

**TAITA TAVETA COUNTY PLANT AND ANIMAL GENETIC RESOURCES  
SOURCING, CONSERVATION AND UTILIZATION BILL, 2023**

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**TAITA TAVETA COUNTY TAITA TAVETA COUNTY PLANT AND ANIMAL  
GENETIC RESOURCES SOURCING, CONSERVATION AND UTILIZATION BILL,  
2023**

**A Bill For**

An Act of the Taita Taveta County Assembly to Provide for the Legal and Institutional Framework to guide the sourcing, conservation and utilization of plants and animal genetic resources in Taita Taveta County and for connected purposes

ENACTED by the County Assembly of Taita Taveta as follows-

**PART 1 - PRELIMINARY**

**Citation**

1. This Act may be cited as the *Taita Taveta County Plant and Animal Genetic Resources Sourcing, Conservation and Utilization Act, 2023*.

**Interpretation**

2. Unless the context otherwise requires –

“CECM” refers to the County Executive Committee Member responsible for matters relating to agriculture and or livestock as the case may be.

“Board” refers to the Genetic Resources Board established in Part II of this Act.

“County Executive Committee Member”

“Plant genetics” refers to the initial plant variety as sourced by the board.

“Fund” refers to the Taita Taveta County Plant and Animal Genetic Resource fund created under Part II of this Act.

“Sourcing” refers to the acquisition of plant seeds, cuttings or seedlings and animal or semen with desired genetics as the Board may recommend

“Conservation” refers to the maintenance of the plants and animals with desired genetics as sourced.

“Utilization” refers to the use or putting to use including cultivation and husbandry out of the sourced plant and animal varieties.

### ***Objects and Purposes***

3. (1) This Act is enacted for the following objects –
  - (a) Facilitate acquisition, conservation of quality plant and animal varieties and breeds by the County Government for the benefit of the County residents.
  - (b) Enable the County Government help its people realize food security.
  - (c) Identification and acquisition of drought resistant plant varieties and animal breeds.
  - (d) Enable the County Government assist farmers cope with the effects of climate change.
  - (e) Enable the County establish and maintain model farms for local farmers.
  
- (2) The purpose of this Act is to-
  - (a) Establish a Board to guide the management and implementation of acquisition and Conservation of desired plants and animal genetics for the County.
  - (b) Provide for the financing of the Board and Board mandate.
  - (c) Prescribe cooperation between the Board and other stakeholders in furtherance of the objectives of this Act.

### ***Guiding Principles***

4. (1) The County Executive Committee member and any person administering or applying this Act shall be guided by the principles and values of the Constitution set out herein-
  - (a) National values and principles of governance in Articles 10;
  - (b) The right of every Kenyan to Economic and Social rights as guaranteed by Article 43 of the Constitution; and
  - (c) The values and principles of public service in Article 232

## **PART II – BOARD**

### ***Establishment of the Board***

5. There is established the Taita Taveta County Sourcing, Conservation and Utilization of Plant and Animal Genetic Resources Board

### ***Mandate of the Board***

6. (1) While observing the values outlined above, the Council shall –
  - (a) Undertake a survey to establish the challenges faced by farmers as regards Plant and Animal genetic resources.
  - (b) Identify key stakeholders in the management of the plant and animal genetic resources.

- (c) Guide the policy formulation for the management quality and suitable plant and animal genetic resources.
- (d) Prepare necessary budgets for the sourcing, conservation and utilization of suitable plant and animal genetic resources.
- (e) Establish and oversee the running of County plant and animal genetic resources conservation centers..

(2) In executing its mandate the Board shall be guided by the values outlines above and shall do so in a sustainable manner

### ***Board Membership***

7. (1)The Board shall have a membership of seven (7) members as follows;
- (a) Chairperson who shall have a minimum academic qualification of a first degree in crop or animal production.
  - (b) The County Director of Livestock
  - (c) The County Director of Agriculture
  - (d) One person who is conversant with matters of drought management and or climate change.
  - (e) One person with not less that 10 years experience and a farmer or livestock keeper.
  - (f) 2 other members representing special interest groups..
- (2) Members who are non state actors shall be nominated by the Governor and approved by the County Assembly
- (3) In nominating the members to the Council the Governor shall ensure that not more than two thirds of the nominees are of the same gender.

### ***Term of the Board***

#### ***8. Member of the Board***

### ***Board Meetings***

9. (1)The Board shall hold a the maximum number of 12 meetings within the first year of its establishment and a maximum of 6 for meetings every year.
- (2) The quorum for the council meetings shall be five (5) members.
10. The forgoing notwithstanding, the number of Board meetings shall also be subject to the maximum administrative cost of 3% of the total Board funds in a given financial year.

