

The Horticultural Crops Authority Bill, 2020

NO..... OF 2020

THE HORTICULTURAL CROPS AUTHORITY BILL, 2020

ARRANGEMENT OF SECTIONS

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THE HORTICULTURAL CROPS AUTHORITY BILL, 2020

[Date of assent:]

[Date of commencement:]

An Act of Parliament to provide for the development, promotion and regulation of horticulture industry, to provide for the establishment of the Horticultural Crops Authority, to make provision for the respective roles of the national and county governments in horticulture and related matters in furtherance of the relevant provisions of the Fourth Schedule to the Constitution and for connected purposes.

[Act No of ...]

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	PART 1 - PRELIMINARY
Short title	The Act may be cited as The Horticultural Crops Act 2020
Interpretation	<p>1. In this Act, unless the context otherwise requires—</p> <p>“Authority” means the Horticultural Crops Authority established under section 4;</p> <p>“cabinet secretary” means the cabinet secretary for the time being responsible for matters related to Crops;</p> <p>“dealing in horticultural crops” means growing, aggregation, transporting, packing, storage, selling, processing, exporting and importing horticultural produce and products for purposes of trade but does not include dealing for household consumption;</p> <p>“grower” means any person who cultivates horticulture crops in Kenya and includes smallholder farmers and a plantation grower;</p> <p>“inspector” means an officer of the Authority or County government appointed in writing by the Authority or the County Government, to be an inspector, for purposes of this Act and gazetted by the Cabinet Secretary;</p> <p>“aggregation centre” means an area established close to growers for bulking of produce for purposes of collective marketing and enforcement of quality standards;</p> <p>“dealer” means a natural person, a company or a firm engaged in propagation of planting materials, collecting, transporting, storing, buying or selling horticultural produce and includes a ship chandler, an exporter, an importer, processor or a marketing agent;</p> <p>“export” means the selling of horticultural produce to markets outside Kenya;</p> <p>“financial year” means the period of twelve months commencing on the first of July and ending on the thirtieth June of the subsequent year;</p> <p>“horticultural crop” means a crop listed under the First Schedule;</p>

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	<p>“import” means to bring into Kenya horticultural produce or products from another country;</p> <p>“levy” means a payment imposed on horticultural produce based on a criterion determined and published in the gazette by the cabinet secretary;</p> <p>“marketing agent” means a natural person, company or firm engaged in buying horticultural produce for sale in the domestic market or export market;</p> <p>“mother block” means an established area for plants known to be free from diseases and true to type that is used as a source of clean rootstocks, grafting and budding propagation materials;</p> <p>"national horticulture standards" means the Kenyan Horticulture Standards formulated and registered by the Kenya Bureau of Standards in consultation with the Authority and the horticulture industry;</p> <p>“nursery” means an area for raising and selling horticulture seedlings including tissue culture laboratories, greenhouses, shed nets and open fields;</p> <p>“Person” includes an individual, firm, a company an association or cooperation which has legal rights and obligations;</p> <p>“postharvest” means all activities involved after harvesting before consumption;</p> <p>“produce” means the harvested part of horticultural crops including roots, tubers, fruits, leafy part, berries or cut flowers ;</p> <p>“produce handling facility” means an area where horticultural produce is assembled for purposes of grading, sorting, packaging or storage;</p> <p>“ship chandler” means a person registered and authorized by the Authority to supply horticultural produce to a ship or an aircraft;</p> <p>“traceability” means the ability to track horticultural produce and process owner from production to the final consumer and vice versa;</p>
Objects and Purpose	<p>1. The objective of this Act is to accelerate the growth and development of horticulture industry, to enhance productivity and incomes of farmers and other value chain actors and in particular;-</p>

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	<ul style="list-style-type: none"> a) organize and coordinate the horticulture industry partners and stakeholders; b) Improve and attract investment opportunities and efficiency of agribusiness services; c) facilitate export of horticultural produce and products to augment the foreign exchange earnings of the country; and d) enhance consumer health and awareness by ensuring compliance to produce quality and food safety standards.
Application	<ul style="list-style-type: none"> 2. This Act shall apply to all scheduled crops specified in the First Schedule and to all farms whether privately or communally held as well as to growers, grower organizations, cooperatives and community associations dealing with horticultural crops. 3. This Act shall also apply to all horticultural produce and products – <ul style="list-style-type: none"> a) grown, processed or marketed in Kenya; and b) imported to or exported from Kenya.
	PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUTHORITY
Establishment of the Authority	<ul style="list-style-type: none"> 4. There is established an Authority to be known as the Horticultural Crops Authority. 5. The Authority shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of— <ul style="list-style-type: none"> a) suing and being sued; b) taking, purchasing or otherwise acquiring, holding and disposing of movable and immovable property; c) borrowing and lending money; d) entering into contracts; and e) doing or performing all such other matters or acts necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate. 6. The Authority shall be the successor of the Horticultural Crops Directorate established under AFA Act, 2013 (Rev. 2016) and the Crops Act, 2013
Functions of the Authority	<ul style="list-style-type: none"> 7. The Authority shall perform the following functions in, formulation, implementation and regulation of policies in the horticulture industry;- <ul style="list-style-type: none"> a) advice the Government and the industry on matters related to horticulture development, promotion, imports, exports and food safety standards; b) register dealers of horticulture produce and products;

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	<ul style="list-style-type: none"> c) Licence exporters, importers and processors of horticultural produce and products; d) Determine research and technology priorities from the industry through collaboration with private sector, public and private research institutions; e) collect and collate data, maintain a database and disseminate information on horticultural industry for development and promotion of the industry; f) represent the country in national, regional and international fora on standards, trade, technology and innovations and any other related matters; g) promote development and adoption of standards for traceability, labeling, packaging, grading, transporting and storing horticultural produce in compliance with local, regional and international standards; h) regulate horticulture crops quality and sanitary standards; i) Advice and promote development of horticulture produce handling, transportation and storage infrastructure to industry and county governments; j) The Authority, in consultation with relevant training institutions and industry stakeholders, may develop a training curriculum and assessment guides for horticulture industry; k) advice the Cabinet Secretary on levies, fees and import or export duties related to horticulture industry; and l) any other matters in furtherance of the development of horticultural crops or conducive to the exercise of any of its powers under this Act.
<p>Appointment and composition of the Board</p>	<p>8. (1) There shall be a Board of Directors for the Authority consisting of the following members ;—</p> <ul style="list-style-type: none"> a) Chairman appointed by the President; b) the Principal Secretary in the ministry for the time being responsible for Crops development; c) the Principal Secretary in the ministry for the time being responsible for finance; d) the Principal Secretary in the ministry for the time being responsible for Trade; e) a representative from the Council of Governors in responsible for agriculture;

