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**BILLS, 2012**

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**NAIROBI, 14th December, 2012**

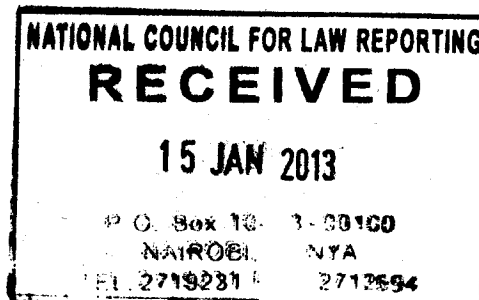
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**THE POULTRY DEVELOPMENT BILL, 2012**

**A Bill for**

**AN ACT** of Parliament to establish an institutional framework for the development of the poultry industry, and for the control of the importation and exportation of poultry and poultry products, and for connected purposes.

**ENACTED** by the Parliament of Kenya, as follows-

**PART I-PRELIMINARY**

1. This Act may be cited as the Poultry Development Act, 2012, and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.

Short title and commencement.

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

Interpretation.

“Board” means the Kenya Poultry Development Board established under section 14;

“chick” means the young one of poultry that is less than or equal to twenty one days old;

“chief executive officer” means the chief executive officer of the Board appointed under section 20;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to poultry development;

“poultry” means chicken, duck, ostrich, goose, turkey, quail, pigeon or guinea fowl and includes any wild bird domesticated for human consumption, commercial or other purposes including any other bird which the Minister may, by notice in the Gazette, declare from time to time to be poultry for the purposes of this Act and for the avoidance of any doubt “poultry” includes poultry product;

“poultry operator” means any farmer, person or organization engaged in any poultry operation;

“poultry operation” means any business undertaking in poultry whether for business or other purpose and includes poultry breeding, production, buying and selling, processing, storage, transport and distribution;

“poultry processing” means the act of converting any poultry and poultry products from one form to another;

“poultry product” means any product or by-product from poultry;

“poultry slaughter house” means a licenced facility where poultry is slaughtered for the purpose of human consumption.

3. Where the provisions of this Act are inconsistent with the provisions of any other written law, the provisions of this Act shall prevail.

Act to supersede.

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**PART II –GUIDING PRINCIPLES FOR THE DEVELOPMENT  
OF THE POULTRY INDUSTRY**

Government to  
undertake  
education and  
communication.

4. (1) The Government shall promote public awareness about the health benefits of poultry rearing and consumption through a comprehensive nation-wide education and information campaign conducted by the Government through the relevant Ministries, departments, authorities and other agencies including the relevant non governmental organizations and civil society.

(2) The Board in collaboration with the Government and the relevant civil society groups shall provide training, sensitization and awareness programmes on the health benefits of poultry rearing and consumption to community workers, social workers, media professionals, educators, decision makers, administrators and other concerned persons.

(3) Every County Government in collaboration with the Board shall conduct education and information campaigns on the health benefits of poultry rearing and consumption within its area of jurisdiction.

Breeds and  
breeding.

5. The Government, in collaboration with the relevant stakeholders, shall-

- (a) undertake and promote characterization and conservation of indigenous poultry and develop appropriate breeds based on traits of socio-economic importance and support the enhancement of the conservation of the indigenous chicken genetic pool;
- (b) encourage both existing and upcoming hatcheries with conducive business environment, the necessary infrastructure and bio-security measures.

Poultry production  
and management of  
inputs.

6. The Government, in collaboration with the relevant stakeholders, shall-

- (a) encourage and facilitate growing of alternative sources of energy and protein for the poultry industry to meet local demand including encouraging the sourcing of suitable raw materials taking into account other government policies;
- (b) encourage and facilitate competitive sourcing of imported raw materials while at the same time putting in place measures to control adulteration of raw materials and compounded feeds;
- (c) facilitate the development of cost-effective and suitable formulation of feeds for indigenous chicken and emerging poultry using alternative local resources;
- (d) facilitate the regular review and use of certified feed additives such as myco-toxin binders, growth promoters, enzymes and acidifiers to enhance the quality of feeds available locally;

- (e) encourage self-regulation of the feed milling industry through the relevant associations and organizations, as provided for by the relevant livestock feeds legislations;
- (f) promote the development and adoption of appropriate poultry equipment and housing standards.

7. The Government, in collaboration with the relevant stakeholders, shall-

Poultry production systems.

