

THE DRAFT FIBRE CROPS DEVELOPMENT AUTHORITY BILL, 2020

ARRANGEMENT OF CLAUSES

Clause

PART I - PRELIMINARY

1. Short title
2. Interpretation

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY AND ESTABLISHMENT OF THE FIBRE CROPS COUNCIL

3. Establishment and incorporation of the Authority
4. Composition of the Board
5. Cessation of membership of Board
6. Objects and Purpose
7. Functions of the Authority
8. Powers of the Board
9. Power to employ officers and servants
10. Conduct of business of the Board
11. Delegation of powers of the Board
12. Employment of agents of the Authority
13. Chief Executive Officer
14. Qualifications of the Chief Executive Officer
15. Remuneration
16. Protection from personal liability
17. Liability for damages
18. Establishment of Fibre Crops Council

PART III - ROLE OF COUNTY GOVERNMENTS

19. Role of County Governments

PART IV: REGISTRATION AND LICENSING

20. Registration by the Authority
21. Registration by the County Government
22. Licenses issued by the Authority
23. Licenses issued by the County Government
24. Movement of fibre crops and fibre crops products
25. Licensing provisions
26. Processing capacity

27. Application for renewal of dealer's licence
28. Suspension and revocation
29. Prohibition of certain acts without a licence
30. Registration of distinguishing marks

PART V– FIBRE CROPS PRODUCTION AND PROCESSING

31. Certification of Kenyan fibre crops
32. Branding and geographical indications
33. Fibre Crops development
34. Processing of fibre

PART VI – QUALITY ASSURANCE

35. Quality, safety and health control measures
36. Fibre Crops Inspectors

PART VII - TRADING AND MARKETING

37. Pricing committee(s)
38. Purchase of fibre crops
39. Market agreement guidelines
40. Promotion and marketing of fibre crops and fibre crops products
41. Packaging weights, labelling and grading of fibre crops
42. Imports and exports of fibre crops products

PART VIII- FINANCIAL PROVISIONS

43. Funds of the Authority
44. Financial Year of the Authority
45. Annual estimates
46. Fibre crops development fund
47. Purpose of the fund
48. Management of the fund

PART IX- AUDIT AND REPORT

49. Accounts and audit
50. Annual report

PART X – GENERAL PROVISIONS

51. Infected areas
52. Fibre Crops Standards and Codes of Practice.
53. Appeals
54. Supersession
55. Dispute resolution

- 56. Service of notices
- 57. Offences by corporations, co-operative societies, etc
- 58. General penalty
- 59. Regulations and guidelines

PART XI: CONSEQUENTIAL AMENDMENTS

- 60. Amendment of the First Schedule to No. 13 of 2013
- 61. Amendment of the First Schedule to No. 16 of 2013

FIRST SCHEDULE - CONDUCT OF BUSINESS AND AFFAIRS OF THE AUTHORITY

SECOND SCHEDULE - TRANSITIONAL PROVISIONS

An Act of Parliament, to provide for the development, regulation and promotion of the Fibre crops industry, to provide for establishment, powers and functions of the Fibre Crops Development Authority, roles of the County Governments and for connected purposes.

PART 1. PRELIMINARY	
1. This Act may be cited as the Fibre Crops Development Act, 2020.	Citation
2. In this Act, unless the context otherwise requires—	Interpretation
“agent” means any agent appointed by the Board under section 13; “application” means an application for a registration, permit or licence or for the renewal of or variation of a licence, as the case may be; “Association” means an association including growers, cooperatives and processors; “Authority” means the Fibre Crops Development Authority established by section 3(1) “Board” means the Board of the Authority referred to in section 4 “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture; “Chief Executive Officer” means the chief executive officer of the Authority appointed under section 5; “classing” means quality assessment by the Authority of cotton lint; “collection centre” means a place designated for the aggregation, buying and selling and pickup points of fibre crops; “commercial nursery” means production of planting materials for commercial purposes and excludes production for private use. “co-operative society” means a co-operative society registered or deemed to be registered under the Co-operative Societies Act (Cap. 490); “cotton” means the plant of <i>gossypium</i> spp or its hybrids or any progeny of such hybrid; “cotton lint” means cotton fibre derived from ginning seed cotton; “cotton seed” means seed produced from seed cotton after ginning; “cotton seed milling factory” means mechanical crushing of cotton seed for the production of cotton seed oil, cotton seed cake or any other by-products; “cotton textile milling factory” means any premise for converting cotton lint into cotton yarn, woven fabrics or other finished cotton fibre products; “County government” means the County Government provided for under Article 176 of the Constitution; “council” means an advisory forum for the fibre crops value chain members; “dealing” includes retailing, ginning, cotton seed milling spinning, handloom weaving, sisal processing, warehousing, warehouse operators, transporting, exporting and importing fibre crops and fibre crops products;	

“dealer” includes retailers, gingers, cotton seed millers, spinners, handloom weavers, sisal processors, warehousemen, warehouse operators, stores operators fibre crops and fibre crops products transporters, exporters and importers;

“decortication” means the process of mechanical removal of the pulpy material of the sisal crop;

“fibre crops” includes but not limited to sisal and cotton;

“fibre crops produce and products” means but not limited to seed cotton, cotton seed, cotton lint, cotton seed cake, cotton seed meal and sisal fibre;

“fibre crops processor” means a person carrying out but not limited to decortication, brushing, baling, weaving, ginning, , and spinning of fibre crops;

“ginner” means any person or company licensed under section 27 to undertake the business of separating seed cotton into cotton lint and cotton seed;

“ginning” means the processing of seed cotton into lint and cotton seed;

“ginnery” means a factory where seed cotton is separated into lint and cotton seed;

“grade” means a grade awarded to fibre products as per the fibre grading system;

“grower” means any person who cultivates fibre crops in Kenya;

“grower entity” means farmers organizations and include; grower cooperative, association, company;

“handloom weaver” means a person, that makes fabrics or fabric items by interlacing threads made from crop fibres;

“infected area” means a fibre crop growing area declared to be infected under section 51;