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	<p>f) the Chief executive Officer who shall be an ex-officio member of the Board with no voting rights;</p> <p>g) Four members appointed by the Cabinet Secretary for the time being responsible for Crop development; one member representing;—</p> <ul style="list-style-type: none"> i. Registered flowers, fruit and vegetables growers association under this Act; ii. Registered nursery operators association under this Act; iii. Registered exporters’ association under this Act; and iv. Registered association of horticulture marketing agents under this Act. <p>(2) A person appointed as a members of the Board under Sub-section 8 (1) shall;</p> <ul style="list-style-type: none"> (i) be a citizen of Kenya; (ii) Meets the requirements of leadership and integrity outlined in Chapter 6 of the Constitution; (iii) Holds a Degree from a University recognized in Kenya; and (iv) Has knowledge and experience either agriculture, finance, law, administration, human resource management or such other expertise as the appointing authority may consider relevant. <p>(3) The members appointed under subsection 8(g) shall serve for a three year term, but may be eligible for reappointment for a second term.</p> <p>(4) The Cabinet Secretary shall publish in the Gazette the Names of the appointed Board members within a period of sixty (60) days after the enactment of this Act.</p>
<p>Cessation of membership of Board</p>	<p>9. A member of the Board other than the Chief Executive Officer, shall cease to be a member if the member;—</p> <ul style="list-style-type: none"> a) resigns from office in writing to the Cabinet Secretary; b) is absent from three consecutive meetings without permission of the Chairperson of the Board; c) is adjudged bankrupt; d) is incapacitated by prolonged physical or mental illness or otherwise unable or unfit to discharge the functions of the office; e) ceases to represent the interest in respect of which he was appointed to the Board;

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	<p>f) contravenes the provisions of Chapter 6 of the Kenya Constitution 2010; and</p> <p>g) is convicted of a criminal offense</p>
<p>Replacement of Board member</p>	<p>10. (1) If the office of a member of the Board becomes vacant, the Board shall notify the Cabinet Secretary.</p> <p>(2) The Cabinet Secretary upon notification shall initiate the process of replacement as per section 8 within a period of sixty days.</p>
<p>Powers of the Board of Directors</p>	<p>11. (1) The The Authority shall be governed by a Board of Directors appointed in section 8</p> <p>(2) The Board of Directors shall have all the powers necessary for the proper performance of its oversight functions over the Authority and the exercise of its responsibilities as provided in this Act, the State Corporations Act or any other applicable law, and without limiting the generality of the foregoing, has power to—</p> <p>a) control, supervise and administer the assets of the Authority in such manner as best promotes the purposes for which the Authority is established;</p> <p>b) determine the provisions to be made for capital and recurrent expenditures and for the reserves of the Authority;</p> <p>c) receive any grants, gifts, donations or endowments and make legitimate disbursements from the amounts received;</p> <p>d) approve opening of such banking accounts for its funds as may be necessary;</p> <p>e) invest any of its funds not immediately required for its purposes in any manner authorized under this Act;</p> <p>f) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate in furtherance of the purposes for which the Authority is established;</p> <p>g) Appointment of staff for the Authority</p> <p>h) co-opt in those committees persons whose knowledge and experience are necessary to enable the committee to effectively discharge its functions.</p> <p>i) appoint agents for the implementation or performance of any function of the Authority under this Act;</p>

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	<p>j) control, supervise and administer the assets of the Authority in such manner and for such purposes as best promotes the purpose for which the Authority was established;</p> <p>k) lay down policy guidelines for the operations and management of all the funds collected by the Authority;</p> <p>l) undertake any other activity necessary for the fulfilment of the Authority's functions.</p>
<p>Committees of the Board</p>	<p>12. (1) The Board may, for the effective discharge of its functions, establish committees or abolish any such committee as it may deem necessary.</p> <p>(2) A committee established under this section consists of such persons as the Board from time to time appoints.</p> <p>(3) The Board may co-opt into the membership of a committee any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Authority.</p> <p>(4) Any person co-opted into a committee may attend the meetings of the committee and participate in its deliberations, but has no right to vote at the meetings.</p> <p>(5) The Board may direct the committee established under this the manner in which the committee will conduct its functions in relation to meetings of the committee, including the procedure to be followed;-</p> <ul style="list-style-type: none"> a. in convening meetings of the committee; b. the number of members of the committee to constitute a quorum; c. the appointment of a member of the committee to preside at meetings of the committee; d. the manner in which questions arising at a meeting of the committee are to be addressed; e. the voting rights of members of the committee; and, f. the disclosure of members' interests in matters being considered by the committee.
<p>Conduct of business of the Board</p>	<p>13. (1) The conduct and regulation of the business and affairs of the board shall be in accordance with the second schedule.</p> <p>(2) Except as provided in the schedule, the Board may regulate its own procedures.</p>

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<p>The Chief Executive Officer</p>	<p>14. (1) There shall be a Chief Executive Officer of the Authority, who shall be competitively recruited and appointed by the Board on such terms and conditions as the Board may determine.</p> <p>(2) the Chief Executive Officer shall be responsible for:</p> <ul style="list-style-type: none"> a) day to day administration of the affairs and transactions of the Authority; b) Conveying decisions of the Board and implementing policies of the Authority; and c) The exercise, discharge of objectives, functions and duties of the Authority. <p>(3) The Chief Executive Officer may hold office for a period of not more than 3 years renewable once.</p>
<p>Qualifications of the Chief Executive Officer</p>	<p>15. A person shall qualify to be appointed to the position of a Chief Executive Officer if such person;-</p> <ul style="list-style-type: none"> (a) holds a relevant degree and post graduate qualification from a university recognized in Kenya; (b) has at least ten years' knowledge and experience in a relevant field; (c) Has demonstrated leadership abilities; (d) has at least 5 years' experience in a position of senior management; and (e) meets the requirements of Chapter Six of the Constitution.
<p>Corporation Secretary</p>	<p>16. (1) There shall be a Corporation Secretary who shall be the secretary to the Board.</p> <p>(2) The terms and conditions of service of the corporation secretary shall be determined by the Board.</p>
<p>Remuneration of the Board and members of staff</p>	<p>17. The Authority shall pay to its staff and board members, such remuneration, fees or allowances as determined by the Salaries and Remuneration Commission.</p>
<p>Personal liability of Board members</p>	<p>18. (1) No member of the Board shall be personally liable for any act or default of the Authority done or omitted to be done in good faith and without negligence in the course of the operations of the Authority.</p> <p>(2) Provided that in the conduct of the affairs of the Authority, members of the Board shall;-</p>