- (a) promote supplementary feeding, through commercial feed production and on-farm feed formulation;
- (b) promote appropriate housing technologies as dictated by local raw materials and prevailing climatic conditions;
- (c) institute measures to facilitate adequate sanitation and address environmental concerns for poultry farmers;
- (d) enhance the capacity of the animal health workers, extension staff and farmers on breeding, disease control and other aspects of management, and promote commercialization of indigenous poultry;
- (e) build capacity of producers in better management practices, promote and improve market infrastructure, facilitate initiatives that address high cost, poor quality compounded feeds and the raw materials;
- (f) review poultry production systems with a view to addressing challenges from poultry waste disposal and management.

8. The Government, in collaboration with the relevant stakeholders, shall-

Poultry diseases

- (a) take the necessary steps to allocate adequate funds and enhance capacity of the ministry in-charge of livestock development to control poultry diseases;
- (b) improve response mechanisms while addressing knowledge and information gaps on both notifiable and other diseases;
- (c) enhance regulatory mechanisms and vigilance for importation, production, distribution and utilization of poultry vaccines;
- (d) facilitate an efficient cold chain system and alternative vaccines like thermo-stable to ensure good quality and effective vaccine delivery system.

9. The Government, in collaboration with the relevant stakeholders, shall-

Marketing and value addition.

- (a) initiate the development of an effective poultry marketing information system and promote the strengthening of poultry farmer associations to improve on the marketing efficiency;

- (b) promote the formation and strengthening of various producer associations to act as their marketing agents;
- (c) ensure that exports and imports of poultry and poultry products meet the relevant international standards;
- (d) seek to classify poultry and poultry products as special products under the World Trade Organization agreements;
- (e) facilitate, through public-private partnership, the setting-up of strategic processing facilities that meet local, regional and international sanitary and phyto-sanitary standards;
- (f) encourage stakeholders in the industry to embrace value addition and promote skills enhancement.

Information system

**10.** The Government, in collaboration with the relevant stakeholders, shall-

- (a) put in place regular data and information collection and management system;
- (b) encourage establishment of strong and formally recognized sector associations to facilitate the exchange of data and information between stakeholders and promote private-public sector partnership;
- (c) promote the use of information communication technology to pass information which shall be promoted across the value chain

Cross-cutting issues

**11.** The Government, in collaboration with the relevant stakeholders, shall-

- (a) mainstream HIV and Aids in its programmes and activities and will promote consumption of poultry and poultry products;
- (b) develop gender sensitive programmes to enable women and youth access efficient production facilities such as credit, technology and market information;
- (c) encourage good environmental practices and promote effective utilization of poultry by products;
- (d) facilitate the review, awareness creation and enforcement of the animal welfare standards.

Financing the industry

**12.** The Government shall-

- (a) strive to increase its budgetary allocations to poultry activities and facilitate investors in the entire poultry value chain;
- (b) develop mechanisms of extending affordable credit facilities to both small and large-scale poultry farmers through the existing public finance institutions;

- (c) encourage the private sector, the cooperative societies, farmers groups, the nongovernmental organizations and the community based organizations to advance more credit to poultry farmers.

**13. The Government shall-**

Monitoring and evaluation.

(a) work closely with all stakeholders at all levels to ensure stronger coordination and harmonization of the activities undertaken by the development partners and the non governmental organizations involved in poultry development;

(b) establish a participatory monitoring and evaluation system to monitor the development of poultry.

**PART III-THE KENYA POULTRY DEVELOPMENT BOARD**

**14. (1)** There is established a Board known as the Kenya Poultry Development Board.

Establishment of the Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property in Kenya or elsewhere;
- (c) borrowing money or receiving grants; and
- (d) doing or causing to be done or performing all such other things or acts for the proper performance of its functions under this Act, as may be lawfully done or performed by a body corporate.

**15. (1)** The Board shall consist of -

Composition of the Board

- (a) the Principal Secretary to the Treasury or his representative;
- (b) the Principal Secretary in the Ministry for the time being responsible for poultry matters or his representative;
- (c) the Director of Veterinary Services or his representative;
- (d) the Director of Livestock Production or his representative;
- (e) nine persons appointed by the Cabinet Secretary being persons nominated as follows-
  - (i) four persons nominated by the Kenya Poultry Farmers Association, taking into account regional and gender balance;
  - (ii) one person nominated by the Animal Production Society of Kenya;



- (iii) one person nominated by the Kenya Veterinary Association;
- (iv) one person nominated by the Kenya Association of Livestock Technicians;
- (v) one person nominated by the Association of Kenya Feed Manufacturers, and
- (vi) one person nominated by the Kenya Poultry Breeders Association.