***Board Secretariat***

11. *The board shall draw its secretariat from among County Employees in the department of Agriculture and livestock.*

***Board Priority Areas***

12. In executing its mandate, the Board in collaboration with relevant stakeholders shall give priority to the following areas;
- a) Identification of drought resistant plant and livestock varieties.
  - b) Mapping of the several county agricultural areas.
  - c) Identification of suitable plant and livestock varieties for each area.
  - d) Conservation of the ideal plant and animal varieties within the County model farms.
  - e) Mapping and maintenance of a register of all farmers and livestock keepers in the County.
  - f) Purchase and distribution of such plan and livestock varieties to registered farmers.

**PART III – ESTABLISHMENT AND ADMINISTRATION OF THE FUND**

***Establishment of The Fund***

13. (1) There is hereby established a fund to be known as the Taita Taveta County Plant and Animal Genetic Resource Fund which shall be managed and administered by the Board.
- (2) The object and Purpose of the fund shall be to provide funds for the running of the activities of the Board as set out in this Act for the benefit of the youths in Taita Taveta County.

***Revenue of the Fund***

14. (1) The fund shall draw its revenue from-
- (a) Monies appropriated by the County Assembly, and
  - (b) Value for gifts and donations made to the fund.
- (2) The Board shall declare to the County Executive Committee Member for Finance and Economic Planning such gifts and donations made to the fund on an annual basis.

***Administration of the Fund***

***Fund Administrator***

15. (1) The County Executive Committee Member for Finance shall appoint the fund administrator of the fund form within the department of Finance and Economic Planning who shall then be the secretary to the Board.

(2) The Fund Administrator shall be accountable to the Council and the County Executive Committee Member for Finance and Economic Planning.

(3) The Fund administrator and the County Executive Committee Member for Finance and Economic Planning shall both account for the expenditure of the Fund in accordance with the provisions of the law relating to Public Finance management of a County public fund.

#### ***Expenditure on Account of the Fund***

16. (1) The funds finances shall be employed in the management and improvement of the youth welfare with the approval of the Council within the following areas-

(a) Administration costs of the fund.

(b) Mapping of the Counties Agricultural and animal husbandry zones.

(c) Identification of ideal plant and livestock varieties for the identified areas.

(d) Acquisition of identified suitable varieties.

(e) Conservation of such plant and animal genetic resource for future use.

(2) For the avoidance of doubt, the aspect of utilization of such plant and animal genetic resources shall be done by the department of agriculture and livestock

#### ***Equitable Distribution***

17. In authorizing the expenditure of the funds, the council shall ensure that the utilization of plant and animal genetic material is distributed in an equitable manner across the wards in the County and across the several categories of farmers and livestock keepers.

### **PART IV – STAKEHOLDER PARTICIPATION**

#### **Government Agencies**

18. In undertaking its mandate, the Board shall collaborate with other County and National Government agencies including Other County departments to ensure that the fund is expended in viable initiatives/ projects and for avoidance of duplicity.

#### **Private Sector**

19. The Board shall incorporate private sector and youth forums ideas and proposals in the formulation of plans for the execution of the objects of this Act

#### ***Youth***

20. The Board shall at all devise ways and modalities of entrenching the youth of Taita Taveta County in suitable crop and animal husbandry as a way of creating both awareness and employment for the the youth and as a way of recruiting new farmers.

## **PART V – FINANCIAL PROVISIONS**

### ***Financial Year***

21. The financial year of the Board shall be the period of twelve months commencing on the 1st of July and ending on the 30th June of the year following.

### ***Book Keeping***

22. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Fund.

23.

### ***Accounts***

24. (2) The Board shall, not more than four months or such longer period as the County Assembly may by resolution appoint after the end of each financial year, cause to be prepared and submitted to the Auditor General.
- (a) a balance sheet showing in detail the assets and liabilities of the Board at the end of the financial year;
  - (b) a statement of financial activities, income and expenditure during the financial year; and
  - (c) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board.

## **PART VI - TRANSITION**

### ***Planned Initiatives and Projects***

25. (1) The Board once established, shall align its programmes and initiatives with the County long term and short term plans already in place and by identifying key priority areas already identified.
- (2) The forgoing provisions notwithstanding, the Board is not debarred from making proposals for amendment of the County Integrated Development Plans for consideration and approval.

***Regulations***

26. The County Executive Committee Member may formulate regulations in respect of items that he may consider to require specific targeted regulatory framework towards achieving the desired youth programme.

**MEMORANDUM OF OBJECTS AND REASONS**

The Plant and Animal Genetic Resource, Sourcing, Conservation and Utilization Bill, 2022 seeks to create the necessary legal and institutional framework for the for the acquisition of suitable plant and livestock varieties for the benefit of the people of Taita Taveta County in a bid to ensure that the County inches closer to attaining food security.

The Bill, when assented to law, there will be a fund in place for the purpose of implementing certain objectives as captured in the County Integrated Development Plan as well as the Annual Development plan by way of identifying key priority areas which need urgent attention.

If enacted into law, the bill will occasion additional expenditure on the County Revenue Fund.