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**SUGAR ACT NO 11 OF 2024**

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CONTENT

Act—	PAGE
The Sugar Act, 2024 .....	215

**THE SUGAR ACT, 2024**

**No. 11 of 2024**

*Date of Assent: 1st November, 2024*

*Date of Commencement: 21st November, 2024*

**ARRANGEMENT OF SECTIONS**

*Section*

**PART I—PRELIMINARY**

1—Short title.

2—Interpretation.

**PART II—ESTABLISHMENT, POWERS AND  
FUNCTIONS OF THE KENYA SUGAR BOARD**

3—Establishment and incorporation of the Board.

4—Functions of the Board.

5—Functions of county governments.

6—Composition of the Board.

7—Term of appointment.

8—Vacation of office.

9—Powers of the Board.

10—Conduct of business and affairs of the Board.

11—Committees of the Board.

12—Delegation of powers of the Board.

13—Remuneration of Board members.

14—Chief Executive Officer.

15—Staff of the Board.

16—Protection from personal liability.

17—Liability of the Board for damages.

**PART III—LICENSING AND REGISTRATION**

18—Registration of millers.

19—Registration of a grower to a factory.

20—Exemption from sugarcane catchment area.

**PART VII— ESTABLISHMENT OF THE SUGAR  
ARBITRATION TRIBUNAL**

- 46—Establishment of the Sugar Arbitration Tribunal.
- 47—Jurisdiction of the Tribunal.
- 48—Determination of disputes.
- 49—Powers of the Tribunal.
- 50—Removal of members of the Tribunal.
- 51—Vacancy.
- 52—Secretary of the Tribunal.
- 53—Remuneration of members and staff of the Tribunal.

**PART VIII—MISCELLANEOUS PROVISIONS**

- 54—Annual general meeting.
- 55—Quality, safety and health control measures.
- 56—Inspection for quality and safety.
- 57—Offences and penalties.
- 58—Sugar industry agreements.
- 59—General penalty.
- 60—Sugarcane Pricing Committee.

**PART IX —PROVISIONS ON DELEGATED  
POWERS**

- 61—Regulations.

**PART X — CONSEQUENTIAL AMENDMENTS**

- 62—Amendment of First Schedule to No.13 of 2013.
- 63—Amendment of First Schedule to No. 16 of 2012.

**PART IX—SAVINGS AND TRANSITIONAL  
PROVISIONS**

- 64—Transfer of staff.
- 65—Transfer of assets and liabilities.
- 66—Pending proceedings and claims.

### THE SUGAR ACT, 2024

**AN ACT of Parliament to provide for the development, regulation and promotion of the sugar industry, to provide for the establishment, powers and functions of the Kenya Sugar Board, and for connected purposes**

**ENACTED** by Parliament of the Republic of Kenya as follows—

#### PART I—PRELIMINARY

1. This Act may be cited as the Sugar Act, 2024.

Short title.

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

Interpretation.

“agreements” means agreements specifying the standard provisions governing the rights and obligations of growers, millers, out-growers, transporters and other value chain actors in the sugar industry;

“Board” means the Kenya Sugar Board established under section 3;

“by-product” means any substance, other than sugar, produced incidentally during the process of manufacturing sugar;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

“cane management” includes the research, land preparation, contracting, agronomy, harvesting, transportation and delivery of cane;

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective County;

“Fund” means the Sugar Development Fund established under section 41;

“guidelines” means the guidelines for agreements between parties in the sugar industry set out in the regulations;

millers, transporters and other value chain actors in the industry;

“sugar” means crystalline or liquid sucrose derived from sugar crop in any of its recognized commercial forms, intended for human consumption or other use and includes jaggery, raw, brown, plantation (mill) white and industrial sugar;

“sugar beet” means any plant or part of a plant of the genus *Beta* or any of its hybrid that is grown for sugar production;

“sugarcane” means any plant or part of a plant of the genus *saccharum* or any of its hybrid;

“sugar catchment area” means a geographical area where sugarcane farmers are clustered for purposes of election and cane management;

“sugarcane growers apex body” mean a national organization registered under the Societies Act whose membership shall comprise of mill level registered and contracted farmers’ institutions and groups championing the rights under a cane supply agreement and in the catchment areas listed under the First Schedule and gazetted as such by the Cabinet Secretary for the time being responsible for Agriculture; Cap. 108.