“inspector” means an officer appointed in writing and gazetted by the Authority or County government to be an inspector, for purposes of this Act

“levy” means a levy imposed under this Act;

“licence” means license issued under this Act;

“licencing authority” means the Authority or the County Government, as the case may be;

“person” includes an individual, company, association or any other body of persons whether incorporated or otherwise;

“plantation grower” means any grower with a parcel of land of more than forty hectares under sisal production and/or five hectares under cotton production and for the purposes of this Act a cooperative society whose members have in the aggregate more than forty hectares of sisal and more than five hectares of cotton shall be deemed to be plantation grower

“premises” means any building or structure for collecting, holding, processing, warehousing or trading fibre crops or fibre crops products;

<p>“private nursery” means production of planting materials for own use;</p> <p>“raw cotton” includes unginned cotton or seed cotton;</p> <p>“retailer” means a person who trades in fibre crops or fibre crops products;</p> <p>“seed” means seed as defined by the Seed Varieties Act Cap 326;</p> <p>“staff” means the managing director, secretary of the Board, officers and employees of the Authority.</p> <p>“sisal” means the plant <i>Agave sisalana</i> or other species of <i>Agave</i> or its hybrids or seeds thereof;</p> <p>“sisal fibre” means processed, machined or carded fibre and tow and any other substance or by-product derived therefrom;</p> <p>“smallholder grower” means a grower with less than forty hectares under sisal production or five hectares under cotton production;</p> <p>“unprocessed sisal leaf” means the raw leaf harvested from sisal plants;</p> <p>“unwashed sisal fibre” means sisal fibre that has been extracted without introduction of water during the process of decortication.</p>	
<p>PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY AND ESTABLISHMENT OF THE FIBRE CROPS COUNCIL</p>	
<p>3. (1) There is established an Authority to be known as the Fibre Crops Development Authority</p> <p>(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—</p> <p>(a) suing and being sued;</p> <p>(b) purchasing or otherwise acquiring, holding, charging or disposing of moveable and immovable property;</p> <p>(c) borrowing and lending money; and</p> <p>(d) doing or performing 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.</p>	Establishment and incorporation of the Authority
<p>4. (1) The Board shall consist of—</p> <p>(a) a chairman appointed by the President by notice in the Kenya gazette;</p> <p>(b) Four members representing the fibre crops value chain actors appointed by the Cabinet Secretary</p> <p>(c) the Principal Secretary in the Ministry for the time being responsible for Agriculture or his representative;</p> <p>(d) the Principal Secretary responsible for the time being for Finance;</p>	Composition of the Board

<ul style="list-style-type: none"> (e) the Principal Secretary in the Ministry responsible for Co-operative Development; (f) a representative from the Council of Governors (CoG) who should have relevant knowledge in the fibre crops subsector; (g) the Chief Executive Officer appointed under section 14 who shall be an ex-officio member of the Board; (h) the Board in consultation with Cabinet Secretary may from time to time co-opt not more than two professional experts in any other area they need support. <p>(2) A person shall be qualified for appointment under Sub-section 1 (a) if that person;</p> <ul style="list-style-type: none"> (a) Is a citizen of Kenya; (b) Meets the requirements of leadership and integrity outlined in Chapter 6 of the Constitution; (c) Holds a Degree from a University recognized in Kenya; (d) Has experience of at least 10 years in the agricultural sector or related field; and (e) Has held a senior position for not less than 5 years in public and/or private sector. <p>(3) The Cabinet Secretary shall publish in the Gazette the appointed Board members.</p> <p>(4) The Chairman and other nominated members of the Board shall hold office for a term of three years but shall be eligible for re-appointment once.</p> <p>(5) Members nominated to the board shall comply to the requirements of Chapter 6 of the Kenya Constitution 2010.</p> <p>(6) The appointment of members under section 4 (1) shall comply with constitutional requirements on gender.</p>	
<p>5. (1) A member of the Board other than the Chief Executive Officer shall cease to be a member if that person—</p> <ul style="list-style-type: none"> (a) resigns his office as such in writing to the Board; (b) is absent from three consecutive meetings of the Board without the permission of the chairman; (c) is adjudged bankrupt; (d) is incapacitated by prolonged physical or mental illness; (e) dies; (f) ceases to represent the interest in respect of which he was appointed or nominated to the Board; (g) is otherwise unable or unfit to discharge the functions of his office. (h) contravenes the provisions of Chapter 6 of the Kenya Constitution 2010. 	Cessation membership of Board

<p>(i) is convicted of a Criminal offense and imprisoned for a period not less than six months.</p> <p>(2) If the office of a member of the Board becomes vacant, the Board shall notify the interested group or organization which nominated that member to the Board under section 4, which shall nominate a replacement</p>	
<p>6. The object and purpose for which the Authority is established is to, in consultation with the county governments, promote competitiveness in the fibre crops sub sector in the production, processing and marketing of fibre crops and fibre crops products, and generally to regulate the fibre crops sub sector in the public interest.</p>	<p>Objects and Purpose</p>
<p>7. Without prejudice to the generality of section 6, the Authority shall-</p> <p>(a) make recommendation to the Cabinet Secretary for the formulation of policies in the fibre crops sub sector;</p> <p>(b) carry out registration and licensing of dealers;</p> <p>(c) undertake capacity building, technology transfer and technical assistance to the counties and stakeholders on matters relating to fibre crops and provide advisory services related to fibre crops production, processing, promotion, quality enhancement and compliance with standards and regulations;</p> <p>(d) collect, collate and analyze data, maintain a database on fibre crops;</p> <p>(e) be responsible for determining the research priorities in fibre crops subsector and to advise generally on research thereof;</p> <p>(f) coordinate the multiplication and distribution of planting seed and to ensure good quality seed maintenance on the farms;</p> <p>(g) represent the country in national and international fora on fibre crops related matters;</p> <p>(h) collaborate with national and international trade bodies on fibre crops related matters;</p> <p>(i) establish standards on production, processing, grading, classing, transportation, packaging, storage of fibre crops and fibre crops products;</p> <p>(j) conduct surveillance and enforce compliance to policies, fibre crops standards, Fibre Crops Development Act and any regulations made under the Act;</p> <p>(k) advise the Cabinet Secretary on levies, fees and import or export duties on fibre crops and fibre crops products;</p> <p>(l) carry out market research, market intelligence, fibre crops pricing mechanisms, fibre crops and fibre crops products promotion, dissemination of information on its findings to all stakeholders and application of the Fibre crops products Mark of Origin.</p> <p>(m) advise the Cabinet Secretary on establishment of Fibre Crops Development Fund in collaboration with National Treasury;</p>	<p>Functions of the Authority</p>