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	<p>a. exercise due prudence and diligence in discharge of their function; and</p> <p>b. be held jointly and severally responsible for any losses incurred due to any act done by them and which is contrary to this Act.</p>
Personal liability of staff	19. Staff of the Authority shall not be held personally liable to any action, claim or demand for a matter or thing done bona fide for the purpose of executing the functions, powers or duties of the Authority.
Liability of the Authority for damages	20. Section 19 shall not relieve the Authority of the liability to pay compensation to any person for any injury to him, his property or to any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.
	PART III - ROLE OF COUNTY GOVERNMENTS
Role of county governments	<p>21. (1) Pursuant to the Fourth schedule of the Constitution, the County Governments will implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for-</p> <p>(a) Establishment of fora for coordination of horticulture development partners and service providers;</p> <p>(b) mapping and alignment of all horticulture projects and programs to existing government policies;</p> <p>(c) Regulate and enforce national standards related to horticulture production, handling, marketing and food safety for local trade;</p> <p>(d) collect and collate production and marketing statistics for planning and sharing with the Authority;</p> <p>(e) Capacity build stakeholders including horticultural growers, grower associations and private sector players on matters related to horticulture; and</p> <p>(f) Facilitate establishment of infrastructure for horticulture markets, aggregation centres, transportation, processing and storage facilities.</p> <p>(2) In execution of the roles provided for in sub-section (1), the county governments may establish a Horticulture Technical Working Group to provide for technical guidance in Horticulture matters in the county.</p>

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	<p>(3) cooperate with the Authority in the development, promotion and regulation of the Horticulture industry in accordance with Article 6 (2) of the Constitution,</p> <p>(4) The County may, in accordance with regulations made under this Act and subject to any other law, put in place programmes for ensuring the provision of the following incentives and facilities to growers:</p> <ul style="list-style-type: none"> a. affordable farm-inputs including quality seeds, planting materials and market linkage; and b. technical support including linkages to research and extension services.
	<p>PART IV– LICENSING PROVISIONS</p>
<p>Licenses issued by the Authority and county government</p>	<p>22.(1) A person shall not process, import or export horticultural produce or product unless Licensed by the Authority or County government.</p> <p>(2) The following licences shall be issued by the Authority;</p> <ul style="list-style-type: none"> (a) Export License; (b) Import licence; (c) Processor license for export. <p>(3) The following license shall be issued by the County government;</p> <ul style="list-style-type: none"> (a) Processor license for local trade. <p>23.No person shall process, import or export horticultural produce and products without a valid licence issued by the Authority or County government.</p> <p>24.Licenses issued under this Act shall remain in force effective first of July until the thirtieth of June of the following year, unless earlier cancelled.</p> <p>25.A person who contravenes any provision of this Section commits an offence and shall upon conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding two million shillings or to both.</p>
<p>Application for Licence renewal</p>	<p>26.(1) An application for the renewal of a licence shall be made to the Authority or respective county governmnet not later than the first day of the month of March in which the current licence is due to expire:</p> <p>(2)A late application may be made provided that a late application fee of ten per cent (10%) of the prescribed</p>

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	<p>fee is paid to the Authority or County government as the case may be.</p>
Licensing provisions	<p>27. The Authority or county government shall not issue a licence under this Act unless the Applicant has met the requirements prescribed in the Regulations under this Act</p>
	<p>PART V: REGISTRATION PROVISIONS</p>
Registration of dealers by the Authority and County government	<p>28.(1) A dealer shall not conduct any horticulture business unless that person is registered by the Authority or County government in accordance with this Act.</p> <p>(2) The Authority shall register the following;</p> <ul style="list-style-type: none"> (a) Horticulture produce marketing agents supplying produce for the export market; (b) Shipchandlers supplying produce to sea and air vessels; (c) Clearing and forwarding agents handling horticultural produce; (d) nursery operators and mother block operators for the export market; (e) horticultural packing facilities for the export market; and (f) horticulture associations. <p>(3) The county government shall register the following;</p> <ul style="list-style-type: none"> (a) Horticulture produce marketing agents supplying produce for the domestic market; (b) nursery operators/mother block operators (planting material propagators) supplying planting material to the domestic market; and (c) horticultural packing facilities supplying produce to the domestic market. <p>(4) The Authority shall issue a certificate of registration to applicants in section 29(2).</p> <p>(5) The respective County governmnet shall issue a certificate of registration to applicants in section 29(3).</p> <p>(6) The Cabinet Secretary may, in consultation with the Authority, prescribe regulations for registration of dealers.</p>

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	<p>(7) The Cabinet Secretary may, in consultation with the Authority, prescribe regulations for the appeal process in case of refusal or denial of registration.</p> <p>(8) Registration of the dealers under this Part shall remain in force from first of July until the thirtieth of June of the following year, unless earlier cancelled.</p> <p>(9) A person who contravenes any provision of this Section commits an offence and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding one million shillings or to both</p>
<p>Registration of growers</p>	<p>29.(1) Every grower shall be registered by the respective county government where their farm is located for purposes of—</p> <ol style="list-style-type: none"> a. continuous data capture and updating; b. planning production and marketing, inputs estimates and financial services; and c. quality assurance and traceability. <p>(2) The Cabinet Secretary may, in consultation with the Authority and County government, prescribe regulations for registration of growers.</p>
<p>Application for renewal of registration certificate</p>	<p>30.(1) An application for the renewal of a registration certificate shall be made to the Authority or respective county government not later than the first day of the month of March in which the current licence is due to expire.</p> <p>(2) A late application may be made provided that a late application fee of ten per cent (10%) of the prescribed fee is paid to the Authority or County government as the case may be.</p>
	<p>PART VI – PRODUCTION AND PROCESSING</p>
<p>Horticulture Crops Development</p>	<p>31.(1) The Cabinet Secretary may, on the advice of the Authority, establish institutional linkages to coordinate the provision of appropriate technologies, credit, farm inputs and marketing.</p> <p>(2) The Authority shall capacity build county officers towards enhancing their knowledge and skills in Horticultural Crops production, processing technology, market potential and prospects for various types of horticultural products.</p> <p>(3) The County executive member responsible for agriculture shall coordinate the development and growth of horticultural production and productivity in the counties.</p>

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	(4) Registered horticultural professionals in the value chain may render specialized advisory or other services to a grower or dealer.
Access to quality inputs.	32.(1) The authority in collaboration with the county Governments shall develop and implement a sustainable quality inputs supply system. (2) All growers of horticultural produce may use inputs from registered sources.
Certification of National Horticulture standard	33. The Authority shall register and monitor the certification scheme of the National Horticulture standard for compliance of produce and products with the regional and international market requirements.
Production of flowers	34. All growers of flowers shall adhere to; a. sustainable environmental conservation practices and b. social welfare for workers.
Production Technologies for horticulture	35.(1) The Authority in collaboration with relevant agencies shall provide guidelines for setting up production structures based on agroecological zones. (2) In collaboration with institutions of higher learning develop curricula and assessment guides for practical courses in horticulture.
Produce packing, processing and storage facilities	36.(1) Packing, processing and storage of horticultural produce and products shall only be conducted at premises registered and licenced by the Authority or County government as provided for section 29 (2 and 3). (3) A person who contravenes the provision of this Section commits an offence and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding one million shillings or to both
	PART VII- HORTICULTURE MARKETING AND PROMOTION
Branding and geographical indications	37. The Authority shall promote and register all horticultural produce and products produced in accordance with certification marks including geographical indications or regions as a Certification Mark of origin.