“sugar crop” means a crop grown for the purpose of sugar production including sugarcane and sugar beet;

“sugarcane manufacturer’s apex body” means a national body, composed of sugar and jaggery millers registered under the Societies Act, with the main objective being to lobby for the interest of the registered millers; Cap. 108.

“Tribunal” means the Sugar Arbitration Tribunal established under section 46.

## **PART II—ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA SUGAR BOARD**

**3.** (1) There is established a board to be known as the Kenya Sugar Board.

Establishment and incorporation of the Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (g) promote and encourage the use of environmentally friendly technologies in the industry;
- (h) provide advisory services to growers, out-grower institutions and millers;
- (i) in collaboration with county governments, implement an equitable mechanism for the pricing of sugar crop and appropriation of proceeds from the disposal of the by-products of sugar production between millers and growers as stipulated in the guidelines;
- (j) collaborate with national and international trade bodies on sugar related matters;
- (k) oversee the formulation of standard provisions governing the mutual rights and obligations of growers, millers and other interested parties;
- (l) collect, collate and analyze industry statistics and maintain a data base for the industry;
- (m) register and license sugar and jaggery mills, exporters, importers and dealers;
- (n) enforce and monitor compliance with standards along the sugar value chain;
- (o) promote and advise on strategies for value addition and product diversification in the sugar industry;
- (p) in consultation with the county governments and other stakeholders, formulate a strategic plan for the sugar sub-sector at least once every five years;
- (q) in consultation with the county governments, formulate guidelines on an efficient, safe and economical transportation of sugar, sugar crop and disposal of unutilized by-products;
- (r) gather and disseminate market information on regional and global supply chain dynamics for the benefit of stakeholders;
- (s) establish linkages with various government agencies and research institutions to enhance quality assurance and research;
- (t) ensure that there is adequate public participation and consultation with growers in its decision

- (f) the Principal Secretary for the time being responsible for National Treasury or a representative nominated by the Principal Secretary in writing; and
  - (g) the Chief Executive of the Board appointed under section 14 who shall be an *ex-officio* member and the secretary to the Board.
- (2) The members under subsection (1) (b), (c) and (e) shall be appointed by the Cabinet Secretary by notice in the *Gazette*.
- (3) The appointing authority shall ensure, in so far as it is practical, that—
- (a) not more than two thirds of the nominees are of the same gender, and that youth and persons with disabilities are represented in the composition of the Board; and
  - (b) the election of members under subsection (1)(b) shall be on rotational basis based on the counties within the catchment area.
- (4) A person shall not be appointed as a chairperson of the Board of Directors unless the person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has fifteen years relevant experience in the sugar sector.

7. (1) A person appointed as chairperson or a member of the Board under section 6(1) (a), (b), (c) and (e) shall serve for a term of three years renewable for one further term upon election or nomination as the case may be.

Term of  
appointment.

(2) Members of the Board under section 6(1)(a), (b), (c) and (e) shall be appointed at different times so that their respective expiry of terms of office shall fall at different times.

8. A person shall cease to be a member of the Board if the person—

Vacation of  
office.

- (a) is absent from three consecutive meetings of the Board without notifying the chairperson in writing;
- (b) becomes an officer, agent or member of staff of the Board;

(2) Except as provided in the Second Schedule, the Board shall regulate its own procedure and the procedure of any of its committees.

11. (1) The Board may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

Committees of the Board

(2) The Board may co-opt to sit in the committees established under subsection (1), such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

12. The Board may, either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

Delegation of powers of the Board

13. The Board shall pay to its members, such fees or allowances for expenses as determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.

Remuneration of Board members

14. (1) There shall be a Chief Executive Officer of the Board who shall be appointed through a competitive process by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.

Chief Executive Officer

(2) A person shall be qualified for appointment under this section if the person—

- (a) holds a relevant degree from a university recognized in Kenya;
- (b) has at least ten years knowledge and experience from a relevant field;
- (c) has at least five years' experience in a position of senior management; and
- (d) meets the provision of Chapter Six of the Constitution.

(3) The Chief Executive Officer shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Board.

(4) The Chief Executive Officer shall, subject to the directions of the Board, be responsible for the day to day management of the affairs of the Board.