<p>(n) carry out such other functions as may be assigned to it by this Act, and any written law while respecting the roles of the two levels of governments.</p>	
<p>8. The Board shall have the powers necessary for the proper performance of its functions under this Act, including the power to—</p> <ul style="list-style-type: none"> (a) enter into contracts; (b) control, supervise and administer the assets of the Authority in such a manner and for such purpose as best promotes the purpose for which the Authority was established; (c) lay down policy guidelines for the operations and management of all the funds obtained by the Authority; (d) acquire, buy, sell, lease, dispose such assets for the performance of the Authority's functions; (e) receive grants, gifts, donations or endowments and make legitimate disbursements therefrom; (f) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority; (g) access all such relevant information as may be necessary for the efficient administration of the industry; (h) enter into association with other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Board is established; (i) open such bank accounts for its funds as may be necessary; (j) in consultation with the Cabinet Secretary responsible for agriculture and Cabinet Secretary responsible finance, raise or borrow money to finance the operations of the Authority; (k) invest any funds of the Authority not immediately required for its purposes. (l) Promote the public private sector partnership for fibre crops development; and (m) impose a levy or levies for purposes of this Act. 	Powers of the Board
<p>9. (1) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, such officers and servants as it may consider necessary for the proper and efficient administration of the work of the Authority. At all-times the Board shall adhere to the principal of equity and fairness in both gender and the face of Kenya.</p> <p>(2) In the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general or special directions as may be given to it by the Cabinet Secretary.</p>	Power to employ officers and servants
<p>10.(1) The conduct and regulation of the business and affairs of the Board shall be as provided for in the First Schedule.</p>	Conduct of business of the Board

(2) without prejudice to subsection (1) above the Board may regulate its own procedure.	
11. The Board may, by resolution either generally or in any particular case delegate any of the powers conferred on it by this Act to any of its members, officers or servants or to any committee, whether constituted wholly or members of the Board or jointly with members of any body and having responsibilities similar to those of the Board.	Delegation of powers of the Board
12. The Board may appoint and employ, on such terms and conditions as it may determine, agents to carry out any of its functions under this Act.	Employment of agents of the Authority
<p>13. (1) There shall be a Chief Executive Officer competitively recruited and appointed by the Board on such terms and conditions as the Board may determine.</p> <p>(2) The Chief Executive shall hold office for a period of not more than three years, on such terms and conditions of employment as the Board may determine, and shall be eligible for reappointment for one further term.</p> <p>(3) The Chief Executive Officer shall be an ex-officio member of the Board but shall have no right to vote at any meeting of the Board.</p> <p>(4) The Chief Executive Officer shall-</p> <ul style="list-style-type: none"> (a) subject to the direction of the Board, be responsible for the day to day management of the Authority; (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Authority, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Authority; (c) be the secretary of the Board. 	Chief Executive Officer
<p>14. A person shall qualify to be appointed to the position of a Chief Executive Officer if such person;</p> <ul style="list-style-type: none"> (a) ‘holds a relevant advanced degree from a university recognized in Kenya; (b) ‘has at least ten years’ knowledge and experience in a relevant field’; (c) ‘has at least 5 years’ experience in a position of senior management.’ (d) ‘meets the requirements of Chapter Six of the Constitution.’ 	Qualifications of the Chief Executive Officer
15. The Board shall pay - its members, such remuneration, fees or allowances for expenses as determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.	Remuneration
<p>16. (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith and without negligence in the course of the operations of the Board.</p> <p>Provided that in the conduct of the affairs of the Board, members of the Board shall exercise due prudence and diligence and shall be held jointly and</p>	Protection from personal liability.

<p>severally responsible for any losses incurred due to any act committed and which is contrary to this Act or the regulations of the Board or to the direction of any general meeting.</p> <p>(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any, act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done bona fide, be paid out of the funds of the Authority, unless such expenses are recovered by him or her in such suit or prosecution.</p>	
<p>17. The provisions of section (16) shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially of any works</p>	Liability for damages
<p>18. (1) There is hereby established a council to be known as Fibre Crops Council;</p> <p>(2) The functions of the Council shall be :-</p> <ul style="list-style-type: none"> (a) providing general advisory to the Authority on the development of the fibre crops sub sector; (b) advocating for the national interests of the fibre crops sub sector players; (c) providing a platform for stakeholders' consultation on issues affecting the sub sector; <p>(3) Membership of the council shall be drawn from fibre crops industry value chain players as prescribed by Regulations under this Act.</p> <p>(4) The Cabinet Secretary shall formulate rules to guide the operations of the fibre crops sub sector council as prescribed in the Regulations under this Act.</p>	Establishment of Fibre Crops Council
<p>PART III - ROLE OF COUNTY GOVERNMENTS</p>	
<p>19. Pursuant to the Fourth schedule of the Constitution the County Governments shall-</p> <ul style="list-style-type: none"> (a) implement National Government agriculture policies and regulations; (b) provide extension services for fibre crops; (c) develop fibre crops within the county; (d) implement national standards, the industry codes of practice and the regulatory framework for fibre crops; (e) strengthen fibre crops farmer organizations for the production, processing and marketing of fibre crops within the county; (f) registration and licensing of nursery operators, smallholder growers, cooperative societies and unions whichever is applicable; (g) establish a database for the fibre crops grown within the respective county; 	Role of County Governments