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<p>Development of Horticulture Markets & market promotion</p>	<p>38.(1) The Authority shall coordinate and be the lead agency in promotion of marketing of horticultural produce and products in regional and international markets.</p> <p>(2) The Authority in collaboration with other government agencies shall be responsible for collecting and collating horticultural data and market intelligence for advisory and planning purposes.</p> <p>(3) The Authority in consultation with the other National government agencies and County governments shall develop strategies that promote private investments in horticulture industry infrastructure.</p> <p>(4) The county government shall be responsible for;-</p> <p>a) Establishment and improvement of Horticulture marketing infrastructure for the local trade; and</p> <p>b) Collaborate with the Authority, other Government agencies and private sector to facilitate marketing of horticultural produce and products in the domestic markets..</p>
<p>Development of market infrastructure for food safety</p>	<p>39. (1) The County government may collaborate with the Authority and any other relevant government agencies to facilitate the development of market infrastructure to support the implementation of national food safety standards.</p> <p>(2) The Authority shall provide guidelines and monitor establishment of market infrastructure for handling horticultural produce and products in meeting compliance to food safety and quality standards.</p>
	<p>PART VIII- FOOD SAFETY & QUALITY ASSUARANCE</p>
<p>Quality assurance control and health measures</p>	<p>40. (1) The Authority in collaboration with relevant government agencies shall enforce horticultural industry standards and codes of practices along the value chain, in conformity with National, Regional and International quality Standards.</p> <p>(2) The Authority in consultation with Cabinet Secretary may prescribe regulations for produce conformity to national, regional and international standards.</p> <p>(3) The County government shall ensure that produce and products for the domestic market conform to quality standards in line with the provisions of this Act.</p>

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<p>Monitoring Compliance</p>	<p>41. (1) The Authority in collaboration with county governments and relevant government agencies shall monitor compliance of horticultural produce and products to the prescribed standards for exports and imports.</p> <p>(2) The Authority or county governments shall issue a compliance certificate to a dealer whose produce or product conforms to the prescribed standard.</p>
<p>Food safety control</p>	<p>42. (1) All Dealers shall ensure for purposes of food safety;</p> <ul style="list-style-type: none"> a) produce and products are handled, graded, packaged transported and stored in a manner to prevent produce contamination; b) source produce from production sites that comply with the National Horticulture standard and other relevant food safety standards; and c) All personnel handling horticultural produce shall meet personnel hygiene standards as outlined in the National horticulture standard. <p>(2) A person who contravenes sub-section 42(1b) and 42(1c) commits an offence.</p>
<p>Enforcement of safety and quality standards</p>	<p>43. The Authority may conduct inspection, surveillance and sampling of horticultural produce at collection centres, aggregation centers, warehouses, markets, packing and storage facilities to ensure compliance with national, regional and international quality food safety and standards.</p> <p>(1) Produce which does not conform to 42(1) shall be seized and destroyed.</p> <p>(2) The Authority shall inspect imported produce and products for conformity with national, regional and international food safety and quality standards.</p> <p>(3) The Authority shall prescribe the requirements for packaging, labelling, transportation and storage of horticultural produce and products.</p> <p>(3) Exports and imports of immature Avocado and Mango is prohibited, unless approved by the Authority.</p>
<p>Produce handling and grading at the farm</p>	<p>44. (1) The County Government in collaboration with other agencies and private sector shall undertake regular training to growers for horticulture produce handling at farm level</p>

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	<p>(2) Produce handling, grading, packaging and storage facilities of horticultural produce at farm level shall meet minimum conditions as set out in the regulations under this Act.</p> <p>(3) A person who contravenes sub-section (2) commits an offence.</p>
Safe use of pesticides	<p>45. (1) A person shall use pest control products in accordance to set national horticulture standards and as prescribed by regulations under this Act.</p> <p>(2) The mixing, spraying, storage and disposal of pest control products shall be done by trained personnel.</p> <p>(3) A person who contravenes sub section 2 commits an offence</p>
Traceability of produce	<p>46.(1) The Authority or County government shall ensure compliance to traceability of horticultural produce and products.</p> <p>(2) A person dealing with horticultural produce and products shall demonstrate produce or product traceability as prescribed in the regulations under this Act.</p> <p>(3) A dealer in horticultural produce shall adopt the use of the National Horticulture Traceability System or an equivalent traceability system as may be approved by the Authority.</p> <p>(4) A person who contravenes any provision in this section commits an offence.</p>
Appointment of Horticultural Inspectors	<p>47. (1) The Authority shall appoint qualified persons, to be horticultural inspectors for quality control of produce for the purposes of this Act.</p> <p>(2) County Government may appoint qualified persons to be inspectors for quality control of produce for the purposes of this Act.</p> <p>(3) For purposes of Section 47, subsection (1), the Authority, through regulations shall set the qualifications for different categories of horticultural inspectors.</p> <p>(4) The Authority shall train county inspectors on national, regional and international quality standards.</p>
Power of Entry and Inspection	<p>48.(1) The Authority in consultation with the county governments, shall separately or jointly conduct inspection and surveillance of horticultural farms, nurseries, aggregation centres, stores, pack houses, transport vehicles,</p>

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	<p>markets, and warehouses to ascertain compliance with the requirements of this Act.</p> <p>(2) A person duly authorized in writing by the Authority may, at all reasonable times and upon production of such authority to any person so requesting—</p> <p>(a) enter any farm or buildings occupied by the holder of a licence issued under this Act, or a person registered under this Act;</p> <p>(b) make such inspection and enquiries as the person may deem necessary for ascertaining whether the provisions of this Act or the terms and conditions of the respective licence or registration are being complied with;</p> <p>(c) the owner or occupier of a farm or premises or a vehicle which is inspected under subsection (2a) shall render such reasonable assistance as may be required by the inspector and;</p> <p>(d) may seize and remove any article or thing in respect of which the inspector has reasonable grounds for believing that an offence under this Act is being or has been committed.</p> <p>(2) A person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (2), or who fails to give any information reasonably required commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.</p>
	<p>PART IX- FINANCIAL PROVISIONS</p>
<p>Funds of the Authority</p>	<p>49.(1) The funds of the Authority shall comprise—</p> <p>(a) such monies as may be appropriated by the National Assembly for purposes of operations of the Authority;</p> <p>(b) all monies received in respect of the levies and fees;</p> <p>(c) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act; and</p> <p>(d) all monies from any other sources provided for or donated or lent to the Authority.</p> <p>(2). The Cabinet Secretary may, in consultation with the Authority, by order in the Gazette, impose the following levies;</p>