19. (1) A miller shall not purchase sugar crop from, or accept, sugar crop delivered by a grower and a grower shall not sell or deliver sugar crop to a miller, unless the —

Registration of a grower to a factory.

- (a) grower is registered with, and has in force a valid supply agreement with the miller;
- (b) factory of the miller is situated within the grower's sugarcane catchment area; or
- (c) grower is exempted from the requirements by section 20.

(2) No miller shall, refuse to accept or collect sugar crop for the manufacture of sugar delivered by a grower in accordance with a cane supply agreement.

(3) A miller or a grower who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not less than one million shillings or three times the market value of sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than one year, or to both such fine and imprisonment.

20.(1) A grower may deliver cane outside a sugarcane catchment area provided that, the grower —

Exemption from sugarcane catchment area.

- (a) has no supply agreement with a miller within the sugarcane catchment area that they are situated in;
- (b) is not indebted to a miller or an outgrower institution within the sugarcane catchment area; or
- (c) has a pre-existing agreement with a miller situated outside the sugarcane catchment area.

(2) The grower who intends to exercise the exemption under this section shall notify the Board of their intention to supply cane outside a sugarcane catchment area

(3) The Cabinet Secretary shall prescribe regulations for the notification process under subsection. (2).

21. A miller may enter into a contract of cane supply with another miller if—

Inter-miller agreements.

- (a) the factory of the miller is temporarily broken down;

Sugar import.

25. (1) A person shall not import or export sugar crop, sugar or sugar by-products without a valid licence issued by the Board in accordance with regulations made under this Act.

(2) A holder of a valid import or export licence shall not import or export sugar crop, sugar or sugar by-products unless they have obtained a pre-import permit or pre-export approval from the Board in accordance with regulations made under this Act.

(3) A person who imports sugar into Kenya shall, prior to importation—

- (a) provide evidence that the sugar they intend to import is not available in the local market;
- (b) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and
- (c) obtain pre-import approval from the Board.

(4) A person who contravenes this section commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

(5) This section shall apply to importation of sugar-cane.

26. (1) The Board shall ensure, subject to such regional and international trade agreements to which Kenya is a party, that all sugar imports into the country are subject to all the prevailing import duties, taxes and other tariffs.

Safeguard measures.

(2) Despite sub-section (1), the Board shall ensure that—

- (a) sugar shall be imported in the country only when there is sugar deficit and for a specific tonnage; and
- (b) importers report to the Board on their imports, sales and stock as may be determined by the Board.

(3) The government shall introduce other safeguard measures as may be necessary to protect the industry from unfair trade practices.

(4) A person who contravenes the provision of this section commits an offence and shall be liable, on

**30. (1) The Institute shall—**

- (a) promote, co-ordinate and regulate research in sugar, sugar crop, sugar by-products, sugar technologies and management practices.
- (b) expedite equitable access to research information, resources, sugar technologies and innovations and promote the application of research findings in the development of the sugar industry.

**(2) For the purpose of carrying out its functions, the Institute shall—**

- (a) formulate policy and make policy recommendations in respect of sugar research, development and training to the Board in line with the national policy on sugar;
- (b) determine and advise the Board on the resource requirements for sugar research in Kenya both at the national and county level;
- (c) regulate, monitor and ensure that all sugar research undertaken by other institutions or persons undertaking sugar research is consistent with the national priorities specified in the relevant policy documents;
- (d) formulate or approve medium and long term research plans, strategies and budgets of the Institute;
- (e) provide grants to institutions or persons desirous of carrying out research and training programs which are consistent with the national research priorities and plans of the Institute;
- (f) support and promote the training and capacity building in relation to sugar industry research;
- (g) liaise with and ensure the co-ordination of institutions, agencies and persons involved in sugar research;
- (h) establish platforms for the purposes of sharing research information, advancing research and transfer of technology and dissemination of information relating to advancements made in sugar industry research;

- (w) perform such other function as may be conferred on it by this Act or any other written law.

**31.** (1) The Management of the Institute shall vest in the Board of Directors which shall consist of—

Management of the Institute.

