such terms and conditions of service as the Board may determine.

Seal of the
Board

14. (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Managing Director.

(2) The affixing of the seal shall be authenticated by the Chairperson of the Board and the Managing Director.

(3) Any document purporting to be under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Committees of the Board 15. The board may appoint committees whether of its own members or otherwise, to carry out general or particular functions as may be specified by the board and the board may delegate to any of those committees such of its powers as it may deem fit

Delegation of powers by the Board 16. Subject to the provisions of this Act, the Board may, either generally or in a particular case delegate to any member of the Board or officer or agent of the Board, the exercise of any of the functions of the Board under this Act.

Conduct of the affairs of the board 17. The procedures for the operations and management of the board shall be according to First Schedule of this Act.

PART III: REGISTRATION AND LICENSING

Requirement for registration 18. (1) No person shall operate as an agricultural mechanization manufacturer, commercial importer, exporter or consultant without being registered by the Board and issued with a registration certificate upon payment of a prescribed fee.

(2) No person shall operate as an agricultural mechanization commercial dealer, service provider or plant operator without being registered by a County Government and issued with a registration certificate upon payment of a prescribed fee.

(3) A person applying for registration in (1) and (2) above shall possess or have in their employment persons who possess at least a certificate of training in agricultural, mechanical, environmental engineering or related field as it may be determined by the Board.

(4) A person intending to be registered as a plant operator shall first be certified by the Testing Centre.

(5) The registration certificate shall be issued once and shall not require renewal.

(6) Where a person has been registered in one County, the certificate of registration shall be recognized by other counties

(7) The Board and each County Government shall share data on registration under subsection (1) and (2).

(8) A person who contravenes the provisions of this section commits an offence and shall be liable if convicted be committed to a term of imprisonment not exceeding 6 months or to a fine not exceeding five hundred thousand Kenya shillings or both.

Suspension
and revocation

19. The Board may suspend or revoke the certificate of registration where;
- (a) The holder has violated the conditions under which it is issued
 - (b) The holder of registration certificate has failed to renew license for four consecutive years
 - (c) An offence under this Act has been committed by the certificate holder

Licenses

20. (1) A person who has been registered as an agricultural mechanization manufacturer, importer, exporter or consultant in sub-section 18 (1) may apply to the Board for a license.
- (2) A person who has been registered as an agricultural mechanization commercial dealer and service provider in sub-section 18 (2) may apply to the County Government for a license.
- (3) No person shall operate in 1 and 2 above without license issued under this Act by the Board or County government as the case maybe
- (4) Any person who contravenes section 3 above commits an offence and shall be if convicted be committed to a fine of not exceeding five hundred thousand Kenya shillings or imprisonment not exceeding six (6) months or both.
- (5)A license issued under this Act shall not be transferable
- (6) Licenses issued under this Act shall be valid for twelve months from the date of issue and may be renewed subject to compliance of any set conditions.
- (7) The Board may revoke a license issued under this Act, if that person contravenes the conditions under which the license is issued.

(8) Where registration has been suspended or revoked in accordance with section 19 (a) and (c), the license shall stand suspended.

(9) The issuance, revocation and suspension of the licenses shall be prescribed in the regulations under this Act

PART IV- AGRICULTURAL MECHANIZATION QUALITY ASSURANCE AND CERTIFICATION

Declaration of Agricultural Machinery, Equipment and Structures

21.(1) The agricultural machinery, equipment, agro-structures and agro-processing plants listed in the Second Schedule are the agricultural machinery, equipment, agro-structures and agro-processing plants for purposes of this Act.

(2) The Cabinet Secretary may, by notice in the gazette declare any other agricultural machinery, equipment, agro-structures and agro-processing plants to be agricultural machinery, equipment, agro-structures and agro-processing plants for the purposes of this Act.

Establishment of Testing and Certification Centre

22. (1) There is hereby established Agricultural Mechanization Testing and Certification Centre for the purpose of quality assurance and control which shall be an organ of the Board.

(2) The Board may establish branches of the Centre for the purpose of efficient and effective service delivery

(3) The Board may designate other public, private and other institutions to undertake testing and certification of agricultural machinery, equipment and designs for agro-structures, and agro-processing plants on its behalf.

Functions of the Centre

23. (1) The functions of the Centre shall be;

(a) Testing, validation and certification of imported and locally manufactured or assembled agricultural machinery and equipment listed in part 1 of the Second Schedule to ensure that they are suitable for use in the country for agricultural mechanization.