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	<p>(a) 1% export levy based on the customs value, imposed on all horticultural produce and products other than those canned, bottled, preserved, dehydrated or delivered to operators for canning and processing factories;</p> <p>(b) 4% import levy based on custom value on all horticultural products imported as finished products; and</p> <p>(c) 2% import levy based customs value on all horticultural peoducts imported as fresh produce.</p> <p>(3).The levies imposed in subsection 2 above shall be applied towards horticulture industry operations, National quality infrastructure development and supporting emerging issues.</p> <p>(4). Any levy imposed by the Authority under this Act, unless the manner of remitting is specifically provided for, shall be payable to the Authority or its agents by a dealer on whom it is imposed in such a manner and within such time as the Authority may direct, and shall be a civil debt due from the dealer to the Authority.</p> <p>(5). A person who fails to remit any levy on time as provided under this Act shall, where directed by the Authority in writing, in addition to paying the levy—</p> <p>(a) pay an interest of five percent for the first month or part of the month in which the levy remains unpaid; and</p> <p>(b) pay five percent compound interest for each subsequent month or part of the month in which the levy remains unpaid.</p> <p>(6). Any person who contravenes the provisions of subsection (2) commits an offence and is liable to a fine of not less than fifty thousand shillings or imprisonment for a term of not less than six months or to both, in addition to the recovery of the amount due to the Authority.</p>
<p>County government taxation</p>	<p>50.(1) A county government may, pursuant to the Fourth Schedule of the Constitution, impose cess for—</p> <p>(a) development of horticultural crops within the county;</p> <p>(b) development and regulation of horticultural market infrastructure within the county;</p> <p>(2) The cess imposed by a county government under this subsection shall not in any way prejudice national economic</p>

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	<p>policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.</p> <p>(3) To avoid any multiple taxation of horticultural produce;</p> <ul style="list-style-type: none"> (a) Cess on produce destined for the domestic market shall only be charged by the County from which the produce was grown or processed. (b) Horticultural produce destined to the export market shall not be charged cess by the county government.
<p>Horticultural research and development Fund</p>	<p>51. (1) There is established a fund to be known as the Horticultural Research and development Fund, which shall be administered by the Authority.</p> <p>(2) The Fund shall consist of—</p> <ul style="list-style-type: none"> (a) 10% of the levy imposed on export under section 49 (2); (b) funds provided by National treasury and donors for the purposes of the Fund;and (c) funds from any other source approved by the Authority. <p>(3) The Fund shall be used for the purpose of:</p> <ul style="list-style-type: none"> (a) support research and technology for horticulture industry; (b) Support skills development for horticulture; (c) Maintenance of pest free areas and management of emerging pests; (d) Development of emerging crops and markets; and (e) Support conservation and protection of indigenous horticulture technologies and genetic resources; <p>(4) The administration of the fund shall be prescribed by regulations under this Act.</p>
<p>Financial Year of the Authority</p>	<p>52. The financial year of the Authority shall be the period of twelve months ending on the 30th June of every year.</p>

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Annual estimates.	<p>53. (1) At least three months before the commencement of each financial year, the Authority shall cause to be prepared estimates of revenue and expenditure for that financial year.</p> <p>(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and in particular, shall provide for—</p> <ul style="list-style-type: none"> (a) the payment of salaries, allowances and other charges in respect of the staff of the Authority; (b) payment of allowances and other charges in respect of members of the Board; (c) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority; (d) the proper maintenance of the buildings and grounds of the Authority; (e) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and (f) 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 Authority may deem appropriate. <p>(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and once approved, the sum provided in the estimates shall not be increased without the prior consent of the Board.</p> <p>(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Board given with prior written approval of the Cabinet Secretary.</p>
	PART X- ACCOUNTS AND AUDIT
Accounts and audit	<p>54. (1) The Authority shall cause to be kept proper books and records of accounts of the income, expenditure and assets of the Authority.</p>

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	<p>(2) Within a period of three months after the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority together with—</p> <p>(a) a statement of the income and expenditure of the Authority during that year; and</p> <p>(b) a balance sheet of the Authority on the last day of that year.</p> <p>(3) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act (Cap. 412B).</p>
Investment of funds	<p>55. (1) The Board may invest any of the funds of the Authority in securities in which, for the time being, trustees may by law invest trust funds, or in any other securities or banks which the Treasury may, from time to time, approve for that purpose.</p> <p>(2) The Board may place on deposit, with such bank or banks as it may determine, any monies not immediately required for the purpose of the Authority.</p>
	PART XI – GENERAL PROVISIONS
Appeals	<p>56. (1) Any person aggrieved by the refusal of the Authority, or of any person authorized by the Authority in that behalf, to issue any licence or registration certificate, or by any decision of the Authority may within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the Board.</p> <p>(2) Any person aggrieved by the refusal of the county government, or of any person authorized by the county government in that behalf, to issue any licence or registration certificate, or by any decision of the county government may within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the County Executive Member for that time responsible for matters relating to Agriculture.</p>
Dispute resolution	<p>57. (1) There is established a Horticultural Crops Dispute Resolution committee to facilitate resolution of disputes arising between growers and dealers registered or licensed under this Act.</p> <p>(2) The Cabinet Secretary may prescribe in Regulations under this Act, the membership and rules of procedure for the Committee.</p>

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<p>Service of notices</p>	<p>58. Where any notice is required by or under this Act or any Rules made thereunder to be served:-</p> <ul style="list-style-type: none"> a) on any person service thereof may be effected either personally on such person, by electronic means, registered post or courier services or any other means approved by the Board or; b) where the person to be served is a body corporate or other body of persons, service of any such notice may be effected by serving it personally on any secretary, director or other officer thereof, or by leaving or sending it by registered post addressed to the body corporate or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business or by courier services.
<p>Offences relating to body corporate</p>	<p>59. If an offence under this Act is committed by a body corporate or any other association of individuals, a director, partner or any other person involved in, or acting or purporting to act in the management of its affairs commits an offence.</p>
<p>General penalty</p>	<p>60. Any person who is guilty of an offence under this Act for which no penalty has been provided shall be liable to a fine not exceeding Two hundred thousand shillings or to imprisonment for a term not exceeding six months, or both.</p>
<p>Regulations</p>	<p>61. The Cabinet Secretary may, in consultation with the Authority make regulations for the better carrying into effect the provisions of this Act or for prescribing anything which is to be prescribed under this Act.</p> <p>(2) Without prejudice to the generality of the powers conferred by subsection (1) of this Act, thereunder may prescribe the following matters;—</p> <ul style="list-style-type: none"> (a) declaration and regulation of scheduled crops including production, distribution and marketing; (b) the forms and manner of application for licensing and registration under this Act; (c) the forms and fees to be paid for services provided under this Act; (d) regulations for ensuring quality and food safety including handling, transportation, labelling,