- (a) a chairperson appointed by the Cabinet Secretary through a competitive process in consultation with the Public Service Commission;
- (b) one person nominated by sugarcane growers' apex body;
- (c) one person nominated by sugarcane manufacturers apex body;
- (d) one person with knowledge of and experience in the operation of the sugar industry nominated by the Council of Governors;
- (e) one person with knowledge and experience in agricultural research in sugar technology nominated by the Cabinet Secretary;
- (f) the Principal Secretary for the time being responsible for National Treasury or a representative appointed in writing;
- (g) the Principal Secretary for the time being responsible for Agriculture or a representative appointed in writing;
- (h) the Director General of the Kenya Agricultural Livestock and Research Organization; and
- (i) the Managing Director who shall be an *ex-officio* member.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (a), (b), (c), (d) and (e) by notice in the *Gazette*.

(3) A person shall not be appointed as a chairperson of the Board of Directors of the Institute unless the person holds at least a degree or its equivalent in agricultural research or a related field from an institution recognised in Kenya and has at least ten years' experience in the sugar industry.

**32.** The provisions of sections 8, 9, 10, 11 and 12 shall apply to the Board of the Institute with necessary modification.

Application.

- (a) a crop inspector;
- (b) a factory inspector;
- (c) a warehouse and transportation inspector; and
- (d) any other inspector that the Board may consider necessary.

(3) A person shall not be appointed as a sugar industry inspector unless such person holds an academic or professional qualification prescribed by the Board.

(4) The Board shall maintain a register of persons qualified to be appointed as sugar industry inspectors.

(5) A person shall not be appointed as a sugar industry inspector unless such person is registered by the Board.

(6) The Board may appoint any other government agency as a sugar industry inspector for purposes of this Act.

(7) The Cabinet Secretary shall make Regulations for the better implementation of the provisions of this section.

**36.** An inspector or a person duly authorized in writing in that behalf by the Board may, at all reasonable times and upon production of such authority to any person so requesting—

Entry and  
inspection.

- (a) enter any land or buildings occupied by the holder of a licence issued under this Act, or a person registered under this Act;
- (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 are being complied with; and
- (c) may require any person found thereon to give such information as the person may require.

**37.** (1) For the purposes of this Act, an inspector who has reasonable grounds may—

Powers of entry.

- (a) at any reasonable time, enter upon any land, premises or vehicle;
- (b) take such persons and things as the inspector considers necessary;

and a four per centum of CIF value on imported sugar to be known as the Sugar Development Levy.

(2) The levy shall be payable at such rate as may be specified in the order.

(3) An order under this section may contain provisions as to the time at which any amount payable by way of the levy shall become due.

(4) All moneys received in respect of the levy shall be paid to the Board and if not paid on or before the date prescribed by the order, the amount due and any sum payable under subsection (5) shall be a civil debt recoverable summarily by the Board.

(5) If a person fails to pay any amount payable by him or her by way of the levy on or before the date prescribed by the order, a sum equal to three per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

(6) The Sugar Development Levy collected under subsection (2) shall be appropriated as follows—

- (a) fifteen per centum shall be applied for factory development and rehabilitation;
- (b) fifteen per centum shall be applied for research and training allocated to the Kenya Sugar Research and Training Institute;
- (c) forty per centum shall be applied for cane development and productivity enhancement;
- (d) fifteen per centum shall be allocated to sugarcane producing regions on pro-rata basis based on production capacity for infrastructural development and maintenance and shall be managed by the Board;
- (e) ten per centum shall be applied for the administration of the Board; and
- (f) five per centum shall be applied for the furtherance and exercise of the functions of sugarcane farmers organisations.

(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.

44. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

Accounts and  
audit.

(2) Within a period of three months from the end of the financial year, the Board shall submit to the Auditor-General or to an auditor appointed under subsection (3), the accounts of the Board together with—

- (a) a statement of the income and expenditure of the Board during that year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that year.

(3) The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed by the Board with the written approval of the Auditor General.

(4) The appointment of an auditor under subsection (3) shall not be terminated by the Board without the prior written consent of the Auditor-General.

(5) The Auditor-General may give general or specific directions to an auditor appointed under subsection (3) and the auditor shall comply with such directions.

(6) An auditor appointed under subsection (3) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5).

(7) Within a period of six months after the end of each financial year, the Auditor-General shall report on the examination and audit of the accounts of the Board to the Cabinet Secretary and where an auditor has been appointed under subsection (3), such auditor shall transmit a copy of the report to the Auditor General.

(8) The fee payable to an auditor, appointed under subsection (3) shall be determined and paid by the Board.

