

**INTERNAL MEMO**

TO: ALL HONOURABLE MEMBERS

FROM: THE CLERK OF THE NATIONAL ASSEMBLY

DATE: APRIL 20, 2021

RE: NOTIFICATION FROM THE SPEAKER REGARDING  
TWO MESSAGES FROM THE SENATE ON THE  
DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY  
BILL NO. 7 OF 2021) AND THE MUNG BEANS BILL  
(SENATE BILL NO. 9 OF 2020)

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The Speaker of the Senate has forwarded to the National Assembly two Messages relating to the passage of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) and the Mung Beans Bill (Senate Bill No. 9 of 2020) by the Senate.

This is therefore to forward these Messages from the Senate to all Honourable Members pursuant to the provisions of the Standing Orders and the resolution of the House of February 10, 2021 relating to receipt of Messages during recess periods.



JEREMIAH NDOMBI

For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Speaker of the National Assembly





**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT - (FIFTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**NOTIFICATION FROM THE SPEAKER**  
*(No. 4 of 2021)*

**SUBJECT: PASSAGE BY THE SENATE OF THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 7 OF 2021)**

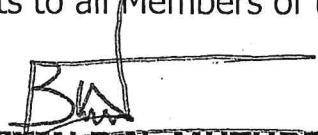
**WHEREAS** Standing Order 41(5) of the National Assembly Standing Orders requires the Speaker to cause the transmission of any Message received from the Senate at a time when the House is not in Session to every Member and later report such Message to the House at its next sitting;

**IT IS NOTIFIED** to all Members of the National Assembly that on Friday, 16<sup>th</sup> April, 2021, the Speaker received a Message from the Senate regarding its passage of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021), which the National Assembly had passed on Tuesday, 23<sup>rd</sup> March, 2021;

**IT IS FURTHER NOTIFIED THAT** the Senate considered and passed the said Bill on Tuesday, 13<sup>th</sup> April, 2021 with amendments to the **Schedule**, with regard to deletion of provisions relating to conditional allocations to Counties through loans and grants, and now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 112 (1)(b) of the Constitution;

**NOW THEREFORE**, in keeping with the provisions of the Standing Order 41(5) and (6) and the resolution of the House of 10<sup>th</sup> February, 2021, I hereby-

- (a) refer this Message and the Schedule of Senate amendments to the Budget and Appropriations Committee for consideration; and,
- (b) direct the Clerk to transmit this notification and the Schedule of Senate amendments to all Members of the National Assembly.

  
**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

April 19, 2021



# REPUBLIC OF KENYA

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## PARLIAMENT

### OFFICE OF THE CLERK OF THE SENATE

Clerk's Chambers  
The Senate  
Parliament Buildings  
P. O. Box 41842 -00100  
Nairobi, Kenya

#### **SENATE AMENDMENT TO THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO 7 OF 2021)**

The following amendment to the **Division of Revenue Bill (National Assembly Bills No 7 of 2021)** was passed by the Senate on Tuesday, 13<sup>th</sup> April, 2021-

#### **SCHEDULE**

**THAT** the Bill be amended by deleting the schedule and substituting therefor the following new schedule -

#### **SCHEDULE (s.4)**

#### **ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR 2021/22.**

Type/level of allocation	Amount in Ksh.	Percentage (%) of 2016/17 audited and approved Revenue i.e. Ksh. 1,357,698 Million
A. Total Sharable Revenue	1,775,624,173,860	
B. National Government	1,398,798,856,427	
C. Equalization Fund	6,825,317,433	0.50%
D. County equitable share	370,000,000,000	27.3%

Dated: 14<sup>th</sup> April, 2021







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**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT - (FIFTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**NOTIFICATION FROM THE SPEAKER**

\_\_\_\_\_ (No. 3 of 2021) \_\_\_\_\_

**SUBJECT: PASSAGE BY THE SENATE OF THE MUNG BEANS BILL (SENATE BILL NO. 9 OF 2020)**

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**WHEREAS** Standing Order 41(5) of the National Assembly Standing Orders requires the Speaker to cause the transmission of any Message received from the Senate at a time when the House is not in Session to every Member and later report such Message to the House at its next sitting;

**IT IS NOTIFIED** to all Members of the National Assembly that on Tuesday, 13<sup>th</sup> April, 2021, the Speaker received a Message from the Senate regarding its passage of the Mung Beans Bill (Senate Bill No. 9 of 2020). The Bill published vide the Kenya *Gazette* Supplement No. 130 of 24<sup>th</sup> July 2020 seeks to provide for the development, regulation and promotion of the mung beans sector;

