
SUGAR (ELECTIONS) REGULATIONS, 2002

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SUGAR (ELECTIONS) REGULATIONS, 2002

[L.N. 48/2002, L.N. 59/2002, Corr. 45/2002, L.N. 33/2005.]

1. Citation

These Regulations may be cited as the Sugar (Elections) Regulations, 2002 and, shall come into operation on the 1st April, 2002.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Board**” has the meaning assigned to it by section 2 of the Act;

“**election**” means the process of selecting the representatives of growers or millers to the Board;

“**electoral area**” means a sugar-cane growing and processing or milling zone area as specified in the First Schedule;

“**presiding officer**” means a person appointed by the returning officer to be in-charge of the electoral process in a defined electoral area;

“**returning officer**” means a person appointed by the Minister to be in-charge of the electoral process;

“**Tribunal**” has the meaning assigned to it by section 2 of the Act.

[L.N. 59/2002, L.N. 33/2005, s. 2.]

3. Election of grower representatives to the Board

(1) There shall be elected from the electoral areas specified in the first column of Part 1 of the First Schedule such number of person(s) as specified in the second column of Part 1 of the First Schedule, to represent the interests of growers on the Board.

[L.N. 59/2002, s. 3.]

(2) A person elected under paragraph (1) shall be a grower in the area which he aspires to represent provided that no person shall be elected to represent more than one electoral area.

4. Election of miller representatives to the Board

(1) There shall be elected from the electoral areas specified in the first column of Part II of the First Schedule, such number of persons as specified in the second column of Part II of the First Schedule, to represent the interests of millers on the Board.

(2) A person elected under paragraph (1) shall be a representative of a miller registered in the area in which he aspires to represent provided that no person shall be elected to represent more than one miller.

[L.N. 59/2002, L.N. 33/2005, s. 3.]

5. Convening of electoral area meetings

(1) The Minister, after giving thirty (30) days notice in the *Gazette* and in at least two local dailies of national circulation, shall convene meetings in the electoral areas specified in the Schedule for the purpose of holding elections of members of the Board.

(2) The meetings referred to in paragraph (1) shall be meetings of the—

- (a) growers referred to in regulation 3;
- (b) representatives of millers referred to in regulation 4.

[Subsidiary]

(2A) There shall be a single meeting to elect the representatives of the millers.

(3) Members of the Board shall be elected in accordance with the First Schedule at the meetings referred to in this regulation.

[L.N. 59/2002.]

6. Elections under a programme

The Minister, in consultation with the Board, may cause and facilitate elections at any level to be carried out under a specified programme provided that the growers and millers meet their costs to the electoral meetings.

[L.N. 59/2002.]

7. Returning officers to be from Ministry

Each returning officer shall be a public officer in the ministry for the time being responsible for matters relating to agriculture.

[L.N. 59/2002.]

8. Procedure to elect miller representatives

(1) This Regulation applies to the conduct of the election of representatives of millers.

(2) At the meeting to elect the representatives of the millers, each miller shall be represented by one delegate.

(3) The election of representatives of millers shall be conducted in accordance with such procedures as the delegates at the meeting determine.

[L.N. 59/2002.]

9. Procedure to elect grower representatives

(1) This Regulation applies to the conduct of the election of representatives of growers.

(2) To be entitled to vote at a meeting to elect a representative for an electoral area, a person must present his national identity card and satisfy the presiding officer that the person is a registered grower in the electoral area.

(3) Without limiting how a person may satisfy a presiding officer under paragraph (2) it shall be sufficient to do so if the person presents one of the following—

- (a) a membership card cane delivery note or registration document issued to the person by a miller or out-grower institution that operates in the electoral area;
- (b) a contract with a miller or out-grower institution that operates in the electoral area for the supply of sugar-cane or a scheduled crop for the manufacture of sugar.

(4) A person must be present at a meeting to vote.

(5) To be a candidate for election as a representative for an electoral area, a person must be a grower in the electoral area and the person must be nominated in accordance with paragraph (6).

(6) A candidate shall be nominated, in Form 1 of the Second Schedule, by ten growers who are entitled to vote to elect a representative for the electoral area, with five of those growers proposing the candidate and five of those growers seconding the candidate, and the nomination form must be delivered to the returning officer at least seven days before the day of the election.

(7) At least three days before the day of the election the Board shall publish, in at least two daily newspapers of national circulation, a list of the nominated candidates.

[Subsidiary]

(8) If the number of candidates nominated for an electoral area is less than or equal to the number of representatives to be elected for that area, the candidate or candidates shall be deemed to have been elected.

(9) If the number of candidates nominated for an electoral area is more than the number of representatives to be elected for that area, an election shall be held and the voters at each meeting shall decide, by a show of hands, whether the election at that meeting shall be by secret ballot or a show of hands.

