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LEGAL NOTICE NO. 87

THE STATE CORPORATIONS ACT

(*Cap.* 446)

IN EXERCISE of the powers conferred by section 3(1) of the State Corporations Act, I, Uhuru Kenyatta, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, make the following Order—

THE NATIONAL LIVESTOCK DEVELOPMENT AND PROMOTION SERVICE ORDER, 2016

1. This Order may be cited as the National Livestock Development and Promotion Service Order, 2016. Citation.

2. In this Order, unless the context otherwise requires— Interpretation.

"Act" means the State Corporations Act; Cap. 466.

"Board" means the Board of the National Livestock Development and Promotion Service constituted in accordance with paragraph 6;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to livestock;

"Committee" means the State Corporations Advisory Committee as established under Section 27 of the Act

"Ministry" means the Ministry for the time being responsible for livestock; and

"Service" means the National Livestock Development and Promotion Service established under paragraph 3.

3. (1) There is established a state corporation to be known as the National Livestock Development and Promotion Service. Establishment of the Service.

(2) The Service 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) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) doingor performing such other things or acts necessary for the proper performance of the functions of the Service under the Order and which may lawfully be done or performed by a body corporate.

4. The Service shall— Function of the Service.

(a) be responsible for coordinating matters relating to the development, promotion and marketing of livestock and livestock products within and outside Kenya;

(b) advise the national government generally and the Ministry in particular on matters relating to the development, promotion and marketing of livestock and livestock products in the country including apportionment of resources;

(c) maintain a liaison between the national government, the private sector and other interested agencies in matters relating to the development, promotion and marketing of livestock and livestock products in order to limit duplication of effort and to ensure optimal use of the available resources;

(d) prepare and maintain an up to date national livestock development and promotion plan for the country and coordinate implementation of the activities identified from the plan;

(e) coordinate national donor funded projects relating to the development, promotion and marketing of livestock and livestock products in the country;

(f) coordinate and facilitate related national livestock production, development and marketing schemes including disease free zones in the country;

(g) facilitate the marketing and distribution of livestock and livestock products through the monitoring and dissemination of market information, including the identification of the local supply-demand status, domestic market, matching and overseas market intelligence and promotion activities on livestock;

(h) undertake programmes for the monitoring and evaluation the performance of national livestock projects in order to improve the performance, establish responsibilities thereof and improve future planning;

(i) establish linkages with various research institutions for the conduct of studies and researches designed to promote livestock and livestock products production, marketing and processing;

(j) promote and advise on strategies for value addition before the export of livestock products from Kenya;

(k) develop and promote national good practices in livestock production and livestock products processing, marketing, grading, storage, collection, and transportation;

(l) collect and maintain a database on livestock and livestock products, document and monitor market trends for purposes of national livestock products development, promotion and marketing;

(m) advise the Cabinet Secretary and the county governments on matters relating to; national and county livestock policies, policy development and policy implementation in perpetuation of food security;

(n) coordinate the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry; and

(o) perform any other functions as may be necessary to achieve the objectives of the Service under this Order.

Headquarters.

5. (1) The Service shall have its headquarters in Nairobi.

(2) The Service shall, for furtherance of its objectives, establish regional offices in such other places as may be determined by the Board, with the approval of the Cabinet Secretary.

(3) The regional offices established under paragraph (2) shall be organized for the purposes of—

(a) representing the Service on matters relating to livestock development, promotion and marketing policies;

(b) providing the link between the Ministry, the Service and the county governments in matters relating to livestock;

(c) liaising with the responsible county government personnel responsible for livestock and matters relating to identification and formulation of policy at the county level;

(d) escalating the identified policy gaps to the national level for ultimate policy development; and

(e) performing any other function relevant to the mandate of the Service.

Board of the Service.

6. (1) The management of the Service shall vest in a Board which shall consist of—

(a) a non-executive Chairperson appointed by the President;

(b) the Principal Secretary of the Ministry for the time being responsible for Livestock;

(c) the Principal Secretary to the National Treasury;

(d) a Chief Executive Officer of the Service;

(e) five other persons, who in the opinion of the Cabinet Secretary, possess skills and experience that will benefit the work of the Service appointed by the Cabinet Secretary.

Powers of the Board.

7. The Board—

(a) shall have all the powers necessary to manage and administer the Service in such a manner that enables the Service to realize the objects and purposes for which the Service is established;

(b) may enter into association with such other persons, bodies or organizations within or outside Kenya as the Board may consider appropriate in furtherance of the objects and purposes of the Service; and

(c) shall carryout any other activity that is in the opinion of the Board, will promote and facilitate realization of the objects and purposes for which the Service is established.