(9) Nothing in this Act shall be construed to prohibit the Auditor General from carrying out an inspection of the records and accounts of the Board whenever it appears to him desirable.

(6) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.

(7) The provisions set out in the Third Schedule shall have effect with respect to the meetings and procedure of the Tribunal.

(8) Except as provided in the Third Schedule, the Tribunal shall regulate its own procedure as to the conduct of meetings.

**47.** (1) The Tribunal shall determine—

Jurisdiction of the Tribunal.

- (a) disputes between sugar crop farmers;
- (b) disputes between sugar crop farmers and the following-
  - (i) out grower institutions;
  - (ii) millers;
  - (iii) other interested parties;
- (c) disputes relating to cane pricing;
- (d) disputes relating to contract farming;
- (e) disputes between millers; and
- (f) disputes between any other interested parties.

**48.** (1) The Tribunal shall expeditiously determine any dispute before, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

Determination of disputes.

(2) An Appeal shall lie from the decision of the Tribunal to the High Court within thirty days on points of law and facts and on points of law to the Court of Appeal.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act (Cap. 80) and the Civil Procedure Act (Cap. 21), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

**52.** The Chief Justice shall appoint a Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

Secretary of the Tribunal

**53.** (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

Remuneration of members and staff of the Tribunal

(2) The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission on the recommendation of the Salaries and Remuneration Commission.

#### **PART VIII—MISCELLANEOUS PROVISIONS**

**54.** (1) The Board shall, at least once in every year, convene an annual general meeting of representatives of millers and growers for the purposes of considering the annual report and accounts of the Board and for the purposes of transacting such other business of which notice shall be given.

Annual general meeting

(2) The Board may convene special meetings in addition to the meetings mentioned in subsection (1) for such purposes and at such times as it may deem fit.

(3) Subject to this Act and any regulations made thereunder, the Board may make rules for the regulation of the conduct of business and procedure at the general meetings convened pursuant to this section.

**55.** All sugar millers and importers shall ensure that all sugar produced locally or imported into the country meets—

Quality, safety and health control measures

- (a) safety and quality standards as set by the body for the time being responsible for setting standards;
- (b) safety and health standards for food handlers as set by the body for the time being responsible for public health; and
- (c) environmental standards and issues as set by the body from time to time being responsible for public health.

**56.** (1) The Board shall carry out physical inspection of premises licenced under section 23 quarterly to ensure that safety and health standards are followed.

Inspection for quality and safety

(3) A person convicted of an offence under paragraph (d) of subsection (2) shall be liable to a fine not exceeding three times the domestic value of the sugar in respect of which the offence is committed, or two million shillings, whichever is the higher, or to imprisonment for a term not exceeding ten years, or to both.

**58.** (1) There shall be, for the purposes of this Act, agreements to be known as the sugar industry agreements negotiated between growers and millers, growers and out-grower institutions, and millers and out-grower institutions.

Sugar industry agreements.

(2) Without prejudice to the generality of subsection (1), the matters to be provided for in the agreements shall include—

- (a) the designation of any agricultural crop from which it is possible to manufacture sugar which is subject to the agreement;
- (b) the right of a grower to grow a sugar crop on their land;
- (c) a sugar-cane farming contract providing for the terms and conditions of the production of sugarcane and sugar and prescribing the rights and obligations of growers and millers;
- (d) a formula for determining the price to be paid by millers to growers for sugarcane or any other designated agricultural produce in consultation with stakeholders, which may include any factor related to the sale or other disposal of sugar industry products;
- (e) the functions to be executed by the Board in the execution of the agreement;
- (f) the granting of powers to the Board to enforce penalties prescribed in the agreement for the contravention of, or failure to comply with any term of the agreement; and
- (g) the enforcement of levies upon growers and millers for the purpose of enabling the Board to fulfill any obligation incurred by it in accordance with its constitution.

**59.**(1) A person who contravenes any of the provisions of this Act commits an offence.

General penalty

(4) The Committee shall come up with a pricing formula and in doing so shall take into account the—

- (a) pricing mechanism for all other cane related charges paid by the farmer;
- (b) an index that takes into consideration delayed harvesting;
- (c) transportation cost per tonne per kilometre of sugarcane;
- (d) inflation and adjustment cost of production; and
- (e) formula as provided by the Sugar Research and Training Institute.