<p>(h) formulate regulations for the carrying out of their functions provided such regulations are not in conflict with national policies, regulations and the constitution;</p> <p>(i) regulate the movement of fibre crops;</p> <p>(j) monitor and report incidences of pests and disease outbreaks and take appropriate action in collaboration with the Authority and other relevant government agencies.</p> <p>(2) The County Government may, in accordance with regulations made under this Act and subject to any other law, develop programmes for ensuring the provision of the following incentives and facilities to growers-</p> <p>(a) affordable farm-inputs including quality seeds and planting materials;</p> <p>(b) promote value addition initiatives and market linkages;</p> <p>(c) infrastructural support including physical infrastructure development, financial and market information;</p> <p>(3) Establish county fibre crops stakeholder fora.</p>	
<p>PART IV: REGISTRATION AND LICENSING</p>	
<p>20.(1) The Authority shall register all fibre crops plantations and dealers.</p> <p>(2) A person shall not deal in any fibre crops or fibre crops products business unless that person is registered by the Authority in accordance with this Act.</p> <p>(3) The Authority shall issue a certificate of registration upon successful application in a prescribed form in the regulations under this Act.</p> <p>(4) Registration of dealers in (1) above shall be done once.</p> <p>(5) The Authority shall maintain an up-to-date register of all registered dealers and share the register with the respective county government.</p> <p>(6) A person who contravenes any provision of this Section commits an offence .</p>	<p>Registration by the Authority,</p>
<p>21. (1) A smallholder fibre crops grower may register with the co-operative society, Association, company or such legal entity operating within the County to which the grower delivers fibre crops.</p> <p>(2) A Cooperative society, Association, Company or such legal entity operating within the County in (1) above shall register with the County Government by supplying such particulars as shall be prescribed in Regulations under this Act.</p> <p>(3) The County Governments shall register nursery operators.</p> <p>(4) The Co-operative society, Association, Company or such other legal entity operating within the County shall maintain a register for the purpose of this Part and shall record therein the particulars supplied in accordance with this section.</p>	<p>Registration by the County Government</p>

<p>(5) The county government shall maintain a register and share the data captured in (4) above with the Authority by the closure of every financial year and share any other report as and when required in relation with the fibre crops;</p> <p>(6) Where a co-operative society, association, company or the county government has reasonable cause to believe that a person whose particulars are recorded has ceased to be a grower, it may, after giving that person written notification by registered post of its intention to do so, remove the name of such person from the register.</p> <p>(7) The registers referred to in subsection (4) shall be <i>prima facie</i> proof of the fact that a person is a registered fibre crops grower and a co-operative society shall furnish the county government with particulars of all registered fibre crops growers in such manner as the county government may prescribe.</p> <p>(8) A person who contravenes any provision of this section commits an offence.</p>	
<p>22. (1) No person shall deal in or otherwise transact any business in fibre crops or fibre crops products unless he is a holder of a current licence issued by the Authority for that purpose.</p> <p>(2) The following licences shall be issued by the Authority;</p> <p>(a) fibre crops collection centre licence, authorizing the holder to operate a collection centre for fibre crops;</p> <p>(b) fibre crops retailer license authorizing the holder to trade in fibre crops or fibre crops products;</p> <p>(c) Fibre manufacturing license authorizing the holder to conduct business of cotton ginning, sisal leaf processing, fibre crops spinning and cotton textile milling;</p> <p>(d) Fibre export/import license authorizing the holder to conduct the business of exporting/importing fibre crops or fibre crops products;</p> <p>(e) Warehouse operator licence authorizing the holder to conduct the business of warehousing fibre crops and fibre crops products.</p>	Licenses issued by the Authority
<p>23. (1) The County Government shall issue the following licenses-</p> <p>(a) a commercial nursery license authorizing the holder to operate a commercial nursery;</p> <p>(b) a private nursery license authorizing the holder to operate a private nursery.</p> <p>(2) No person shall operate a private or commercial nursery without a valid license issued by the respective county government authorizing the holder to produce planting materials.</p>	Licenses issued by the County Government
<p>24. No person shall transport fibre crops or have in his possession any fibre crops unless he is a licensed holder and in possession of a valid movement permit;</p>	Movement of fibre crops and fibre crops products

<p>(a) in the case of import or export of cotton lint, sisal fibre and cotton seed cake issued by the Authority;</p> <p>(b) in the case of local movement of seed cotton and sisal fibre the county government of origin shall issue the movement permit.</p>	
<p>25. (1) The Authority shall not issue a license under this Act unless the Applicant has met the requirements prescribed in the Regulations under this Act.</p> <p>(2) There shall be payable such license fees as determined by the Authority</p> <p>(3) The Authority shall, at least fifteen days before granting a licence under this Act, give notice of the proposed grant in the Gazette and invite comments and objections if any other such manner as the Authority may determine.</p> <p>(4) The Authority may after considering the objections, if any, made under this section, grant the licence applied for, subject to such terms and conditions as may be specified therein.</p> <p>(5) The Authority shall prescribe the rules of procedure on hearing and determination of objections in (4) above under the regulations in this Act.</p> <p>(6) A licence issued under this section shall not be transferable.</p>	Licensing provisions
<p>26. The Authority while issuing fibre processing licenses to prospective fibre crops processors shall consider the existing capacity and potential source of raw materials as prescribed in the Regulations under this Act.</p>	Processing capacity
<p>27. (1) All licenses issued by the Authority shall expire by 30th June of every year unless earlier suspended or revoked.</p> <p>(2) An application for the renewal of a licence shall be made to the Authority not later than the first day of the month of June in which the current licence is due to expire.</p> <p>(3) An application made after 30th June shall attract a late application fees as prescribed in the Regulations under this Act.</p>	Application for renewal of dealer's licence
<p>28. The Authority may suspend or revoke a license, if the holder of the license has breached the conditions of this Act or the conditions of the license in accordance with the procedures prescribed in the Regulations under this Act.</p>	Suspension and revocation
<p>29. (1) No person shall —</p> <p>(a) conduct the business of dealing in or transact any business in fibre crops or fibre crops products unless he is a holder of a valid licence issued by the Authority for that purpose;</p> <p>(b) transport or have in his possession any fibre crops or fibre products unless he is licensed as a dealer.</p> <p>(2) Any person who contravenes the provisions of subsection (1) or acts in contravention of the conditions of any licence granted thereunder commits an offence and is liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term of not exceeding ten years, or to both.</p>	Prohibition of certain acts without a licence