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	<p>packaging, processing and market standards of Horticultural produce and products;</p> <p>(e) rules and guidelines to govern strengthening and management of organizations dealing in Horticultural produce and products,</p> <p>(f) the submission of returns and reports by the holders of licences and certificates under this Act;</p> <p>(g) standards, and the manner of grading and classification of various Horticultural produce and products under this Act;</p> <p>(h) measures of maintaining soil fertility including soil testing and regulation of soil salination, chemical degradation and toxic levels in plants;</p> <p>(i) developing guidelines on responsible use of agro-chemicals;</p> <p>(j) the relationship between farmers and other dealers in Horticultural produce and products;</p> <p>(k) Administration of the horticulture research development fund; and</p> <p>(l) without prejudice to any provision in this Section, prescribing regulations for any other matters in furtherance of this Act .</p>
	PART XII: CONSEQUENTIAL AMENDMENTS
Amendment of the First Schedule of No. 13 of 2013	62. The Agriculture and Food Authority Act, 2013 is amended in the First Schedule by deleting paragraph V.
Amendment of the First Schedule of No. 16 of 2013	63. The Crops Act, 2013 is amended in Part I of the First Schedule by deleting words as indicated in the third schedule.
	PART XIII – SAVING AND TRANSITIONAL PROVISIONS
Rights and obligations	<p>64. (1) In this Act;</p> <p>“appointed day” means the day the Act comes into operation;</p> <p>(2) Notwithstanding any other provisions, all rights, obligations, liabilities and contracts relating to Horticultural Crops Directorate which immediately before the commencement of this Act were vested in or imposed on Agriculture and food Authority with respect to Horticultural crops, shall from the commencement of this Act be deemed</p>

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	to be the rights, obligations, liabilities and contracts of the Authority.
Transfer of staff	<p>65.(1) A person who was a member of staff of the former Horticultural Crops Development Authority, immediately before the commencement of the Agriculture and Food Authority Act, 2013 not being under notice of dismissal or resignation or retirement, shall upon commencement of this Act and subject to subsection (3), become a member of staff of the Authority.</p> <p>(2) All members of staff of Horticultural Crops Development Authority who were redeployed to other directorates after the commencement of AFA Act 2013, shall revert back to their former substantive position or as may be determined by the board.</p> <p>(3) The Authority shall organize its structure with the approval of the Board taking into account the functions of the Authority under this Act.</p> <p>(4) “Notwithstanding the provision of section 65 (1) and (2) if a person does not intend to become a member of staff of the Authority they shall within a period of twenty one days from the appointed day; give notice in writing to the Authority.</p> <p>(5) The staff pensions fund of Horticultural Crops Development Authority shall on the appointed day be vest in the Authority.</p>
Assets and liabilities	<p>66.(1) All funds, assets, and other property, moveable and immovable which have been acquired before commencement of the Crops Act, 2013 and Agriculture and Food Authority Act, 2013 relating to Horticultural Crops Development Authority and were vested on Agriculture and Food Authority shall, by virtue of this paragraph, vest in the Authority.</p> <p>(2) All funds, assets, and other property, moveable and immovable which have been acquired after commencement of the Crops Act, 2013 and Agriculture and Food Authority Act, 2013 relating to Horticultural Crops Directorate and were vested on Agriculture and Food Authority shall, by virtue of this paragraph, vest in the Authority.</p>
Previous authorizations	<p>67. (1) Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature in relation to Horticultural Crops</p>

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	<p>Directorate, shall on the commencement of this Act, be read and construed as a reference to the Authority.</p> <p>(2) All directions, orders and authorizations given, or licences or permits issued, or registrations made by the Agriculture and Food Authority in relation to Horticultural Crops Directorate, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.</p>
Pending proceedings and claims	<p>68. All legal proceedings and claims pending in respect of actions and activities to which this Act apply shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced by or against the Agriculture and Food Authority had this Act not been enacted.</p>

FIRST SCHEDULE: List of Scheduled Horticultural Crops

A. FRUIT CROPS

Common Name	Botanical Name
Apple	<i>Pyrus malus L.</i>
Apricot	<i>Prunus armeniaca</i>
Avocado	<i>Persea spp</i>
Bananas and plantains	<i>Musa sp</i>
Berries	<i>Rubus sp.</i>
Bread fruit	<i>Artocarpus altilis</i>
Cape Gooseberry	<i>Physalis peruviana</i>
Carambola	<i>Averrhoa carambola</i>
Cherimoya	<i>Annonacherimola</i>
Chinese pear	<i>Pyrus prunifolia</i>
Citrus	<i>All citrus species</i>
Custard apple	<i>Annona sp.</i>
Date palm	<i>Phoenix dactylifera</i>
Giant granadilla	<i>Passiflora quadrangularis</i>
Goose berries	<i>All species</i>
Grapes`	<i>Viti ssp</i>
Guava	<i>Psidium guajava</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Litchi	<i>Litchi chinensis</i>
Loquat	<i>Eriobotrya caponica</i>
Mango	<i>Mangifera indica</i>
Melons`	<i>Cucumis melo</i>
Mountain Pawpaw	<i>Carica candanacensis</i>
Mulberries	<i>Morus sp.</i>
Nectarine	<i>.Prunus sp. L.</i>
Passion fruits	<i>Passiflora spp</i>
Pawpaw	<i>Carica papaya</i>
Peach	<i>Prunus persica L.</i>
Pear	<i>Pyrus communis L.</i>
Pineapple	<i>Ananas comosus</i>
Plum	<i>Prunus sppL</i>
Pomaganate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>
Strawberries	<i>Fragaria chiloensis</i>
Sweetsop (Sugar apple)	<i>Annonas quamosa</i>
Water melon`	<i>Citrullus lanatus</i>
White sapote	<i>Casimiroa edulis</i>
<i>Any other fruit of economic value</i>	

B. MEDICINAL AND AROMATIC PLANTS

Common Name	Botanical Name
Aloe	<i>Aloe vera</i>

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Artemesia	<i>Artemesia annua</i>
Chia seeds	
Salvia	<i>Salvia solaria</i>
Stevia	<i>Stevia rubundiana</i>
Moringa	<i>Moringa oleifera</i>
Jatropha	<i>Jatropha curcus</i>
Stinging nettle	<i>Urtica dioica</i> Linn
Methi	<i>Trigonella foenum-graecum</i>
<i>All other medicinal and aromatic plants of commercial value</i>	