(2) No person shall be appointed under subsection (1)(e) unless such person-

- (a) is of impeccable character and high moral standing;
- (b) possesses at least a post secondary education certificate and has knowledge and expertise beneficial to the poultry industry.

Conduct of business and affairs of the Board.

**16. (1)** The conduct and regulation of the business and affairs of the Board shall be as set out in the Schedule.

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

Functions of the Board.

**17.** The Board shall be responsible for-

- (a) advising Government ministries, departments and other agencies on policy matters relating to the development of the poultry industry and facilitating the relevant bodies, organs or departments of Government to develop and implement comprehensive and integrated poultry development programmes;
- (b) facilitating the liaison, co-operation and coordinated working of all ministries, agencies and persons charged with the development of the poultry industry;
- (c) seeking out stakeholder-organizations, development partners, relevant government departments, poultry farmers, operators, producers, processors, professionals, experts and research institutions in the poultry industry and coordinate, support, use, deploy, encourage, facilitate or work with them for the purposes of developing and advancing the poultry industry in Kenya;
- (d) carrying out experiments, investigations and research in connection with the poultry industry;
- (e) the collection, analysis and storage of statistics and other information relating to poultry production, distribution and consumption;
- (f) the establishment of information centres, preparation and publication of information relating to the poultry industry;

- (g) the promotion of exhibitions of poultry production and processing;
- (h) facilitating the establishment and improvements of laboratories, experimental stations, workshops and factories and the provision of facilities ancillary thereto;
- (i) the endowment of scholarships and bursaries for the instruction of students engaged in research related to the poultry industry, whether in the laboratories, experimental stations, factories and workshops of the Board or elsewhere;
- (j) rendering to persons engaged in the poultry industry such services as may be necessary upon payment of such fees as may be prescribed or otherwise determined from time to time by the Board itself;
- (k) accessing all such relevant information as may be necessary, and establish information linkages both nationally and internationally among stakeholders, for the efficient administration of the poultry industry;
- (l) promoting the marketing of poultry and poultry products both locally and internationally through agricultural shows, trade fairs, exhibitions and foreign missions abroad, as well as through print and electronic media;
- (m) recommending to the Government appropriate measures for regulating import and export of poultry, poultry products and inputs;
- (n) monitoring prices of poultry both nationally and globally and advising the industry stakeholders accordingly;
- (o) collaborating with other stakeholders in the industry or any other person or organization outside the industry within or outside Kenya, as it may deem appropriate to the Board to do, to ensure production and distribution of quality poultry and poultry inputs in the industry or otherwise for furtherance of the purpose for which the Board is established;
- (p) promoting the transfer and adoption of appropriate technologies in the production and processing of poultry;
- (q) initiating mechanisms to build the industry's financial capacity for self sustenance;
- (r) developing and maintaining proactive cooperation with international institutions in areas relevant to achieving the Board's objectives and represent the poultry industry stakeholders on poultry issues at relevant national, regional and international fora and ensure that the interests of the farmers are addressed;
- (s) ensuring that the policies and strategies to for development of poultry are continually reviewed and

implemented;

- (i) performing such other functions that are incidental to the attainment of the guiding principles for the development of the poultry industry as set out under Part II of this Act.

Powers of the Board.

**18.** (1) The Board shall have all powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of the foregoing, the Board shall have power to –

- (a) control, supervise and administer the assets of the Board in such manner as best promotes the purpose for which the Board is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
- (d) open such bank accounts for its funds as may be necessary;
- (e) invest any of its funds not immediately required for its purposes in the manner provided in section 28;
- (f) undertake any activity necessary for the fulfillment of any of its functions of under this Act.

Remuneration of Board members.

**19.** The Board shall pay its members such remuneration, fees or allowances as it may determine in consultation with the Cabinet Secretary for the time being responsible for matters relating to finance.

Chief Executive Officer

**20.** (1) There shall be a chief executive officer of the Board who shall be appointed by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.

(2) No person shall be appointed under this section unless such person-

(a) is a holder of a degree in an agricultural science from a recognized university;

(b) has at least five years post graduate working experience in a relevant area.

(3) The chief executive officer shall-

- (a) be the secretary to the Board; and
- (b) subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board

Staff of the Board.

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

Delegation by the Board.

**22.** The Board may, by resolution either generally or in any particular case, delegate to any committee or to any member, officer,

employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act or under any other written law.

**23.** (1) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

Common seal.