<p>(3) If person is convicted of an offence under this section, the court shall order that the fibre crops or fibre crops products and any vehicle, vessel or conveyance in relation to which an offence has been committed shall be forfeited to the government unless, in the case of a vehicle, vessel or any other conveyance the court sees good reason to be recorded by it in writing not to do so.</p>	
<p>30. (1) The Authority shall in consultation with County governments and the relevant stakeholders develop a system for application of distinguishing marks and out-turn numbers for processed fibre crops produce and fibre crops products as prescribed in the regulations under this Act.</p> <p>(2) No person offering for sale or exporting fibre crops and fibre crops products shall use any distinguishing mark to market and identify it as fibre crops grown by such person unless the mark is registered as the distinguishing mark of such person by the Authority.</p> <p>(3) Any person who contravenes any of the provisions of this section commits an offence.</p>	Registration of distinguishing marks
PART V – FIBRE CROPS PRODUCTION AND PROCESSING	
<p>31. The Authority shall register and monitor the certification schemes for compliance with protocols for Kenyan fibre crops in accordance with the international market requirements.</p>	Certification of Kenyan fibre crops
<p>32. The Authority shall promote and register all Kenyan fibre crops produced in accordance with geographical indications or regions as a Certification Mark of origin of all fibre crops produced in Kenya.</p>	Branding and geographical indications
<p>33. (1) The Cabinet Secretary may, on advice of the Authority, establish institutional linkages for the provision of appropriate fibre crops research, production technologies, farm inputs, processing, credit schemes and marketing.</p> <p>(2) The Authority shall carry out capacity building of county governments and other players along the value chain on production, processing and marketing.</p> <p>(3) Growers, service providers and other value chain actors may enter into contractual agreements as prescribed in regulations under this Act.</p>	Fibre crops development
<p>34. (1) Fibre crops processing shall be carried out at registered and licensed ginneries, mini sisal processors, sisal factories, spinners and such other facilities for fibre crops processing.</p> <p>(2) Fibre crops processing shall be conducted at premises or locations that are specified under the license issued by the Authority.</p> <p>(3) The licence holder shall allow free access to the premises by the inspectors authorized by the respective licensing authorities for inspection to ensure compliance of the licence holder under these Regulations.</p>	Processing of fibre crops

<p>(4) All fibre crops processors shall comply with the requirements stipulated in the license and the Regulations under this Act.</p> <p>(5) The fibre crops processors shall submit returns on the fibre crops received and processed to the Authority in formats prescribed in the Regulations under this Act.</p> <p>(6) Fibre crops processors shall comply with the Kenya Fibre Crops Standards as set out by the Kenya Bureau of Standards.</p> <p>(7) Fibre crops processors shall remit samples to the Authority for analysis to ensure compliance with the grading and classification system and other fibre crops standards provisions as prescribed in the Regulations under this Act.</p> <p>(8) Any person who contravenes the provisions of this part commits an offence</p>	
PART VI – FIBRE CROPS QUALITY ASSURANCE	
<p>35. (1) The Authority shall establish the necessary capacity for quality control of Kenyan fibre crops produce and fibre crops products as prescribed in the Regulations under this Act.</p> <p>(2) The Authority and County Governments shall respectively appoint qualified persons to be inspectors to carry out inspections of all fibre crops and their products for quality assurance and compliance to requirements as prescribed in the Regulations under this Act;</p> <p>(3) The Authority and county governments shall collaborate in the enforcement of fibre crops sub sector standards along the value chain, for purposes of quality assurance.</p> <p>(4) The Authority may sample fibre crops produce and fibre crops products to ascertain the compliance of the products with the fibre crops standards as prescribed in the regulations under this Act.</p> <p>(5) The ginneries, sisal factories, exporters and importers shall submit fibre crop products samples for purposes of quality analysis as prescribed in the regulations under this Act.</p> <p>(6) Fibre crops products produced locally or imported into the country shall comply with the prevailing—</p> <ul style="list-style-type: none"> (a) quality standards as set by the body for the time being responsible for setting standards; (b) occupational safety and health standards as set by the body for the time being responsible for public health; (c) environmental standards as set by the body for the time being responsible for environmental matters. 	Quality, safety and health control measures
<p>36. (1) The Authority shall conduct surveillance, inspections and audits of fibre crops collection centres, retailers, ginneries, sisal factories, spinning factories, warehouses, exporters and importers to ensure compliance of fibre crops products with the set standards.</p>	Fibre Crops Inspection

(2) 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.	
(3) Surveillance, inspection and audit reports may be shared with County Governments for purposes of standards and the regulatory framework enforcement.	
(4) A person who contravenes the provisions of this Section commits an offence.	
PART VII - TRADING AND MARKETING	
37. (1) The Cabinet Secretary shall, in consultation with the Authority, establish fibre crops pricing committee(s) to develop pricing guidelines and models as prescribed in the Regulations under this Act.	Pricing committee(s)
38. Purchase of fibre crops shall be undertaken at collection centres registered and licensed by the Authority.	Purchase of fibre crops
39. (1) Fibre crops growers may enter into marketing agreements with fibre crops buyers in accordance with the guidelines prescribed in the Regulations under this Act. (2) The agreements in subsection (1) above shall be deposited with the Authority. (3) Any person who contravenes the provisions of the agreement in subsection (1) commits an offence.	Market agreement guidelines
40. The Authority shall promote and market fibre crops and fibre crops products locally and internationally.	Promotion and marketing of fibre crops and fibre crops products
41. The trading in fibre crops and fibre crops products will conform to the prescribed packaging materials, weights, labelling and grading in accordance with the fibre industry standards, codes of practice and the Regulations under this Act.	Packaging weights, labelling and grading of fibre crops
42. (1) Importers and exporters of fibre crops and fibre crops products shall be subjected to quality analysis and shall be issued with a quality compliance certificate as prescribed in the Regulations under this Act. (2) Fibre crops and fibre crops products which do not conform to the Kenya Fibre industry standards shall be impounded and reshipped to the country of origin or destroyed upon a court order issued by a court of competent jurisdiction obtained in proceedings instituted by the Authority or other authorized government agencies with due notice to the importer, and the import permit of the owner may be suspended and subsequently cancelled.	Imports and exports of fibre crops products
PART VIII- FINANCIAL PROVISIONS	
43. (1) The funds of the Authority shall comprise—	Funds of the Authority