C. VEGETABLES

Common Name	Botanical Name
African nightshade	<i>Solanum</i> sp
Amaranth	<i>Amaranthus</i> spp.
Artichoke (globe)	<i>Cynara cardunculus</i> var. <i>scolymus</i>
Jerusalem Artichoke	<i>Helianthus tuberosus</i>
Asparagus	<i>Asparagus officinalis</i>
Beet root	<i>Beta vulgaris</i>
Broccoli	<i>Brassica oleracea</i> var. <i>italica</i>
Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemnifera</i>
Cabbage	<i>Brassica oleracea</i> var. <i>capitata</i>
Carrot	<i>Daucus carota</i>
Cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
Celery / Celeriac	<i>Apium graveolens</i>
Chervil	<i>Anthriscus cerefolium</i>
Chicory	<i>Cichorium intybus</i>
Chillies	<i>Capsicum frutescens</i>
Chinese cabbage	<i>Brassica chinensis</i>
Cluster bean (green)	<i>Cyamopsis tetragonoloba</i>
Collards / Kale	<i>Brassica oleracea</i> var. <i>ancephala</i>
Coriander	<i>Coriandrum sativa</i>
Leafy Cowpeas	<i>Vignaun guiculata</i>
Cucumber	<i>Cucumi ssativa</i>
Dioscorea	<i>Dioscorea</i> sp
Dudhi	<i>Lagenaria siceraria</i>
Edible Mushroom	<i>Agaricus species</i>
Eggplants	<i>Solanum melongena</i>
Endive	<i>Cichorium endivia</i>
French beans	<i>Phaseolus vulgaris</i>
Garden cress	<i>Lespidium sativa</i>
Garden pea	<i>Pisium sativum</i>
Grain amaranth	<i>Amaranthus</i> sp
Green maize	<i>Zea mays</i>
Horseradish	<i>Armoraciarusticania</i>
Jute mallow	<i>Corchorus olitorius</i>
Karella	<i>Mormodica charantia</i>
Kohlrabi	<i>Brassica oleracea</i> var. <i>gongylodes</i>
Leaf amaranth	<i>Amaranthus</i> sp

Common Name	Botanical Name
Leek	<i>Allium porrum</i>
Lettuce	<i>Lactuca sativa</i>
Loofah	<i>Luffacylindrica</i>
Malabor gourd	<i>Cucurbita ficifolia Bouché</i>
New Zealand spinach	<i>Tetragonia expansa</i>
Okra	<i>Hibiscus esculentus</i>
Onion/ garlic	<i>Allium cepa</i>
Parsley	<i>Petroselinum crispum</i>
Parsnip	<i>Pastina casativa</i>
Pepper	<i>Capsicum spp.</i>
Pumpkin/Squash/Courgette	<i>Cucurbita pepo</i>
Pumpkin leaves	<i>Cucurbita sp.</i>
Radish	<i>Raphanus sativus</i>
Rhubarb	<i>Rheum rhaponticum</i>
Runner bean.	<i>Phaseolus coccineus</i>
Russian comfrey/	<i>Symphytum x uplandicum</i>
Rutabaga	<i>Brassica napobrassica</i>
Slenderleaf	<i>Crotalaria sp</i>
Snow peas.	<i>.Pisium sativum var.saccharatum</i>
Spider plant	<i>Cleome gynandra</i>
Spinach	<i>Spinacea oleracea</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicon</i>
Turnip	<i>Brassica rapa</i>
Vine spinach	<i>Basella alba</i>
Watercress	<i>Nasturtium officinale</i>
<i>Any other vegetables of economic value</i>	

D. HERBS AND SPICES

Common Name	Botanical Name
Almond seed	
Anice seeds	
Basil	<i>Ocimum basilicum</i>
Bay leaves	
Black pepper	
Cardammon	
Chives	
Cinnamon	
Clove	<i>Syzygium aromaticum</i>
Coriander seeds	
Cumin	
Dill	<i>Arethum graveolens</i>
Fennel	
Fenugreek	

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Garlic	<i>Allium sativum</i>
Ginger	<i>Zingiber officinale</i>
Lemon grass	
Marjoram	
Mint	<i>Mentha sp</i>
Mustard	
nutmeg	
Oregano	
Paprika	
Parsley	<i>Petroselinum crispum</i>
Purslane	<i>Portulaca oleracea</i>
Rosemary	<i>Rosmarinus officinalis</i>
Saffron	
Sage	
Taragon	
Thyme	
Turmeric	<i>Curcuma longa</i>
Vanilla	
White pepper	
<i>Any other herbs and spices of economic value</i>	

E. FLOWERS AND ORNAMENTAL PLANTS

Common Name	Botanical Name
Agapanthus/African Lily	<i>Agapanthus africanus, A.umbellatus</i>
Alstromeria/Peruvian Lily	<i>Alstroemeria Aurantiaca</i>
Amaranthus	<i>Amaranthus Sp eg (Amaranthus acanthochoiton)</i>
Ammi	<i>Ammi spp</i>
Anthuriums/Flamingo Flower	<i>Anthurium Sp</i>
Arabicum	<i>Ornithogalum saundersiae</i>
Asparagus Fern	<i>Asparagus Sp eg (Asparagus aethiopicus)</i>
Asters/Michaelmas Daisy	<i>Aster Sunhelence, Aster Novi-belgii</i>
Astrantia	<i>Astrantia Sp eg (Astrantia major)</i>
Begonia	<i>Begonia Sp eg (Begonia obliqua)</i>
Bupleurum	<i>Bupleurum rotundifolium "graffiti"</i>
Callistaphus	<i>Callistaphus Spp</i>
Carnations	<i>Dianthus spp</i>
Carthamus/Safflower/Saffon	<i>Carthamus tinctoris</i>
Celosia	<i>Celosia Sp</i>
Chrysanthemums	<i>Dendratherma grandifora / Chrysanthemum sp</i>

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Common Name	Botanical Name
Craspedia	<i>Craspedia Sp)</i>
Crocosmia	<i>Crocosmia Sp</i>
Delphinium/Larkspur	<i>Delphinium Sp</i>
Dianthus	<i>Dianthus Sp</i>
Dill	<i>Anethum Sp</i>
Easter Lily	<i>Lilium Longiflorum</i>
Echinops	<i>Echinops Sp</i>
Eryngium/Sea Holly/Alphine	<i>Eryngium Sp</i>
Eucalyptus	<i>Eucalyptus L'Her)</i>
Freesia	<i>Freesia Sp</i>
Gerbera/Transvaal Daisy	<i>Gerbera Hybrids</i>
Gladiolus/Sword Lily	<i>Gladiolus hybrids</i>
Grass	<i>Cortaderia Sp and Zoysia Spp</i>
Gypsophilla/Baby Breath Species	<i>Gypsophila paniculata</i>
Helianthus	<i>Helianthus annus</i>
Heliconia	<i>Heliconia Sp</i>
Hypericum	<i>Hypericum Sp</i>
Lavernder	<i>Lavunda Sp</i>
Leather Leaves(L) Fern	<i>Rumohra adiantiformis</i>
Lisianthus/Prairie Gentian/Wildflower	<i>Eustoma grandiflorum</i>
Longiflora	<i>Ecapris longiflora</i>
Million Stars	<i>Gypsophila paniculata</i>
Mobbydick	<i>Gomphocarpus Sp</i>
Molucella/Bells of Ireland	<i>Molucella leavis</i>
Montbretia	<i>Crosmia Sp</i>
Orchids	<i>Cymbidium hybriden</i>
Ornithogalum/Star Of Bethlehem	<i>Ornithogalum Thyrsoides</i>
Panicum	<i>Panicum Sp</i>
Papyrus	<i>Papyrus</i>
Pelargonium	<i>Pelargonium SP</i>
Pennisetum	<i>Pennisetum Sp</i>
Phlox	<i>Phlox S peg</i>
Phormium	<i>Phormium Sp</i>

