

LEGAL NOTICE NO. 76

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE AGRICULTURE ACT

(Cap. 318)

IN EXERCISE of the powers conferred by sections 163, 148 and 201 of the Local Government Act, the County Council of Murang'a makes the following By-laws: -

THE COUNTY COUNCIL OF MURANG'A (THE AGRICULTURE PRODUCE CESS) BY-LAWS, 2004

1. Citation.

These By-laws may be cited as the County Council of Murang'a (Agriculture Produce Cess) By-laws, 2004.

2. Commencement.

These By-laws shall come into operation on the day they are approved by the Minister for Local Government.

3. Interpretation.

In these By-laws, unless the context otherwise requires -

"authorized agent" means in respect of the produce specified in the first column of the Schedule the corresponding organization specified in the second column of the schedule and any person authorized in writing by the Council to collect and to issue receipts for produce cess imposed in accordance with the provision of By-law 3.

"Council" means the County Council of Murang'a;

"inspector" means the Clerk to the Council and any person acting under directions of the Clerk or any person authorized by the Council in writing to carry out inspection for the purposes of these By-laws;

"owner" means the producer, trader, company, co-operative society or person owing produce;

"produce" means any of the commodities specified in the first column of the Schedule;

"transporter" means the person, the trader, company, co-operative society or driver transporting the produce on behalf of the grower or producer.

4. Imposition of cess.

A cess at the rate of one per centum of the gross produce price of any produce purchased from an owner within the jurisdiction of the Council shall be payable to the Council.

5. Collection of cess.

The cess payable under these By-laws shall be withheld by the authorized agent from the proceeds payable to an owner for produce and all cess so withheld shall be remitted to the Council in monthly, quarterly or seasonal instalments as may be agreed between the authorized agent and the Council.

6. Receipts to be issued.

An authorized agent shall issue a receipt to an owner or purchaser for any cess withheld under paragraph 4 of these By-laws.

7. Movement of produce.

(1) Subject to these By-laws, no person shall transport or cause to be transported any produce unless such produce is being transported to an authorized agent.

(2) Nothing in these By-laws shall apply to the movement of produce within the boundaries of a farm plot or building upon which it was produced or to the movement by the most direct or normal route by the grower or producer of such produce from the place where it was grown or produced to the nearest authorized agent.

8. Produce movement permits.

Where produce is being transported to an authorized agent it shall be accompanied by a movement permit

required by these By-laws or a written authority to transport such produce issued by an authorized agent.

9. Inspection of produce.

An inspector may order any transporter to stop, or any authorized agent to produce relevant records, and may make such inquiries and such inspection of the goods carried by a transporter, or the records kept by such authorized agent, as may be necessary for the purpose of enforcing these By-laws.

10. Amendment of schedule.

The Council may, from time to time, by a resolution and with the consent of the Minister for Agriculture given after consultation with the Minister for Local Government, amend the produce or authorized agents specified in the Schedule.

11. Contravention and penalty.

Any person who contravenes these By-laws shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or both, and in the case of a second or a subsequent offence, a period not exceeding nine months or both such fine or imprisonment.

12. Schedule.

The fees payable shall be as tabulated here below and may be revised from time to time in the annual fees and charges.

SCHEDULE

Saw timbers	Sawmillers, organisations of persons selling timbers and logs
Tea	Tea Board of Kenya and any other licensed marketers
Milk	K.C.C. dairy co-operative societies
Coffee	K.P.C.U., Coffee Board of Kenya and any other licensed marketers.
	<i>KSh</i>
Cabbages, carrots, all types of vegetable per lorry	400
Cabbages, carrots, all types of vegetables per pick-up	300
Bananas per lorry	400
Bananas per pick-up	400
French beans all types per lorry	400
French beans all types per pick-up	300
Flowers per lorry	500
Flowers per pick-up	350
Avocados, mangoes, all types of fruit per lorry	500
Avocados, mangoes, all types of fruit pick-up	300
Green maize per lorry	500
Green maize per pick-up	300
Charcoal per lorry	400
Charcoal per pick-up	300
Firewood per lorry	400
Firewood per pick-up	300
Wattle bark per lorry	400
Wattle bark per pick-up	300
Poultry/poultry products per lorry	400

Poultry/poultry products per pick-up	300
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By Order of the County Council of Murang'a.

Dated the 25th August, 2003.

I. K. MUNGAI,
Acting Clerk to Council.

Approved this 11th day of May, 2004.

E. K. MAITHA,
Minister for Local Government.