**IT IS FURTHER NOTIFIED THAT** the Senate considered and **passed** the said Bill **with amendments**, on Tuesday, 30<sup>th</sup> March, 2021, and now seeks the concurrence of the National Assembly on the Bill in accordance with the provisions of Article 110 (4) of the Constitution;

**NOW THEREFORE**, in keeping with the provisions of the Standing Order 41(5) and (6) and the resolution of the House of 10<sup>th</sup> February, 2021, I hereby -

- (a) refer this Message and the Bill to the Departmental Committee on Agriculture and Livestock for consideration;
- (b) direct that the Bill be read a First Time upon resumption of the House on Tuesday, 4<sup>th</sup> May, 2021; and,
- (c) direct the Clerk to transmit this notification and the said Bill to all Members of the National Assembly.

  
**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

April 16, 2021







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REPUBLIC OF KENYA  
PARLIAMENT

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SENATE BILLS

*(Bill No.9 of 2020)*

**THE MUNG BEANS BILL, 2020**

(A Bill published in the Kenya Gazette Supplement No. 130 of 24<sup>th</sup> July, 2020 and passed by  
the Senate, with amendments, on 30<sup>th</sup> March , 2021)

**THE MUNG BEANS BILL, 2020**  
**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I – PRELIMINARY**

- 1— Short title.
- 2— Interpretation.
- 3— Objects of the Act.

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

- 4— Duties of the Agriculture and Food Authority.
- 5— Duties of county executive committee members.
- 6— Prioritisation of mung beans and mung bean products in government programs.
- 7 — Mung bean policy.

**PART III - REGULATORY PROVISIONS**

- 8 — Requirement for registration by growers.
- 9 — Requirement for licensing of marketers, processors and large scale traders.
- 10—County licensing committee
- 11 — Qualifications for appointment
- 12— Term of appointment
- 13 — Application for a licence.
- 14 — Refusal to issue a licence.
- 15 — Cancellation of a licence.
- 16 — Appeal..
- 17 — Licences to be renewed annually.
- 18 — Dissemination of market information.
- 19 — Maintenance of registers.

**PART IV- MISCELLANEOUS PROVISIONS**

- 20 — Penalties.
- 21 — Regulations
- 22 — County legislation.

- 23 — Exclusion from application of No. 16 of 2013.
- 24 — Previous authorizations.

**THE MUNG BEANS BILL, 2020**

**A Bill for**

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

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

**PART 1 – PRELIMINARY**

Short title.

1. This Act may be cited as the Mung Beans  
Act, 2020.

Interpretation.

2. In this Act—

No. 13 of 2013.

“Authority” means the Agriculture and Food  
Authority established under Section 3 of the  
Agriculture and Food Authority Act;

“buyer” means a legal person engaged in  
acquiring mung beans for re-sale in the local or  
export market;

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

“county executive committee member” means  
the county executive committee member responsible  
for matters relating to agriculture in a county where  
mung bean is grown;

“licence” means a licence granted under  
section 10;

“mung bean” means the plant or part of the  
plant of the species known botanically as *vigna  
radiata* or of any inter-specific hybrid involving this  
species or of any progeny of such hybrid;

“grower” means a person who grows or  
cultivates mung bean in Kenya, or a person who  
manages, controls or cultivates land in Kenya on  
which mung bean is grown; and

“mung bean product” means any product, extract or substance obtained or derived from mung bean by any treatment or process.

Objects of the Act.

3. The object of this Act is to—

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

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

Duties of the Agriculture  
and Food Authority.

4. For the realization of the objectives set out under section 3, the Authority, in consultation with the Council of County Governors, shall—

- (a) put in place measures to improve the overall production of mung beans in the country;
- (b) establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry;
- (c) provide technical assistance and capacity building to county governments on its own initiative or upon request by a county government;
- (d) develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;
- (e) establish linkages with international research agencies for the adoption of best mung bean farming and processing practices;
- (f) develop a framework to increase accessibility of affordable agricultural inputs by growers;
- (g) ensure allocation of adequate resources for the development of the mung bean industry;
- (h) collate, manage and disseminate information on the mung bean industry;
- (i) promote access to international mung bean markets and for this purpose, collaborate with the respective county executive committee members in determining appropriate areas for the establishment of local, regional and international markets;
- (j) implement strategies in order to safeguard the interests of the growers in the mung bean industry;



- (k) initiate financing schemes for growers to enable access to affordable funding for farmers; and
- (l) perform any other function necessary for the implementation of this Act.