(b) Development of standards for designs of agro-structures and agro-processing plants listed in part 2 and 3 of the Second Schedule

(c) Certification of plant operators for agricultural machinery and agro-processing plants as listed in Part 4 of the Second Schedule

Management and operations of the Centre

24. (1) The Centre shall be managed by a Centre Director who shall be answerable to the Managing Director.
- (2) The branches shall be managed by branch managers and shall be answerable to the Centre Director.
- (3) The development, management and operations of the Testing Centre shall be financed from the funds of the Board

Qualifications for the Centre Director

25. (1) The Centre Director shall meet the following requirements;
- (a) Be a registered Agricultural Engineer with relevant Professional Bodies
 - (b) Have not less than ten (10) years of relevant experience in the agricultural mechanization or related fields
 - (c) Any other qualification prescribed by the Board
- (2) The Branch Managers shall meet the following requirements;
- (a) Be a registered Agricultural Engineer with relevant Professional Bodies
 - (b) Have not less than five (5) years of relevant experience in the agricultural mechanization or related fields
 - (c) Any other qualification prescribed by the Board

Testing, certification and approvals of agricultural machinery and structures

26. (1) All agricultural machinery imported into the country shall be tested and certified by the Testing Centre to ensure that they are suitable for agricultural use.
- (2) No dealer shall sell imported agricultural machinery and equipment unless the same has been tested and certified by the Centre.
- (3) No dealer or manufacturer shall sell locally manufactured or assembled agricultural machinery and equipment that have not been tested and certified by the Centre.
- (4) All designs for agro-structures and agro-processing plants for commercial purposes shall be approved by the County.
- (5) The Cabinet Secretary may develop regulations for testing, certification of agricultural machinery and equipment as well as approval of designs and layouts for agro-structures and agro-processing plants.

Certification of plant operators

27. Any person who intends to practice as an agricultural machinery and agro-processing plant operator shall be required to be certified by the Centre as prescribed in regulations under this Act.

- Appointment of inspectors
28. (1) The Board may appoint qualified persons, to be inspectors of agricultural machinery, equipment, agro-structures and agro-processing plants for the purposes of this Act.
- (2) Each County Government may appoint qualified persons and forward the names to the Board for publication in the gazette as inspectors for purposes of this Act
- (3) For purposes of this Section, the Cabinet Secretary may, by regulations, prescribe the qualifications for appointment as an inspector.
- Entry and inspection
29. (1) An inspector appointed under this Act may, at all reasonable times and upon production of such authority to any person so requesting—
- (a) Enter any land, premises, agro-structures, agro-processing plants where agricultural mechanization activities are being carried out.
 - (b) make such inspection and enquiries as the inspector may deem necessary for ascertaining whether the provisions of this Act or the terms and conditions of the respective license or registration certificate are being complied with; and
 - (c) Undertake inspections of agricultural machinery, agro-structures and agro-processing plants in use to ascertain their conformity with the prescribed standards
 - (d) Require any person found therein to give such information as the inspector require.
- Powers of an inspector
30. (1) For the purposes of this Act, an inspector who has reasonable grounds may at any reasonable time, enter upon any land, premises or vessel 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 of a license or registration certificate for examination;
 - (d) require the owner or user to put in place measures in order to conform with this Act;
 - (e) seize and remove any article or thing in respect of which the inspector has reasonable grounds to believe that an offence under this Act is being or has been committed;

(2) The owner or occupier of any land, premises or a vessel which is entered under sub-section (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

31. (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 hinders or obstructs any inspector duly exercising or attempting to exercise any of the powers conferred under this Act, 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.

PART V- AGRICULTURAL MECHANIZATION RESEARCH AND TECHNOLOGY DEVELOPMENT

Agricultural Mechanization Research

32. (1) The Board shall collaborate and partner with relevant research institutions to spearhead agricultural mechanization research in;

(a) Setting research agenda

(b) Supporting implementation of research programmes

(c) Enhancing initiatives to promote adoption and commercialization of research findings

(2) The Board shall undertake the roles specified in subsection (1), on recommendations of Agricultural Mechanization Research and Advisory committee established in Section 33.