<p>(a) such monies as may be appropriated by the National Assembly for the purposes of the Authority;</p> <p>(b) all monies received in respect of the levies and service fees;</p> <p>(c) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act; and</p> <p>(d) all monies from any other source provided for or donated or lent to the Authority.</p> <p>(2) The Cabinet Secretary may, in consultation with the Authority and the National Treasury, by notice in the Gazette, impose a levy to be levied on fibre crops or fibre crops products;</p> <p>(3) The Cabinet Secretary may, upon the advise of the Authority, at any time by notice, alter the rate of the levy imposed under subsection (2) and such altered rate shall come into force on such date as may be specified in the notice.</p> <p>(4) Different rates of levy may be imposed for a different fibre crops and fibre crops products.</p> <p>(5) The levies imposed shall be collected in the manner prescribed in the Regulations under this Act.</p> <p>(4) All levies and charges in this section shall be remitted to the Authority, for the purpose of promotion and development of the fibre crops sub sector.</p> <p>(5) All moneys due on account of the levies and service charge shall be a debt due to the Authority.</p> <p>(6) Any person who contravenes the provisions under this section commits an offence.</p>	
<p>44. The financial year of the Authority shall be the period of twelve months ending on the 30th June of every year.</p>	Financial Year of the Authority
<p>45. (1) Before the commencement of each financial year, the Authority shall cause to be prepared estimates of revenue and expenditure of the Authority for that financial year.</p> <p>(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and in particular, shall provide for—</p> <p>(a) the payment of salaries, allowances and other charges in respect of the staff of the Authority;</p> <p>(b) the payment of allowances and other charges in respect of members of the Board.</p> <p>(c) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority;</p> <p>(d) the proper maintenance of the buildings and grounds of the Authority;</p>	Annual estimates

<p>(e) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority;</p> <p>(f) 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 matters as the Authority may deem appropriate.</p> <p>(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and once approved, the sum provided in the estimates shall not be increased without the prior consent of the Authority.</p>	
<p>46.(1) There is established a Fund to be known as the Fibre Crops Development Fund which shall be managed by the Authority.</p> <p>(2) The Fund shall consist of –</p> <p>(a) monies appropriated by Parliament;</p> <p>(b) monies from the fibre crops levy;</p> <p>(c) monies from a source approved by the Authority;</p> <p>(d) Grants and donations made to the Authority;</p> <p>(e) any interest from loans and advances.</p>	Fibre crops development fund
<p>47. The purpose for which the Fund is established is to provide sustainable affordable credit and advances to the fibre crops sub-sector for all or any of the following purposes—</p> <p>(a) fibre crops research and development;</p> <p>(b) farm development;</p> <p>(c) price stabilization;</p> <p>(e) development of the fibre crops market;</p> <p>(f) any other lawful purpose approved by the Authority.</p>	Purpose of the fund
<p>48.The Cabinet Secretary shall make regulations for the management of the fund by the Authority.</p>	Management of the fund
<p>PART IX- AUDITS AND REPORTS</p>	
<p>49. (1) The Authority shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority.</p> <p>(2) Within a period of four months from the end of the financial year, the Authority shall submit to the Auditor General or to an auditor appointed under subsection (3), the accounts of the Authority together with—</p> <p>(a) a statement of the income and expenditure of the Authority during that year; and</p> <p>(b) a statement of the assets and liabilities of the Authority on the last day of that year.</p>	Accounts and audit

<p>(3) The accounts of the Authority shall be audited by the Auditor General or by an auditor appointed by the Board with the written approval of the Auditor General.</p> <p>(4) The appointment of an auditor under subsection (3) shall not be terminated by the Board without the prior written consent of the Auditor General.</p> <p>(5) The Auditor General may give general or specific directions to an auditor appointed under subsection (3) and the auditor shall comply with such directions.</p> <p>(6) An auditor appointed under subsection (3) shall report directly to the Auditor General on any matter relating to the directions given under subsection (4).</p> <p>(7) Within a period of six months after the end of each financial year, the Auditor General shall report on the examination and audit of the accounts of the Authority to the Cabinet Secretary and where an auditor has been appointed under subsection (3), such auditor shall submit a copy of the report to the Auditor General.</p> <p>(8) The fee payable to an auditor, appointed under subsection (3) shall be determined and paid by the Board.</p> <p>(9) Nothing in this Act shall be construed to prohibit the Auditor General from carrying out an inspection of the records and accounts of the Authority whenever it appears desirable.</p> <p>(10) Notwithstanding anything in this Act, the Auditor General may transmit to the Cabinet Secretary a special report on any matters incidental to his power under this Act and section 19(3) and (4) of the Exchequer and Audit Act (Cap. 412) shall, with necessary modifications, apply to any report made under this section.</p>	
<p>50.(1) The Authority shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Authority for the immediate preceding year.</p> <p>(2) The Cabinet Secretary shall lay the report submitted to him under subsection (1) before the National Assembly within three months of the day the Assembly next sits after the receipt of the report.</p> <p>(3) The Authority shall, within a period of seven months after the end of its financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of its operations during such year, and the yearly balance sheet and such other statements of account as shall be required together with the report of the Auditor-General thereon; and the Board shall, if the Cabinet Secretary so requires, publish them in such a manner as the Cabinet Secretary may specify.</p> <p>(4) There shall be laid the Authority's report and the report of the Auditor-General together with the balance sheet and such other statements of account as the Cabinet Secretary may have required, before the National Assembly</p>	Annual report.