Meetings and Procedure of the Board.

8. (1) The Board shall meet at least 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) A meeting of the Board shall be held on such date and at such time as the Board shall decide or, in the absence of such decision or on any other occasion which the chairman in consultation with the Chief Executive Officer shall decide that a meeting is necessary, on a date and at a time determined by the chairman.

(3) A meeting of the Board shall not be held at any place other than the registered or principal office of the Service except with the prior written approval of the Committee.

(4) Unless three-quarters of the total membership 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 Chief Executive Officer of the Service shall have the right to require his opinion to be recorded in the minutes if the Board or the committee, as the case may be, passes a resolution, which in the Chief Executive Officer's opinion, is contrary to his advice or the law.

Remuneration.

9. (1) The Chairman and members of the Board, other than the Chief Executive Officer, shall be paid out of expenses of the funds of the Service such sitting allowances or other remuneration as the Board members may, within the scales of remuneration specified from time to time by the Committee, approve.

(2) The Service may, within the scales specified by the Government, refund travelling and other expenses incurred by the chairman or members of the Board in the performance of their duties.

Chief Executive Officer.

10. (1) There shall be a Chief Executive Officer of the Service who shall be appointed by the Board, through a competitive process, on such terms and conditions of service as the Cabinet Secretary may, in consultation with the Committee, approve.

(2) A person is qualified for appointment as the Chief Executive Officer if such person—

(a) has relevant qualification, expertise and experience in livestock development, promotion and marketing;

(b) meet the requirements of Chapter Six of the Kenya Constitution, 2010.

(2) The Chief Executive Officer shall serve for a term of four years and shall be eligible for re-appointment for a further term of four years.

(3) The Chief Executive Officer may—

(a) at any time resign from office by a notice in writing addressed to the Cabinet Secretary;

(b) be removed from office by the Board if the chief executive officer—

(i) has been absent, from three consecutive meetings of the Board without the permission of the chairperson;

(ii) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding two hundred thousand shillings;

(iii) is incapacitated by prolonged physical or mental illness; or

(iv) conducts himself or herself in a manner deemed by the Cabinet Secretary to be inconsistent with membership of the Board.

Corporation Secretary.

11.(1) The Board shall competitively recruit a suitably qualified person, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary of the Service.

(2) The Corporation Secretary shall be the Secretary to the Board and shall be responsible for arranging the business of the Board, keeping records of the meetings and proceedings of the Board, and shall perform such other duties as the Board may direct.

Staff of the Board.

12. The Board shall employ such other staff as the Board may consider necessary on such terms and conditions of service as the Board may, with the approval of the Cabinet Secretary, determine.

Funds of the Service.

13. (1) The funds of the Service shall consist of—

(a) such moneys as may from time to time be provided by Parliament for the purposes of the Service;

(b) moneys borrowed by the Service with the approval of the Cabinet Secretary and subject to such limitations and conditions as may be imposed by the National Treasury; and

(c) any moneys accruing to the Service from any other source.

Financial year.

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

Annual estimates.

15. (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 for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned, and in particular shall provide for—

(a) the payment of the salaries, allowances and other charges in respect of the members and the staff of the Service;

(b) the payment of pensions, gratuities and other charges in respect of retirement benefits to staff of the Service;

(c) the proper maintenance of the buildings and grounds of the Service;

(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Service; 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 matters as the Service may consider necessary.

(3) The annual estimates shall be submitted to the Board for approval before the commencement of the financial year to which they relate:

Provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Board.

(4) Expenditure shall not be incurred for the purposes of the Service except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Board.

Investment of funds.

16.(1) The Board may invest any of the funds of the funds Service which are not immediately required for its purposes in such securities as the National Treasury may, from time to time, approve.

(2) The Board may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Service.

Accounts and audit.

17. (1) The Board shall cause to be kept all proper audit books and records of accounts of the income, expenditure, assets and liabilities of the Service.

(2) The accounts of the Service shall be audited in accordance with the Public Audit Act, 2015. No. 34 of 2015.

Annual Report.

18.(1) The Board shall within a period of six months after the end of the financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediately preceding year.

(2) The Cabinet Secretary shall lay the annual report before the National Assembly within three months of the day the Assembly next sits after the report was presented.

Made on the 23rd May, 2016.

UHURU KENYATTA,
President.

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