Establishment of National Agricultural mechanization research advisory committee

33. (1) There shall be a standing committee on agricultural mechanization research to be known as Agricultural Mechanization Research Advisory Committee

(2) The committee shall be appointed by the Board and consist of;

(a) Agricultural Engineering Secretary or representative who will be the Chair

(b) The CEO of the Board shall be a member and shall be the secretary

(c) Director General of Kenya Agriculture and Livestock Research Organization or representative

(d) Director of Kenya Marine and Fisheries Research Institute or representative

(e) Director of Kenya Forestry Research Institute or representative

- (f) Two (2) nominees from Universities with Agricultural Engineering or related courses –
 - (g) One (1) nominee from the Council of Governors to represent Counties.
 - (h) Three (3) representatives from the Private sector nominated from the following–
 - (i) Farmers’ Associations,
 - (ii) Organization of dealers,
 - (iii) Organization of manufacturers
 - (i) National Commission for Science, Technology and Innovation (NACOSTI) representative
 - (j) National Research Fund representative
 - (k) Kenya Industrial Research and Development Institute (KIRDI) representative
 - (l) Any other member co-opted to its meetings on a needs basis.
- (3) The terms and conditions of members of the Agricultural Mechanization Research Advisory Committee shall be determined by the Board, with approval of the Cabinet Secretary.

Functions of the committee

34. Functions of the committee shall be: -
- (a) Make recommendations to the Board on strategic and policy issues on agricultural mechanization research.
 - (b) Resource mobilization for Agricultural Mechanization research
 - (c) Coordinate the setting of agricultural mechanization research agenda and harmonize with national priorities.
 - (d) Receive and vet proposals for funding agricultural mechanization research to be funded by the Board.
 - (e) Organize agricultural mechanization stakeholders’ fora for sharing of information in agricultural mechanization research.
 - (f) Review, inform and advise the Board on the status of the agricultural mechanization research programmes and projects.
 - (g) Maintain a database for agricultural mechanization research
 - (h) Identify technology for adoption, incubation and commercialization.

Funding of the committee

35. The Board shall provide the funds necessary to enable the Agricultural Mechanization Research Advisory Committee carry out its functions.

Approval of
new
technologies

36. (1) No person shall commercialize agricultural mechanization technologies unless the technology has been approved by the Board.
- (2) Any person who contravenes the provisions of this Section commits an offence and shall, upon conviction be liable to a fine not exceeding five million Kenya shillings or to imprisonment for a term not exceeding two (2) years or both.

PART VI- PROMOTION AND DEVELOPMENT OF AGRICULTURAL MECHANIZATION

Role of
National
Government

37. (1) The National Government shall promote and develop agricultural mechanization through;
- (a) Formulation of agricultural mechanization policies, strategies and regulations
 - (b) Development and coordination of agricultural mechanization programmes
 - (c) Development of agricultural mechanization standards
 - (d) Piloting and incubation of technology and adaptive research through agricultural technology development centers
 - (e) Capacity building of agricultural mechanization stakeholders
 - (f) Development of knowledge platforms
 - (g) Support the protection of intellectual property rights on technologies and innovations
 - (h) Resource mobilization and supporting the provision of credit
 - (i) Initiate and implement programs for ensuring the provisions of incentives and facilities to promote agricultural mechanization
- (2) The Cabinet Secretary shall be the focal point on institutional linkages at the local and international level on matters relating to Agricultural Mechanization

- Role of County Governments 38 (1) Pursuant to schedule 4 of the Constitution, and in order to achieve the objects and purposes of this Act, each County Government through the County Executive Committee Member may;
- (a) formulate County Agricultural Mechanization strategy in collaboration with relevant stakeholders;
 - (b) develop County Agricultural Mechanization Services units (CAMS);
 - (c) form a county agricultural mechanization forum to promote agricultural mechanization in the counties;
 - (d) through legislation establish a county agricultural mechanization fund to support provision of credit for agricultural machinery, equipment, agro-structures and agro-processing plants,
 - (e) in collaboration with National government provide an enabling environment for the development of agricultural mechanization within the counties;
 - (f) Resource mobilization for agricultural mechanization;
 - (g) develop and promote the implementation of agricultural mechanization policies and measures in a manner designed to promote, support and enhance productivity through agricultural mechanization;
- (2) The County governments may in accordance with rules and regulations made under this Act and subject to any other law, put in place programmes to ensure provision of incentives for promotion of agricultural mechanization

PART VII FINANCIAL PROVISIONS

- Funds of the Board (No.18 of 2012)
39. The funds and assets of the Board shall consist;
- (a) such monies as may be appropriated by the National Assembly;
 - (b) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;
 - (c) such monies as may be payable to the Board pursuant to this Act or any other written law;
 - (d) such gifts as may be donated to the Board; and
 - (e) monies from any other source granted, donated or lent to the Board.
 - (f) the Agriculture Mechanization Fund established under Public Finance Management Act.
- Financial year 40. The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.