within fourteen days of receipt of the reports and statements by him, or, if the National Assembly is not then sitting, within fourteen days of the next sitting.	
PART X – GENERAL PROVISIONS	
<p>51. (1) The Cabinet Secretary may, in consultation with the Authority, by order published in the Gazette—</p> <p>(a) declare an area or fibre crops processing facility which is infected with fibre crops disease or pest to be an infected area;</p> <p>(b) prohibit the use of an infected area for planting, growing, collecting, storing, processing, baling or other dealing with planting seed, raw fibre, or for any purpose connected with those activities;</p> <p>(c) for the purpose of preventing fibre crops disease or pest or the spread of fibre crops disease or pest, either in the crop or otherwise, prohibit the movement of planting seed, raw fibre, processed fibre or fibre seed from, to, through or within an infected area or another specified area;</p> <p>(d) extend, diminish or otherwise alter an infected area; and</p> <p>(e) where it is no longer infected with fibre crops disease or pest, revoke the declaration of an infected area.</p>	Infected areas
<p>52. (1) The Authority shall, in consultation with Kenya Bureau of Standards, develop the Kenya fibre crops production standards and the codes of practice.</p> <p>(2) All the fibre crops produce and fibre crops products shall conform to all the fibre crops standards and codes of practice</p>	Fibre Crops Standards and Codes of Practice.
<p>53. (1) Any person aggrieved by the refusal of the Authority, or of any person authorized by the Authority on that behalf, to issue any licence or registration certificate, or by any decision of the Authority may within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the Cabinet Secretary.</p> <p>(2) Any person aggrieved by the refusal of the county government, or of any person authorized by the county government on that behalf, to issue any licence or registration certificate, or by any decision of the county government may within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the County Executive Committee Member for that time responsible for matters relating to Agriculture.</p> <p>(3) A party not satisfied with the decision of the Cabinet Secretary or the County Executive Committee Member may, within thirty days, appeal to a court of competent jurisdiction.</p>	Appeals
54. If any conflict arises between the provisions of this Act and any other Act with respect to the development, management, marketing or regulation of fibre crops the provisions of this Act shall prevail.	Supersession
55. (1) The Authority shall arbitrate disputes arising between any parties under this Act.	Dispute resolution

<p>(2) A party not satisfied with the decision of the Authority, may appeal to a court of competent jurisdiction within thirty days.</p>	
<p>56. Where any notice is required by or under this Act or any Rules made thereunder to be served on any person, service thereof may be effected either personally on such person, by registered post or courier services; and, where the person to be served is a body corporate or a co-operative society or other body of persons, service of any such notice may be effected by serving it personally on any secretary, director or other officer thereof, or by leaving or sending it by registered post addressed to the body corporate, co-operative society or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business or by courier services.</p>	Service of notices
<p>57. Where any offence under this Act or under any Rules made there under is committed by any company or other body corporate, or by any co-operative society, association or body of persons, every person charged with, or concerned, or acting in, the control or management of the affairs or activities of such company, body corporate or co-operative society, association or body of persons, shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed or that he took all reasonable steps to prevent its commission</p>	Offences by corporations, co-operative societies, etc.
<p>58. A person who contravenes any provisions of this Act, or commits an offence for which no penalty is prescribed, shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a period not exceeding one year, or to both.</p>	General penalty
<p>59. (1) The Cabinet Secretary may, in consultation with the Authority, make Regulations and guidelines for prescribing anything which by this Act is required to be prescribed, and generally for the better carrying out of the provisions of this Act.</p> <p>(2) Without prejudice to the generality of the powers conferred by subsection (1) Regulations and guidelines thereunder may provide for all or any of the following matters—</p> <ul style="list-style-type: none"> (a) prescribing the manner of nominating the members of the Council, who are required by this Act to be nominated to represent respective fibre crops value chain segments, interests and the manner in which the names of nominees shall be published; (b) prescribing the manner in which persons to represent the value chain actors in the Board for the purposes of section 4(1) shall be nominated; (c) prescribing the manner of registration and licensing or de-registration of growers and dealers and any other persons dealing in fibre crops and fibre crops products; (d) prescribing the forms and manner of application for registration and licensing under this Act; 	Regulations and guidelines

<ul style="list-style-type: none"> (e) prescribing the forms of certificate to be issued under this Act; (f) prescribing the manner in which fibre crops and fibre crops products may be produced, harvested, processed, warehoused, packaged and traded; (g) prescribing the forms of registers required by this Act to be kept, and the matters to be entered therein; and licenses to be issued under this Act; (h) prescribing the returns and the forms thereof, to be made by persons holding licenses under this Act; (i) prescribing the fees or charges for services rendered under this Act by the Authority or its officers, servants or agents; (j) providing for the submission of returns to the Authority relating to fibre crops dealers; (k) prescribing the forms and procedure for appeals under this Act; (l) providing for the manner of grading and classification of fibre crops under this Act; (m) prescribing regulations for establishment of a fibre crops price stabilization mechanism; (n) prescribing regulations for establishment and management of a fibre crops development fund; (o) prescribing guidelines on how fibre crops research will be conducted in the utilization of the research levy; (p) prescribing regulations for the control of infected areas. 	
PART XI: CONSEQUENTIAL AMENDMENTS	
60. The Agriculture and Food Authority Act, 2013 is amended in the First Schedule by deleting (vii) & (viii) under paragraph 1.	Amendment of the First Schedule to No. 13 of 2013
61. The Crops Act, 2013 is amended in the First Schedule by deleting the following words- <ul style="list-style-type: none"> (a) “cotton..... <i>gossypium spp</i>” in Part 1. (b) “Kenaf..... <i>Hibiscus Cannabinus L</i>” in Part 2 (c) “Sisal <i>Agave spp</i>” in Part III. (d) “Flax <i>Linum usitatissimu L.</i>” in Part 3. 	Amendment of the First Schedule to No. 16 of 2013
FIRST SCHEDULE- CONDUCT OF BUSINESS AND AFFAIRS OF THE AUTHORITY	
1. (1) 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. (2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon request in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.	Meetings