(5) The Board shall offer secretarial services to the Committee.

(6) The sugarcane prices set by the Committee under subsection (3) shall be reviewed after three months provided that the Committee may, with prior approval of the Board, undertake an early review of the sugarcane pricing.

#### **PART IX —PROVISIONS ON DELEGATED POWERS**

**61.** (1) The Cabinet Secretary shall in consultation with county governments and the Board make regulations generally for the better carrying into effect of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), may make regulations prescribing—

- (a) the regulation and control of the production, manufacturing, marketing, importation or exportation of sugar and its by-products;
- (b) the forms of licences to be issued under this Act, and the form and manner of application for the licences;
- (c) the fees which may be charged for any activity relating and incidental to the development, products, marketing and distribution of sugar and its by-products;

2024

*Sugar*

No. 11

**63.** The Crops Act, 2013 is amended in Part I of the First Schedule by deleting the words “Sugarcane.....Saccharum spp”.

Amendment of the First Schedule to No. 16 of 2013.

**PART XI —SAVINGS AND TRANSITIONAL PROVISIONS**

**64.** (1) Upon the commencement of this Act, a person who was a member of the staff of the former Sugar Board of Kenya before the commencement of the Agriculture and Food Authority Act, 2013 and current staff of the Sugar Directorate not being under any notice of dismissal or resignation shall upon commencement of this Act and subject to subsection (2) become a staff of the Board on their current or improved terms and conditions of service.

Transfer of Staff

No. 13 of 2013.

(2) The pensions of staff under the provident fund of Agriculture and Food Authority- Sugar Directorate shall on the commencement of the Act vest in the Board.

**65.** All property, except such property as the Cabinet Secretary may specify in writing, which, immediately before the commencement of this Act, was vested in the Government for the use of the Sugar Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Transfer of assets and liabilities.

**66.** 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 Board 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.

Pending proceedings and claims.

**SECOND SCHEDULE [Section 10]****PROVISIONS AS TO THE CONDUCT OF BUSINESS  
AND AFFAIRS OF THE BOARD**

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. Meetings.

(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 two thirds of the members of the Board provided that in the case of a tie, the chairperson shall have a casting vote.

(5) The chairperson shall preside at every meeting at which he or she is present but, in his or her absence, the members shall elect one of their members to preside who shall with respect to that meeting and the business transacted thereat have all the powers of the chairperson.

(6) 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 person presiding shall have a casting vote.

(7) Subject to paragraph (4), no proceeding of the Board shall be invalid by reason only of a vacancy among the members thereof.

(8) 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.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Disclosure of interest.

**THIRD SCHEDULE [Section 46.]**  
**PROVISIONS AS TO THE MEETINGS AND**  
**PROCEDURE OF THE TRIBUNAL**

1. Any member of the Tribunal may, at any time, by notice in writing to the Chief Justice, resign his office. Resignation.
2. (1) If a member of the Tribunal becomes a member of the Board or, in any case where a member other than the Chairperson is appointed to the service of the Government his or her office shall become vacant. Vacation of office.
- (2) The Chairperson or a member of the Tribunal may be removed from office by the Chief Justice if the member is—
- (a) unable to discharge the functions of his office by reason of mental or physical infirmity; or
  - (b) an undischarged bankrupt; or
  - (c) convicted of an offence involving fraud or dishonesty; or
  - (d) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings.
- (3) In the event of the inability of any member of the Tribunal to attend for the purpose of any particular proceedings, the Chief Justice may appoint another person to be a member of the Tribunal for the remainder of the term of the member whose vacancy caused the appointment.
3. If any member of the Tribunal has any interest in any particular proceedings before the Tribunal, he or she shall so inform the Chief Justice and the Chief Justice may, after considering that interest, appoint another member in his place for the purpose of the particular proceedings. Disclosure of interests.
4. The decision of the Tribunal shall be that of the majority and shall be signed by the members thereof agreeing thereto. Majority decisions.
5. The quorum of the Tribunal shall be three members. Quorum.
6. No proceedings of the Tribunal shall be invalid by reason only of a vacancy among the members thereof. Proceedings to be valid.
7. The Tribunal shall sit at such place as it may consider most convenient having regard to all the circumstances of the particular proceedings. Venue.