(2) The affixing of the common seal of the Board 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 both the chairperson and the chief executive officer.

(3) Notwithstanding the provisions of subparagraph (2) the Board shall, in the absence of either the chairperson or the chief executive officer in a particular matter, nominate one member to authenticate the seal on behalf of either the chairperson or the chief executive officer.

(4) The common seal of the Board when affixed to a document and duly authenticated shall be judicially noticed and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

#### **PART IV-FINANCIAL PROVISIONS**

**24** (1) The funds of the Board shall comprise of—

Funds of the Board.

- (a) the poultry development levy imposed in accordance with subsection (3);
- (b) such fees, 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 or under any written law; and
- (c) all monies from any other source provided for or donated or lent to the Board.

(2) The Cabinet Secretary may, in consultation with the Board and other relevant departments of the Government, by order in the Kenya Gazette, impose a levy to be known as the Poultry Development Levy on imported eggs, whole poultry, and processed poultry products.

(3) A person who fails to pay any amount of the levy payable by him on or before the date prescribed by the order, commits an offence and a sum equal to five per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

(4) Unless the Treasury otherwise directs, the balance of the funds of the Board at the end of the financial year shall be retained for the purposes for which the Board is established.

**25.** The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.

Financial year.

**26.** (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.

Annual estimates.

(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 of the Board and staff of the Board;
- (b) the payment of pensions, gratuities and other charges in respect of the 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 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 of the Board without the consent of the Cabinet Secretary.

Accounts and audit.

**27.** (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 four 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.

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(3) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 20-12.

Investment of funds.

**28.** The Board may invest any of the funds of the Board in securities, in which for the time being trustees may by law invest trust funds, or in any other securities or banks which the Treasury may, from time to time, approve for that purpose.

**PART V- LICENSING PROVISIONS**

**29.**(1) No person shall—

- (a) import or cause to be imported; or
- (b) export or cause to be exported,

Importation and  
exportation of  
poultry.

any poultry except under and in accordance with a licence issued under this Act

(2) For the purposes of subsection (1), poultry shall be deemed to have been exported when it is placed on a ship, aircraft, train or any other vehicle within Kenya for the purposes of export.

**30.** (1) A person who, imports or exports any kind of poultry shall apply, in the prescribed form, to the Board for an appropriate licence or for a renewal of the licence.

Application and  
issue of licence.

(2) On receiving an application for a licence or for a renewal of a licence the Board may, on payment of the prescribed fee, issue to the applicant the appropriate licence or renew the licence.

(3) A licence issued under this section shall—

- (a) be in the prescribed form;
- (b) authorize the licensee to import or export, as the case may require, any poultry;
- (c) be specific with regard to the poultry to be imported or exported;
- (d) be valid for such period as the Board may determine at the time of granting or renewal;
- (e) contain such other conditions as the Board may deem necessary to impose for the protection of public safety in the importation or exportation the poultry.

(4) A licence issued under this section may—

(a) be amended at any time on written notice to the holder by the Board, if in its opinion, the amendment is necessary for the purposes of public safety;

(b) be suspended or revoked by the Board if the holder fails to comply with the conditions contained in the licence or laid down in this Act or in any regulations made thereunder, and where a licence is suspended or revoked the holder shall take such steps as may be recommended by the Board to ensure that no threats to public safety occur.

**PART VI-ENFORCEMENT PROVISIONS**

**31.** (1) The Cabinet Secretary shall, upon recommendation by the Board, appoint any person or class of persons to be poultry inspectors for purposes of this Act.

Poultry inspectors.

(2) The Cabinet Secretary shall issue a certificate of appointment to every person appointed under this section.

(3) Notwithstanding the provisions of this section, the following officers shall be deemed to be poultry inspectors for the purposes of this Act-

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- (a) public health officers appointed under the Public Health Act;
- (b) any other person upon whom any written law vests functions of the maintenance of law and order.

(4) An poultry inspector appointed under subsection(1) shall-

- (a) be subject to the general directions of the Board;
- (b) submit periodic reports to the Board in such manner as may be prescribed on the status of compliance with of the provisions of Part V of this Act.

Places poultry inspectors may enter.

**32.** (1) For the purposes of ensuring compliance with Part V of this Act or for purposes of ensuring prevention or control of a transboundary poultry disease outbreak, a poultry inspector may enter any place or premises which the inspector believes on reasonable grounds that any person is in any way contravening the provisions of this Act.

(2) A poultry inspector entering any premises under this section shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises the certificate issued to him under section 31(2).