Annual estimates

41. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.
- (2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for—
- a) the payment of the salaries, allowances and other charges in respect of members and staff of the Board;
 - b) the payment of pensions, gratuities and other charges in respect of staff of the Board;
 - c) the proper maintenance of the buildings and grounds of the Board;
 - d) the maintenance, repair and replacement of the equipment and other property of the Board; and
 - e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.
- (3) The annual estimates of the Board shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

Accounts and Audit

42. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Board.
- (2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Board together with—
- a) a statement of the income and expenditure of the Board during that year; and
 - b) a balance sheet of the Board on the last day of that year.
- (3) The accounts of the Board shall be audited and reported upon in accordance with the Public Audit Act, 2015

PART VIII - MISCELLANEOUS PROVISION

Information Sharing,

43. (1) The Board and the County Government, shall prepare and share returns on matters relating to agricultural mechanization

- Records and Returns
- (2) Each exporter, importer, consultant and manufacturer shall make returns on matters relating to agricultural mechanization as shall be specified by the Board.
- (3) Each dealer and service provider shall make returns on matters relating to agricultural mechanization as shall be specified by the County Government.
- Protection from Personal Liability
44. (1) No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting on his directions personally liable to any action, claim or demand whatsoever.
- (2) The provisions of sub section (1) shall not relieve the Board of the liability to pay compensation on damages or damages to any person for an injury to him, his property or any of his interest caused by the exercise of the powers conferred on the Board by this Act or by any other written law or by the failure, whether wholly or partially, of any works.
- Appeals
45. (1) Grievances emanating from denial, revocation, suspension of a license or certificate or any other action by the Board shall be referred to the Cabinet Secretary for resolution in accordance with regulations under this Act.
- Regulations
46. (1) The Cabinet Secretary may, in consultation with the Board 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) appropriate agricultural machinery, technologies, agro-processing plants, implements and equipment for export and import;
 - (b) standards, testing and certification of agricultural machinery, equipment; technologies, agro-structures and agro-processing plants
 - (c) registration and licensing under this Act;
 - (d) Designs for agro-structures and agro-processing plants;
 - (e) Certification and regulation of plant operators for agricultural machinery and plant;
 - (f) Submission of returns and reports by various actors under this Act;
 - (g) Standards and classification of agricultural machinery, equipment, agro-structures and agro-processing plants under this Act;

- (h) Guidelines on after sale service and public education on safe use of agricultural machinery, equipment, technologies, agro-structures, agri-processing plants;
- (i) Fees and levies to be charged under this Act;
- (j) Resolution of disputes arising from agricultural mechanization
- (k) Qualification and appointment of inspectors

General
Prohibition
and Offence

47. (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 license certificate issued to him or her under this Act;
 - (c) fail to comply with a lawful requirement or demand made or given by the Board 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;
 - (g) Knowingly or recklessly use or furnish a false document 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.

General
Penalty

48. A person who contravenes any provision of this Act, or commits an offence under this Act 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 six (6) months, or both

SCHEDULES

FIRST SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office

- (i) Any member of the Board, other than an ex officio member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment, subject to a maximum of two terms of office.

2. Meetings

- (i) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (ii) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least six members, convene a special meeting of the Board at any time for the transaction of the business of the Board.
- (iii) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.
- (iv) The quorum for the conduct of the business of the Board shall be six members including the chairperson or the person presiding.
- (v) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
- (vi) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
- (vii) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

3. Disclosure of interest by Board members

- (i) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement

thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

- (ii) Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.
- (iii) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (iv) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred thousand Kenya shillings, or both.

