

(Legislative Supplement No. 20)

LEGAL NOTICE NO. 58

THE GOVERNMENT FINANCIAL MANAGEMENT ACT

(No. 5 of 2004)

IN EXERCISE of the powers conferred by section 26 of the Government Financial Management Act, the Minister for Finance makes the following Regulations:—

THE GOVERNMENT FINANCIAL MANAGEMENT (THE
LIVESTOCK RESTOCKING AND ENTERPRISES
DEVELOPMENT FUND) REGULATIONS, 2009

1. These Regulations may be cited as the Government Financial Management (Livestock Restocking and Enterprises Development Fund) Regulations, 2009.

Citation

2. In these regulations, unless the context otherwise requires—

Interpretation.

“Board” means the Supervisory Board Constituted under regulation 6;

“Enterprise” means business ventures dealing in production, processing and marketing of livestock and livestock products;

“financial year” means the period of twelve months ending on the 30th of June in each year;

“Fund” means the Livestock restocking and Enterprises Development Fund established under regulation 3;

“Minister” means the Minister for the time being responsible for livestock development;

“officer administering the Fund” means the Permanent Secretary of the Ministry for the time being responsible for livestock development;

“pastoral and agro-pastoral communities” means communities residing in the Arid and Semi-Arid Lands of Kenya whose main source of livelihood is livestock rearing;

“Restocking” means restoring livestock ownership where they have been lost through disaster.

3. (1) There is established a Fund to be known as the Livestock Restocking and Enterprises Development Fund.

Establishment of the Fund.

(2) The Fund shall consist of—

(a) monies appropriated by parliament;

Object and purpose of the Fund.	<p>(b) grants and donations;</p> <p>(c) income generated from the proceeds of the Fund.</p> <p>4. The object and purpose of the Fund is to provide—</p> <p>(a) grants to livestock producers for emergency interventions;</p> <p>(b) loans to livestock producers and pastoralists for restocking after losses occasioned by calamities;</p> <p>(c) loans to Medium and Small Enterprises dealing in livestock and livestock products; and</p> <p>(d) credit facilities for livestock related micro-enterprises in pastoral and agro-pastoral areas.</p>
Establishment and composition of the Board.	<p>5. The initial capital of the Fund shall be two hundred million shillings appropriated by Parliament and additional contributions shall be on the basis of approved estimates.</p> <p>6. There is established a Board to be known as the Supervisory Board which shall consist of—</p> <p>(a) a chairman who shall be the Permanent Secretary of the Ministry for the time being responsible for Livestock Development;</p> <p>(b) the Permanent Secretary of the Ministry for the time being responsible for finance;</p> <p>(c) the Permanent Secretary of the Ministry for the time being responsible for Provincial Administration and Internal Security;</p> <p>(d) the Permanent Secretary of the Ministry for the time being responsible for Agriculture;</p> <p>(e) the Director of Veterinary Services.</p>
Duties of the Board.	<p>7. The Board shall—</p> <p>(a) through selection procedure, appoint Credit and Loans; Implementing Agencies under the Fund, from a network of qualifying institutions, thereafter referred to as financial intermediaries;</p> <p>(b) determine how much money is to be given out to each financial intermediary to be used as the basic credit or loan fund and the amount of agency fee to be paid to the financial intermediary;</p> <p>(c) manage the Fund and advise the Minister generally on the operation of the Fund.</p>
Expenditure on the Fund.	<p>8. (1) The expenditure incurred on the Fund shall be on the basis of, and limited to, annual work programmes and cost estimates which shall be prepared by the officer administering the Fund, and approved by the Board, at the beginning of the financial year to which they relate.</p>

(2) Any revision of the approved annual work programmes, and of any cost estimates, shall be referred to the Board for approval.

9. All receipts, earnings and accruals to the Fund,

Retention of receipts and earnings.

and the balance of the Fund at the close of each financial year shall be retained by the Fund for the purpose for which it is established.

10. (1) Existing Government financial and procurement regulations and procedures shall apply in the administration of the Fund.

Application of the financial and procurement regulations.

11. The officer administering the Fund shall—

Administration of the Fund.

- (a) supervise and control the administration of the Fund;
- (b) consult with the Supervisory Board on matters relating to the administration of the Fund;
- (c) cause to be kept books of accounts and other books and records in relation to the Fund of all activities and undertakings financed from the Fund;
- (d) prepare, sign and transmit to the Controller and Auditor-General, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund. The statement shall be prepared in such a manner as the Treasury shall prescribe;
- (e) furnish such additional information as he may deem to be proper and sufficient for the purpose of examination and audit by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act.

No.12 of 2003.

12. In the event of winding up the Fund, the cash balances shall be transferred to the Exchequer while other assets of the Fund shall be transferred to the Ministry for the time being responsible for livestock development.

Winding-up of Fund.

Made on the 18th May, 2009.

UHURU KENYATTA,
Deputy Prime Minister and
Minister for Finance.