Duties of county executive committee members.

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

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

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

Prioritisation of mung beans and mung bean products in government feeding programmes.

6. (1) The National and county governments shall, where they implement feeding programmes within schools or other institutions or areas falling

within their respective mandate, implement a homegrown feeding programme aimed at—

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

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

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

Mung bean policy.

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

development of the mung bean industry in Kenya.

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

- (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry;
- (b) adequate capacity development and support for growers and other stakeholders in the mung bean industry;
- (c) the participation of stakeholders and communities at the national and county levels of government;
- (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;
- (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the mung bean sector;
- (f) the resources required at the national and county levels of government for the effective implementation of the policy;
- (g) the capacity building programmes and strategies needed to be carried out to ensure that growers are able to respond to the needs identified for the implementation of the policy; and
- (h) the resources necessary for the implementation of the policy in each county.

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

policies.

(4) The Cabinet Secretary shall—

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

### **PART III – REGULATORY PROVISIONS**

Requirement for  
registration by growers.

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

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

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

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

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



respective county.

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

9. (1) A person shall not market, process or carry out large scale trading in mung beans or mung beans products unless the person has obtained a licence from the relevant county government.

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

County licencing  
committee.

10. (1) Each county executive committee member shall, for the effective performance of section (9), establish a county licensing committee.

(2) A county licensing committee shall consist of the—

(a) a chairperson;

(b) one person representing growers of mung beans in the respective county; and

(c) three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.

(3) The chairperson and member under subsection (2) (a) and (b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the county gazette.



Qualification for appointment.

11. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(a) and (b), if that person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has at least five years' experience in the agricultural sector; and
- (c) meets the requirements of Chapter Six of the Constitution.

Terms of appointment.

12. A person appointed under section 10 (2) (a) and (b) shall serve for a term of three years renewable for one further term.

Application for a licence.

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

(2) The county licensing committee shall notify an applicant of the decision on an application for a licence within twenty-one days.

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

- (a) the criteria for the issuance of a licence within the respective county;
- (b) information required to be submitted by an applicant for a licence under this Act;
- (c) the process of determination of an application for a licence under this Act;
- (d) the process of application for the renewal of licenses under this Act; and
- (e) such other matters as the county

government may consider necessary for licensing in the respective county.

(4) In enacting legislation under subsection (3), a county government shall take into account the need to ensure that—

- (a) the licensing procedures are simple, accessible and do not impose an undue burden on an applicant;
- (b) information regarding the application requirements and procedure is readily available and accessible to an applicant;
- (c) the application process is cost effective; and
- (d) the licensing process is efficient and transparent and that feedback is submitted to an applicant in a timely manner.

Refusal to issue a licence.

14. A county licencing committee may refuse to issue a licence under this Act where—

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

Cancellation of a licence.

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

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

county licencing committee —

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

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

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

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

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

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

Appeal.

16. (1) A person who is aggrieved by the decision of a county licensing committee under this

Act may, within thirty days of being notified of the decision, appeal to the county executive committee member.

(2) An appeal to the county executive committee member shall be in such form as may be prescribe in the county legislation.

(3) The county executive committee member shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county licensing committee.

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

Licenses to be renewed annually.

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

Dissemination of market information.

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

Maintenance of registers.

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

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

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

#### **PART IV- MISCELLANEOUS PROVISIONS**

Penalties.

20. (1) A person who commits an offence under this Act for which no penalty is provided is

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

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

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

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

Regulations.

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

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

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

- (a) the regulation of the processing, importation and exportation of mung bean



and mung bean products;

(b) the forms to be used in the application for registration, licensing, contracts and related activities;

(c) the process of application for registration, licensing and related activities; and

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

County legislation.

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

Exclusion from application of No. 16 of 2013.

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

Previous authorizations.

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

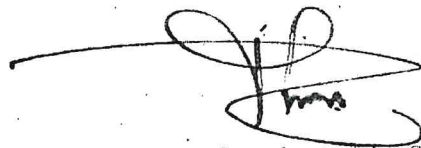


I certify that this printed impression is a true copy of the Bill as passed by the Senate, with amendments, on 30<sup>th</sup> March, 2021.



*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.



*Speaker of the Senate*

PRINTED BY THE CLERK OF THE SENATE