(3) In carrying out an inspection in any place pursuant to this section, a poultry inspector may—

- (a) examine any poultry, poultry product, goods, building, works or thing;
- (b) require any person in such place to produce for inspection, in the manner and form requested by the officer, any poultry, poultry product, goods, works, drawings, plans, approvals or thing;
- (c) conduct any test or analysis or take any measurements of samples of the poultry, poultry product, thing; or
- (d) require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant.

(4) A poultry inspector who has analyzed or examined a thing under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination.

(5) A poultry inspector may not enter any premises except with the consent of the occupant or under the authority of a warrant issued under section 33.

Court to issue warrant.

**33.** (1) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorising the poultry inspector named in the warrant to enter and inspect any premises, subject to any

conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that –

- (a) the premises is a place referred to in section 32;
- (b) entry to the premises is necessary for the administration or enforcement of this Act;
- (c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) A poultry inspector executing the warrant issued under this section shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorised in the warrant.

**34.** (1) During an inspection under this Act, a poultry inspector may seize any thing by means of which or in relation to which the poultry inspector believes, on reasonable grounds, that this Act or the other written law has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

Seizure.

(2) The poultry inspector may direct that the thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless authorised by an officer, no person shall remove, alter or interfere in any manner with any thing seized.

(4) Any person from whom a thing was seized may, within thirty days after the date of seizure, apply to the Court for an order of restoration, and shall send notice containing the prescribed information to the Cabinet Secretary within the prescribed time and in the prescribed manner.

(5) The Court may order that the thing be restored immediately to the applicant if, on hearing the application, the court is satisfied that-

- (a) the applicant is entitled to possession of the thing seized; and
- (b) the thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

**35.** (1) Where a corporation, registered society or other similar legal entity commits an offence under this Act, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence and shall, on conviction, be liable in respect of the offence committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

Nature of offences.

(2) In any prosecution for an offence under this Act, it shall be sufficient proof of the offence to establish that the offence was committed by an employee or agent of the accused.

(4) Any act done or omitted to be done by an employee in contravention of any of the provisions of this Act shall be deemed also



to be the act or omission of the employer, and any proceedings for an offence arising out of such act or omission may be taken against both the employer and the employee.

Obstruction.

**36.** (1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to a poultry inspector who is carrying out duties under this Act.

(2) Any person who contravenes the provisions of this section commits an offence.

Offence by poultry inspector.

**37.** (1) No poultry inspector shall-

- (a) directly or otherwise solicit for, or receive in connection with any of his duties, a payment or other reward whatsoever, whether pecuniary or otherwise, or a promise or security for any such payment or reward whether or not he is entitled to claim; or
- (b) enter into any agreement to do, abstain from doing, permit, conceal or connive at any act whereby the Board is or may be defrauded, or which is contrary to the provisions of this Act or the power of execution of the duty of that officer; or
- (c) disclose, except for the purposes of this Act or when required to do so as a witness in a court of law or with the approval of the Board, information acquired by him in the performance of his duties relating to a person, poultry, firm or poultry business; or
- (d) use his position to improperly enrich himself or others.

(2) Any person who contravenes the provisions of this section commits an offence.

Smuggling of poultry.

**38.** Any person who facilitates the entry of poultry into the country through entry points other than custom gazetted entry points commits an offence and shall, in addition to the penalty specified under section 32, be liable to confiscation and subsequent destruction by the Government of any such poultry so entered.

General penalty.

**39.** Any person who commits any offence under this Act for which the penalty is not specifically provided shall be liable upon conviction to a fine of not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding twelve years or both.

#### **PART VII – MISCELLANEOUS PROVISIONS**

Stakeholder forums.

**40.** (1) The Board shall encourage and assist individual poultry farmers to come together and form grassroots poultry producer associations, community based organizations, common interest groups, or primary cooperative societies or other similar organizations for purposes of developing the poultry industry in Kenya through the enjoyment of economies of scale, access to affordable credit and other services.

(2) Upon formation of the grassroots producer associations, each one of them shall be encouraged to register with such national organizations as may be prescribed for the purposes of attaining the objects referred to in subsection (1).

(3) The Ministry shall, at least once in every six months, organize ministerial consultative forums with the national organizations referred to in subsection (2) to deliberate on matters affecting the poultry industry.

**41** (1) The Cabinet Secretary may, on recommendation of the Board, make Regulations generally for the better carrying out of the objects of this Act.

Regulations.