<p>(3) 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.</p> <p>(4) The quorum for the conduct of the business of the Board shall be two thirds of the members.</p> <p>(5) The Chairperson shall preside at every meeting of the Board at which he is present but in his absence, but in his absence, the members present shall elect one of their numbers to preside who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.</p> <p>(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the 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.</p> <p>(7) Subject to paragraph (4), no proceeding of the Board shall be invalid by reason only of a vacancy among the members thereof.</p> <p>(8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.</p>	
<p>2. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board and its committees to be entered in books kept for that purpose.</p>	Minutes
<p>3. (1) 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, the member shall, at the meeting and as soon as reasonably 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.</p> <p>(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.</p>	Disclosure of interest
<p>4. The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer:</p> <p>Provided that the Board shall, in the absence of either the Chairperson or the Chief Executive Officer in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.</p>	Common seal
<p>5. Any contract or instrument which, if entered into or executed by a person</p>	Contracts and instruments

not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.	
SECOND SCHEDULE - TRANSITIONAL PROVISIONS	
<p>In this Schedule—</p> <p>“appointed day” means the day on which this Act comes into force;</p> <p>“assets” include all property movable or immovable and all estates, easements and rights whether equitable or legal in, over or out of property, choses-in-action, money or goodwill of the former institutions whether situated in Kenya or elsewhere;</p> <p>“former institutions” means the institutions existing immediately before the commencement of this Act as specified under the Fibre Crops Development Authority Act, 2020;</p> <p>“liabilities” means liabilities, debts, charges, duties and obligations of every description, whether present or future, actual or contingent, and whether to be observed or performed in Kenya or elsewhere; and</p> <p>“rights” means all rights, powers, privileges and immunities whether actual, contingent or prospective, whether observed or performed in Kenya or elsewhere</p>	Interpretation
<p>1. (1) On the appointed day, all funds, assets, and other property, moveable and immovable acquired after commencement of the Crops Act, 2013 and Agriculture and Food Authority Act, 2013 relating to fibre crops and were vested on Agriculture and Food Authority shall, by virtue of this paragraph, vest in the Authority’.</p> <p>(2) On the appointed day, all rights, powers and liabilities, which immediately before such day were vested in, imposed on or enforceable against the former institution and related to the Fibre Crops Directorate shall, by virtue of this paragraph, be vested in, imposed on or enforce able against the Authority.</p> <p>(3) If, on the appointed day, any suit, appeal, arbitration or other proceedings of whatever nature and wheresoever instituted in relation to the business of the former institutions related to the Fibre Crops Directorate which is, by virtue of this paragraph, transferred to the Authority, shall not abate, be discontinued or be in any way prejudicially affected by reason of such transfer of the business of the former institutions or of anything contained in this Act, and any suit, appeal arbitration or other proceedings shall be continued, and enforced by or against the Authority.</p> <p>(4) In the case of assets and liabilities arising under any loans which vest in the Authority on the appointed day, the Authority may enter into such arrangements or agreements over such rights and liabilities with the Government or any other third party.</p>	Assets and liabilities

<p>2. Any reference in any written law or in any document or instrument to a former institution shall, on and after the appointed day, be construed to be a reference to the Authority.</p>	<p>Reference to former institution</p>
<p>3. Any proceedings related to Fibre Crops Directorate pending immediately before the appointed day to which a former institution related to was a party shall be continued as if the Authority was a party thereto in lieu of the former institution</p>	<p>Proceedings of former institution</p>
<p>4. Every agreement, deed, bond or other instrument to which a former institution and related to Fibre Crops Directorate was a party or which affected the former institution and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Authority were a party thereto or affected thereby instead of the former institution and as if for every reference (whether express or implied) there into the former Authority there were substituted in respect of anything to be done on or after the appointed day.</p>	<p>Agreements, deeds, etc</p>
<p>5. The administrative decisions made by a former institution related to Fibre Crops Directorate or by the Cabinet Secretary which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Authority or the Cabinet Secretary under this Act.</p>	<p>Administrative decisions</p>
<p>6. (1) A person who, was an officer or member of staff of the former Cotton Development Authority and The Sisal Board of Kenya immediately before the commencement of the Agriculture and Food Authority Act, 2013 not being under notice of dismissal or resignation or retirement, shall upon commencement of this Act become an officer or member of staff of the Authority on their current or improved terms and conditions of service.</p> <p>(2) “Notwithstanding the provision of section (1), if a person does not intend to become an officer or member of staff of the Authority they shall within a period of twenty-one days from the appointed day give notice in writing to the Authority and such person shall be deemed not to have become such an officer or member of staff under subsection (1) and</p>	<p>Staff</p>
<p>7. (1) If on the appointed day—</p> <ul style="list-style-type: none"> a) any disciplinary proceedings against any member of staff of a former institution are in the course of being heard or instituted, or have been heard or investigated by the former institution but no order or decision has been made thereon; b) any such member of staff is interdicted or suspended, the Authority shall— <ul style="list-style-type: none"> (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and (ii) in the case of paragraph (b), deal with such member of staff in such manner as it deems appropriate having regard to the offence committed by the staff, including the completion of disciplinary proceedings that 	<p>Disciplinary proceedings</p>

<p>have been commenced against that member of staff.</p> <p>(2) If on the appointed day, any penalty, other than dismissal, has been imposed on any member of staff of a former institution pursuant to disciplinary proceedings against the member and the penalty has not been, or remains to be, serviced by such member of staff, the member shall, upon transfer to the Authority, serve or continue to serve such penalty to its full as if it had been imposed by the Authority.</p>	
<p>8. (1) A member of staff of a former institution who becomes a member of staff of the Authority shall continue to be governed by the former Cotton Development Authority and the Sisal Board of Kenya pension schemes.</p> <p>(2) If any person whose services are transferred to the Authority is, on the appointed day, a member of any statutory voluntary pension scheme or provident fund, the person shall continue to be governed by the same regulations under those schemes or funds, as if the person had not been so transferred, and for purposes of the regulations governing those schemes or funds, service with the Authority shall be deemed to be service in the former institution.</p>	Pension