

(Legislative Supplement No. 45)

CORRIGENDA

Legal Notice No. 297 of 1996, amend the FIRST SCHEDULE

(a) item No. 2 in the table appearing as—

<i>Consumption per month</i>	<i>Charges KSh.</i>
0 to 2,200 gallons	54.14 per 1,000 gallons or part thereof

to read

<i>Consumption per month</i>	<i>Charges KSh.</i>
0 to 2,200 gallons	54.15 per 1,000 gallons or part thereof

Legal Notice No. 297 of 1996 amend the THIRD SCHEDULE
item (iv) in the table appearing as—

<i>Categories of premises</i>	<i>Amount of Deposit KSh.</i>
Industrial Premises (including construction industry)	1,500

to read

<i>Categories of premises</i>	<i>Amount of Deposit KSh.</i>
(iv) Industrial premises (including construction industry)	15,000

LEGAL NOTICE NO. 305

THE STATE CORPORATIONS ACT

(Cap. 446)

IN EXERCISE of the powers conferred by section 3 (1) of the State Corporations Act, I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, make the following Order:—

THE KENYA PLANT HEALTH INSPECTORATE SERVICE
ORDER, 1996

1. This Order may be cited as the Kenya Plant Health Inspectorate Service Order, 1996 and shall come into operation on such date as may be appointed by notice in the Gazette.

Interpretation..

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

“Board” means the Board of the Corporation established under paragraph 4;

Cap. 324.

“Certificate” means the certificate issued by the Director of Agriculture under the Plant Protection Act;

“Corporation” means the Kenya Plant Health Inspectorate Service established under paragraph 3;

Cap. 326.

“Plant Breeders’ Register” means the register of plant varieties maintained under the Seeds and Plant Varieties Act;

Establishment.

3. There is hereby established a State Corporation to be known as the Kenya Plant Health Inspectorate Service (hereinafter referred to as the Corporation) which shall be a body corporate in accordance with section 3 of the Act and which shall perform and exercise the duties, functions and powers specified in the Act and in this Order.

The Board of the Corporation.

4. There shall be a Board of the Corporation which shall, subject to subsection 6 (4) of the Act, consist of—

- (a) a non-executive chairman appointed by the President;
- (b) a managing director;
- (c) the Permanent Secretary to the Treasury;
- (d) the Permanent Secretary for the time being responsible for agriculture;
- (e) the Director of Kenya Agricultural Research Institute;
- (f) not more than six other members not being employees of the Corporation of whom not more than two shall be public officers appointed by the minister.

Headquarters:

5. The headquarters of the Corporation shall be in Nairobi.

Functions of the Corporation.

6. The Corporation shall have the following functions—

- (a) to co-ordinate all matters relating to crop pests and disease control;
- (b) to establish service laboratories to monitor the quality and levels of toxic residues in plants, their soils and products;
- (c) to advise the Director of Agriculture on the appropriate seeds and planting materials for export and import;
- (d) to advise the Director of Agriculture on the issuance of sanitary and phytosanitary certificates;
- (e) to administer plant breeders’ rights and be the liaison office for the International Union for the Protection of New Varieties of Plants (U.P.O.V.) Convention of 1991;
- (f) to undertake, testing, certification, quarantine control variety testing and description of seeds and planting;
- (g) to award scholarships for the study of plant health services or any other related subject which the Board considers to be of benefit to the study of plant health;

- (h) to enforce standards for good husbandry and the control of pests and diseases in national irrigation schemes in conjunction with the National Irrigation Board;
- (i) to develop and to implement standards on both imported and locally produced seeds;
- (j) to approve all importation licences for plants and seeds issued by the ministry responsible for commerce and industry before such importation takes place;
- (k) to approve all export licences for plants and seeds before the issue of such licences by the ministry responsible for commerce and industry;
- (l) to implement national policy on the introduction and use of genetically modified species of plants, insects and micro-organisms (biosafety) in the country;
- (m) to be the custodian of the Plant Breeders' Rights Register;
- (n) to establish the machinery for educating the public on safe use of agro-chemicals.

7. The Board shall—

- (a) administer the assets and funds in such manner as the Corporation and for such purposes as will promote the best interests of the corporation in accordance with this Order and the Act;
- (b) receive gifts, donations, grants or other money and equipment on behalf of the Corporation and to make legitimate disbursements therefrom;
- (c) have power to enter into associations with other persons, bodies or organizations within or outside Kenya, as the Board may consider desirable or appropriate and in furtherance of the purposes for which the corporation is established;
- (d) have powers to establish committees to which it may delegate specific tasks of the corporation.

Powers of the Board.

8. No matter or thing done by the Board or any officer or employee or agent of the Corporation shall, if the matter or thing is done bona fide or executing the functions, powers and duties of the Corporation, render the member, officer, employee or agent or any person acting by his directions personally liable to any action, claim or demand.

Protection from personal liability.

9. The provisions of this Order shall not relieve the Corporation of the liability to pay compensation or damages to any person for injury to him, his property or any of his interests caused by the exercise of any powers conferred by this Order or by failure, whether wholly or partially for any works.

Liability of the Corporation.

10. The Corporation may by a resolution either generally or in any particular case delegate to a committee of the Corporation or to any member, officer, employee or agent the exercise of any of the powers or the performance of any of the functions or duties of which it is authorized by this Order to exercise or perform.

Delegation by Corporation.

Made on the 4th September, 1996.

D. T. ARAP MOI,
President.