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

- (a) prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;
- (b) prescribe the national poultry organizations under section 40;
- (c) prescribe the forms of applications, notices, licences and other documents for use under this Act;
- (d) prescribe the fees payable under this Act.

#### SCHEDULE

(s.16)

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

1. The Chairperson or a member of the Board other than the ex-officio members 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 for one further term.

Tenure of office.

2. (1) A member other than an ex-officio member may-

Vacation of office.

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member -
  - (i) has been absent from three consecutive meetings of the Board without its permission;
  - (ii) is convicted of a criminal offence that amounts to a felony under the Laws of Kenya;
  - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months;
  - (iv) is otherwise unable or unfit to discharge his functions.

**Meetings.**

3. (1) The Board shall, at its first meeting, elect a non executive Chairperson from amongst the persons appointed under section 15 (1) (e) of the Act.

(2) 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.

(3) Notwithstanding subparagraph (3), the Chairperson may, and upon requisition 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.

(4) 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.

(5) The quorum for the conduct of the business of the Board shall be half of the total members including the Chairperson or the person presiding.

(6) The Chairperson shall preside at every meeting of the Board but the members present shall elect one of their number to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(7) 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 case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (5), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(9) 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.

**Committees of the Board.**

4. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The Board may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the Board.

**Disclosure of interest.**

5. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof 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.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

6. Any contract or instrument which, if entered into or executed by a person 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.

Contracts and  
instruments.

**MEMORANDUM OF OBJECTS AND REASONS**

The principal purpose of this Bill is to put in place the legislative framework required for the implementation of the National Poultry Policy. Towards this objective, the Bill proposes to establish a stakeholders driven Poultry Development Board that shall be responsive to current and emerging challenges in the poultry sector.

**PART I** sets out the preliminary provisions of the Bill.

**PART II** of the Bill sets out the guiding principles for the development of the poultry industry, lists down actions to be undertaken in order to put in place effective poultry production systems and the Part also provides for the guiding principles for the financing of the industry.

**PART III** of the Bill provides for the establishment and functions of the Kenya Poultry Development Board. **Clause 14** of the Bill establishes the Board as a body corporate capable of suing and being sued in its own name. **Clause 15** of the Bill sets out the composition of the Board which shall include the Principal Secretary to the Treasury, the Principal Secretary in the Ministry for the time being responsible for poultry matters, the Director of Veterinary Services, the Director of Livestock Production and eight other persons appointed by the Cabinet Secretary upon nomination by the respective stakeholders.

**Clause 17** of the Bill sets out the functions of the Board which shall include (a) advising Government ministries, departments and other agencies on policy matters relating to the development of the poultry industry; (b) seeking out stakeholder organizations, development partners, poultry farmers and research institutions in the poultry industry and coordinating or facilitating their work for the purposes of developing and advancing the poultry industry in Kenya; (c) recommending to the Government appropriate measures for regulating import and export of poultry, poultry products and inputs; and (d) monitoring prices of poultry both nationally and globally and advising the industry stakeholders accordingly.

**PART IV** of the Bill provides for the financial provisions of the Board. **Clause 24** stipulates that the Board may receive funds from Parliamentary allocations, from the Poultry Development Levy that may be imposed by the Cabinet Secretary or from such fees, monies or other assets that may accrue to the Board.

**Clause 26** of the Bill requires the Board to prepare annual estimates of its revenue and expenditure and present it to the Cabinet Secretary for approval at least three months before the commencement of each financial year.

**PART V** of the Bill deals with licensing provisions. The Part provides that no person shall import or export any poultry except under and in accordance with a licence issued under **Clause 30** of the Bill.

**PART VI** of the Bill sets out the enforcement provisions. **Clause 31** empowers the Cabinet Secretary to appoint poultry inspectors who shall be charged with enforcement of the Act.

**Clause 33** gives power to a magistrate or judge of the High Court to issue a warrant authorizing a poultry officer to enter and inspect premises in the course of enforcing the provisions of this Act or any other written law.

**PART VII** of the Bill contains miscellaneous provisions. **Clause 40** provides that the Ministry shall organize consultative forums with the national poultry stakeholders at least once in every six months. **Clause 41** of the Bill provides that the Cabinet Secretary may,

on the recommendation of the Board, make Regulations for the better carrying out of the objectives of the Act.

The **Schedule** sets out the procedure for the conduct of the business and affairs of the Board including the first meeting where there are provisions as regards the appointment of the chairperson of the Board.

Dated the 14th November, 2012.

**JEREMIAH KIONI,**  
*Member of Parliament.*