(10) If the election is by a show of hands the presiding officer shall call out the name of each candidate and the voters shall vote by a show of hands.

(11) If the election is by secret ballot, the presiding officer shall cause a plain piece of paper to be delivered to each voter and each voter shall—

- (a) record his vote by writing the name of the candidate he wishes to vote for on the piece of paper;
- (b) fold the paper to conceal his vote; and
- (c) deliver the paper, or cause it to be delivered, to the presiding officer in such manner as the presiding officer directs.

(12) No mark, writing or signature shall be made on the paper other than the name of the candidate voted for.

(13) The presiding officer shall count the votes and announce the results at the meeting.

[L.N. 59/2000, L.N. 33/2005.]

10. Results of Elections

(1) Each presiding officer shall forward the results of the election at the meeting he presides over to the returning officer in Form 2 of the Second Schedule.

(2) The returning officer shall determine who is elected and shall provide the Minister with a certificate, in Form 3 of the Second Schedule, setting out the name of each elected representative for appointment to the Board by the Minister.

[L.N. 59/2002, L.N. 33/2005, s. 5.]

11. First meeting of the Board

(1) The Minister shall convene the first meeting of the Board, at which the chairman and the vice-chairman of the Board shall be elected.

(2) The Board shall forward the name of the chairman and vice-chairman to the Minister for appointment by notice in the *Gazette*.

[L.N. 59/2002.]

12. Obstruction of voting

Any person who interferes with or obstructs another person from voting or being elected commits an offence.

13. Appeals

(1) A person aggrieved by the decision of the returning officer to reject his candidature or right to vote may appeal to the Tribunal within fourteen days of the date of rejection and such appeal shall not operate as a stay of the election unless the Tribunal so orders.

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[Subsidiary]

(2) Notwithstanding the provisions of paragraph (1), all disputes arising out of an election under these Regulations shall be lodged with the Tribunal for determination.

[L.N. 33/2005, s. 6.]

14. General penalty

A person who contravenes any of these Regulations commits an offence and shall be liable upon conviction, to a fine of not more than six thousand shillings or to imprisonment for a term not exceeding two months, or to both.

FIRST SCHEDULE

[L.N. 59/2002, s. 9, L.N. 33/2005, s. 7.]

ELECTORAL AREAS FOR ELECTION TO THE BOARD

PART I

1. Electoral areas for growers.

Electoral Area	Number of Board Members
Busia and Mumias	2
West Kenya	1
Nzoia	1
Chemelil, Miwaniand Nandi	1
Muhoroni and Soin	1
South Nyanza, Gucha and Transmara	1
TOTAL	7

PART II

1. Electoral areas for millers.

Electoral Area	Number of Board Members
Mumias Sugar Company	} 3
Nzoia Sugar Company	
Sony Sugar Company	
Chemelil Sugar Company	
Muhoroni Sugar Company	
Miwani Sugar Company	
West Kenya Sugar Company	
TOTAL	3

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[Subsidiary]

SECOND SCHEDULE

Form I

[L.N. 56/2002, s.9, Corr. No. 45/2002.]

(r. 9)

NOMINATION FORM FOR ELECTION TO THE KENYA SUGAR BOARD AS A GROWER REPRESENTATIVE

[Corr. No. 45/2002.]

- (a) Electoral area
- (b) Candidate's name
- (c) Proposers:

	Name	ID. Number	Signature
1.			
2.			
3.			
4.			
5.			

(d) Seconders:

	Name	ID. Number	Signature
1.			
2.			
3.			
4.			
5.			

(e) Verification of grower status by candidate:

I verify that I am a grower in the electoral area. I attach the following documents to establish that I am such a grower:

.....

.....

.....

(A document listed in regulation 9(3) is sufficient).

Signature of candidate

Date

Witness: Name:

ID. Number

Signature

Date

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SECOND SCHEDULE—*continued*

Form 2

[Corr. No. 45/2002.]

(r. 10)

FORM FOR REPORTING ELECTION RESULTS TO RETURNING OFFICER

- (a) Electoral area
- (b) Details of meeting:
 - Location of meeting
 - Date of meeting
- (c) Results:

	Candidate's name	Number of votes
1.		
2.		
3.		
4.		
5.		

Total votes cast:

Spoilt/invalid votes

- (d) Verification by candidate or candidate's agent of results:

Candidate number	Name of candidate or agent	ID. Number	Signature
1.			
2.			
3.			
4.			
5.			

- (e) Verification by presiding officer.

I verify the above results.

Presiding officer:

Name

Signature

Date

Form 3

(r. 10)

CERTIFICATE OF ELECTION OF REPRESENTATIVE

THIS IS TO CERTIFY that has been elected as a representative to the Kenya Sugar Board.

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[Subsidiary]

SECOND SCHEDULE—*continued*

Returning officer:

Name

Signature

Date
