

SPECIAL ISSUE

Kenya Gazette Supplement No. 43 (Senate Bills No. 13)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2023

NAIROBI, 6th April, 2023

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**THE AGRICULTURE AND FOOD AUTHORITY
(AMENDMENT) BILL, 2023**

A Bill for

AN ACT of Parliament to amend the Agriculture and Food Authority Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Agriculture and Food Authority (Amendment) Act, 2023.

Short title.

2. The Agriculture and Food Authority Act is amended by deleting section 43 and substituting therefor the following new section—

Deletion of section 43 of No. 13 of 2013.

Prohibition of export of produce

43. (1) The Cabinet Secretary may exclude pyrethrum and other agricultural produce from exportation.

(2) Despite subsection (1), a farmer shall be at liberty to sell, export or in any way deal with cashew nuts, macadamia nuts and bixa.

MEMORANDUM OF OBJECTS AND REASONS

The principle object of the Bill is to amend Section 43 of the Agriculture and Food Authority Act, 2013 to exempt cashew nuts, macadamia nuts and bixa from the ban on export of raw produce. The ban is currently unfavourable to the further development of the nuts industry because farmers are unable to obtain competitive prices from the local processors of nuts who have been down regulating prices downwards to the detriment of the farmer. The amendment is necessary because it will enable nuts farmers to benefit from better prices from export sales.

The amendment is also aimed at enabling farmers add value to by-products such as macadamia kernels which are currently being disposed off. Additionally, the amendment will stop smuggling of macadamia nuts to neighbouring countries which has been denying Kenya foreign exchange earnings.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill neither delegates legislative powers to the Cabinet Secretary nor limits fundamental rights and freedoms.

Statement of how the Bill concerns county governments

Nuts farming offers an important source of income for farmers and counties. The bulk of nuts are produced by small holder farms who sell their produce to local processors. Low prices from the local processors are threatening nut farming which would ultimately impact the economies of the nuts producing counties.

Agriculture plays a vital role in the economy of most county governments. This Bill affects the economic well-being of nuts producing counties and the country as a whole and as such, it is a Bill concerning county governments.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 21st March, 2023.

KAMAU JAMES MURANGO,
Senator.

Section 43 of No. 13 of 2013 which it is proposed to amend—

Prohibition of export of some new produce

43. A person shall not export raw cashew nuts, pyrethrum, bixa, macadamia or any other agricultural product as may be prescribed, except with the written authority of the Cabinet Secretary.