4. Minutes

The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

SECOND SCHEDULE
AGRICULTURAL MACHINERY, EQUIPMENT, AGRO-STRUCTURES AND
AGRO-PROCESSING PLANTS

PART 1: List of Agricultural machinery and equipment

(i) Land preparation machinery and equipment	
S/No	DESCRIPTION
1.	Tractor
2.	Rotavator
3.	Mould board plough
4.	Front mounted grass reaper
5.	Ridger
6.	Disc plough
7.	Harrows
8.	Sub-soilers
9.	Chisel Plough
10.	Conservation Agriculture rippers
11.	Common hand tools (panga, hoe, tool box)
(ii) Planting machinery and equipment	
S/No	DESCRIPTION
1.	Jab planters
2.	Planters (maize, beans etc)
3.	Pneumatic seeder
4.	Seeders and seed drills
5.	Trans planter
6.	Spreaders
(iii) Feeding machinery and equipment	
S/No	DESCRIPTION
1.	Feeders (fish and livestock)
2.	Trenchers
3.	Drinkers
iv) Treatment machinery and equipment	
S/No	DESCRIPTION
1.	syringes

2.	Trocar and cannular
3.	Trenchers
v) Labelling equipment	
S/No	DESCRIPTION
1.	Branding tools
2.	Piercing tools
(vi)	Weeding machinery and equipment
S/No	DESCRIPTION
1.	Weeders (automatic, motorized etc)
2.	Rotary mowers
3.	Common hand tools (hoes, panga etc)
(v) Spraying machinery and equipment	
S/No	DESCRIPTION
1.	Sprayers (boom, Knapsack, motorized etc)
2.	Injectors
3.	Drones
(v) Harvesting machinery and equipment	
S/No	DESCRIPTION
1.	Combine harvesters (cereals eg maize, wheat, paddy etc)
2.	Grain harvesters
3.	Rakes/Tedders
4.	Mowers
5.	Balers
6.	Vacuum milker
7.	Fish Elevators
8.	Fish nets
9.	Shears
10.	Pruning knives
11.	Secateurs
12.	Trawlers
13.	Fishing boats
14.	Assorted fishing equipment
15.	Scrappers
16.	Breeding machinery-fish
(v)	Post Harvest machinery and equipment
S/No	DESCRIPTION
1.	Threshers

2.	Millers
3.	Combine harvesters
4.	Dehaulers
5.	Shellers
6.	decorters
7.	Sorters
8.	Graders
(v) Preservation machinery and equipment	
S/No	DESCRIPTION
1.	Kilns
2.	Refrigerators
3.	Freezers
4.	Driers
5.	Coolers
6.	Defrosters

PART 2: List of Agro-Structures

(i) Storage Structures	
S/No	DESCRIPTION
1.	Cribs
2.	silos
3.	warehouses
4.	platforms
5.	barns
6.	cold rooms
7.	underground bins
8.	evaporative coolers
9.	Pneumatic bags
(ii) Farm structures	
S/No	DESCRIPTION
1.	On-farm water harvesting structures (water pans, small earth dams, water cisterns, roof catchment water harvesting, water ponds etc)
2.	Greenhouses
3.	Biogas plant
4.	Barns
5.	sheds

6.	pens
7.	Stable
8.	piggery
9.	yards
10.	Battery cages
11.	Brooders
12.	deep litter house
13.	Fish ponds
14.	Milk parlour
15.	Abattoirs
16.	Beehives
17.	Troughs
18.	Drying beds and tables
19.	Quarantine facilities
20.	Incubators

PART 3: List of Agro-Processing Plants

S/No	DESCRIPTION
1.	Ginneries
2.	Factories (textiles, leather tanning, weaving etc)
3.	Plant assemblies
4.	Oil expellers
5.	Pulpers
6.	Pasteurizers
7.	Decorticator
8.	Choppers
9.	Shredders
10.	Crushers
11.	Roasters
12.	Extractors
13.	Mixers
14.	Nixtamalizer
15.	Grinders
16.	Chippers
17.	Graters
18.	Boilers

19.	Compressors
20.	Cleaners
21.	fruit presses
22.	cutters
23.	Peelers
24.	Separators
25.	Nut crackers
26.	Dehydrators
27.	Slicers
28.	Washers (Vegetables etc)
29.	Extruders
30.	Squeezers (fruits etc)
31.	Fish deboners
PART 4: List of Agricultural Machinery and Agro-processing plants for Certifying Operators	
1.	Engine motorized machine above 8 HP
2.	Electric motorized machine above 1HP
3.	Processing lines powered by several sources of power