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Common Name	Botanical Name
Ranunculus	<i>Ranunculus Sp)</i>
Roses	<i>Rosa Hydrida</i>
Rudbeckia/Coneflower	<i>Echinacea Purpurea</i>
Ruscus	<i>Ruscus aculeatus</i>
Saundersisiae	<i>Ornithogalum saundersiae</i>
Scabiosa	<i>Scabiosa Sp</i>
Setaria	<i>Setaria Sp</i>
Solidago/Garden Rod	<i>Solidago gardensis</i>
Solidaster/Garden Plant	<i>Solidaster luteus</i>
Statice/Sea Lavender	<i>Limonium spp</i>
Strelitzia and hybrids	<i>Strelitzia Sp</i>
Sunflower	<i>Helianthus annus</i>
Trachelium	<i>Trachelium caeruleum</i>
Tuberose	<i>Polianthes tuberosa</i>
Veronica	<i>Veronica Spicata</i>
Zantedeschia/Calla Lily/Arum Lily	<i>Zantedeschia Sp</i>

And any other flower and ornamental plants of economic value

SECOND SCHEDULE- CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings	<ol style="list-style-type: none"> 1. (1) The Board shall meet not less than 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) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon request in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board. (3) Unless three quarters of the total members 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. (4) The quorum for the conduct of the business of the Board shall be seven members. (6) The Chairperson shall preside at every meeting of the Board at which he is present but in his absence, the vice-Chairperson shall preside and shall, with respect to that meeting and the
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	<p>business transacted thereat, have all the powers of the Chairperson.</p> <p>(7) In the event of the absence of both the Chairperson and the vice-Chairperson, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.</p> <p>(8) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or the vice-Chairperson or the person presiding shall have a casting vote.</p> <p>(9) Subject to paragraph (4), no proceeding of the Board shall be invalid by reason only of a vacancy among the members thereof.</p> <p>(10) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.</p>
<p>Disclosure of interest</p>	<p>2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.</p> <p>(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.</p>
<p>Common seal</p>	<p>3. The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson and the Chief Executive Officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer: Provided that the Board shall, in the absence of either the Chairperson or the Chief Executive Officer in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer</p>

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<p>Contracts and instruments</p>	<p>4. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose</p>
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THIRD SCHEDULE

**deleted words from Crops Act of 2013 Section 7. Act No. 7 of 2016.
Schedule 1**

<i>Common Name</i>	<i>Botanical Name</i>
Bananas	<i>Musa spp</i>
French Beans	<i>Phaseolus vulgaris L</i>
Cowpea	<i>Vigna unguiculata (L)Walp</i>
Chick peas	<i>Cicer arietenum L</i>
Pigeon pea	<i>Cajanas cajan</i>
Part 3-----Crops with no	Breeding program
Amaranth	<i>Amaranth spp</i>
Artichoke	<i>Cynara scolymus</i>
Broad beans	<i>Vicia faba L.</i>
Cluster bean	<i>Cyamopsis tetragonoloba</i>
Asparagus	<i>Asparagus officinalis</i>
Broccoli/Cauliflower	<i>Brassica oleracea var. botrytis L</i>
Brussels sprouts	<i>Brassica oleracea var .botrytis L</i>
Cabbage	<i>Brassica oleracea var .capitata L</i>
Cantaloupe/Muskmelon	<i>Cucumis melo L</i>
Chirvil	<i>Anthricus cerefolium</i>
Garden cress	<i>Lespidium sativa L</i>
Corriander	<i>Coriandrum sativum</i>
Karella	<i>Cucumis spp</i>
Kohlrabi	<i>Brassica oleracea var gongloydes.</i>
Leek	<i>Allium porrum L</i>
Lettuce	<i>Lactuca sativa.</i>
Okra	<i>Hibiscus esculentus L.</i>
Onion	<i>Allium cepa L.</i>

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<i>Common Name</i>	<i>Botanical Name</i>
Parsley	<i>Petroselinum crispum (Mill) Nym.</i>
Parsnip	<i>Pastinaca sativa L.</i>
Pea	<i>Pisum sativum L Sensulato</i>
Pepper	<i>Capsicum spp.</i>
Pumpkim/Squash/Courgatte	<i>Cucurbita pepo L</i>
Radish	<i>Raphanus sativus L.</i>
Rhubarb	<i>Rheum rhaponticum L</i>
Spinach	<i>Spinacea oleracea L</i>
Swiss orchard.	<i>Beta vulgaris.</i>
Dill	<i>Arethum graveolens L</i>
Other flower species	<i>Liliacea,Umbilliferae,Roses, etc</i>
Turnip	<i>Brassica rap L.</i>
Water cress	<i>Nasfurtium officinale Ribr.</i>
Water melon	<i>Citrullus spp.</i>
Guava	<i>Psidium .</i>
Eggplants	<i>Solanum melongena L.</i>
Collards/Kales	<i>Brassica oleracea var ancephala DC.</i>
Cucumber	<i>Cucumis sativus L.</i>
Chinese cabbage	<i>Brassica chinensis L.</i>
Rutabaga	<i>Brassica napobrassica</i>
Carrots	<i>Daucus carota L.</i>
Celery/celeriac	<i>Apium graveolens L.</i>
Sugar beet	<i>Beta vulgaris</i>
Sugar snaps.	<i>Pisium sativum</i>
Swiss chard	<i>Beta vulgaris</i>
Tomato	<i>Solanum lycopersicum</i>
Turnip	<i>Brassica rapa</i>

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<i>Common Name</i>	<i>Botanical Name</i>
Beet	<i>Beta vulgaris L.</i>
Watercress	<i>Nasturtium officinale</i>
Guava	<i>Psidium</i>
Indigenous Vegetables	<i>(Blacknightshade, Spider plant , etc)</i>
Fruit trees	<i>(Mangoes, Avocado, Citrus,Pawpaw,etc)</i>
Any other vegetables of economic value	