

COUNTY ASSEMBLY OF MURANG'A

THIRD ASSEMBLY –FIRST SESSION

COMMITTEE ON DELEGATED COUNTY LEGISLATION

REPORT ON:

PUBLIC FINANCE MANAGEMENT (THE MURANG'A COUNTY AGRICULTURAL FARM INPUTS SUBSIDY AND INCENTIVE FUND) REGULATIONS, 2022.

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1.0 BACKGROUND

The Select Committee on Delegated County Legislation derives its mandate from provisions of Standing Order 202, and the Statutory Instruments Act No 23 of 2013. The Committee is mandated to consider in respect of any statutory instrument, whether it is in accordance with the provisions of the constitution, the Act pursuant to which it is made or other relevant written laws.

The statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the County Assembly by the Chair of the relevant Select Committee, or any other member and shall thereafter stand referred to the Committee on Delegated County Legislation.

Delegated laws are made by a person or body to whom the County Assembly has expressly delegated part of its law-making power by an act of parliament, referred to as the Regulatory Making Authority.

“Statutory instrument” are said to include any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly.

Further, the Committee is mandated to consider the following, in respect of any Statutory Instrument;

Whether it;

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (b) infringes on fundamental rights and freedoms of the public;
- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;
- (d) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the Courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the County Revenue Fund or other public revenues;

- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Assembly;
- (k) makes rights , liberties or obligations unduly dependent upon non-reviewable decisions;
- (l) makes rights , liberties or obligations unduly dependent insufficiently defined administrative powers;
- (m) inappropriately delegates legislative powers;
- (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- (o) appears for any reason to infringe on the rule of law;
- (p) inadequately subjects the exercise of legislative power to Assembly scrutiny; and,
- (q) accords to any other reason that the Committee considers fit to examine.

2.0 PREFACE

On behalf of the Select Committee on Delegated County Legislation, it is my pleasure and duty to present to the County Assembly, the Committee's report on "THE MURANG'A COUNTY AGRICULTURAL FARM INPUTS SUBSIDY AND INCENTIVE FUND) REGULATIONS, 2022.

2.1 COMMITTEE MEMBERSHIP

This committee as currently constituted and approved by the Assembly comprises of the following Hon. Members: -

No.	NAME	TITLE
1.	Hon. Moses Muchiri Maina	Chairperson
2.	Hon. Mark Gicheru Wainaina	Vice Chair
3.	Hon. Priscilla Njeri Mwangi	Member
4.	Hon. Edwin Mwangi Wairagu	Member
5.	Hon. Samson Mukora Ngigi	Member
6.	Hon. Boniface Ng'ang'a Mbau	Member
7.	Hon. James Karanja Kabera	Member
8.	Hon. Margaret Wanjiku Gichia	Member
9.	Hon. Moses Macharia Mirara	Member
10.	Hon. Alex Wanyoike Wainaina	Member
11.	Hon. Bernard Ruiru Njeri	Member
12.	Hon. Grace Sharleen Wambui Maina	Member
13.	Hon. Esther Nyawira Karindo	Member
14.	Hon. Hannah Wairimu Kamau	Member

COMMITTEE SECRETARIAT

- | | |
|---------------------------|----------------------------------|
| 1. Mr. Francis M. Kimemia | - Senior Clerk Assistant |
| 2. Yvonne Njoki | - Senior Principal Legal Counsel |
| 3. Naomi Wanjiku | - Hansard Reporter |
| 4. Eliezerih Kiragu Thumi | - Sergeant -At-arms |

2.1 ACKNOWLEDGEMENTS

Mr. Speaker, the Committee on Delegated County Legislation is grateful to the members of the Committee for their commitment and dedication in making sure that Assembly lives up to its legislative role. Additionally, the Committee sincerely extends its gratitude to the County Executive Committee Member for Finance, IT and Planning for his input and dedication during the scrutiny and modification of this Regulations.

Lastly, the Committee is also grateful to the Office of the Speaker, the Office of the Clerk of the County Assembly and specifically the Committee secretariat who relentlessly offered technical support that enabled completion of the task within the very limited timelines.

Signed,



The Hon. Moses Muchiri Maina.

CHAIRPERSON, COMMITTEE ON DELEGATED COUNTY LEGISLATION

Dated this 10th day of December, 2022

CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (THE MURANG'A COUNTY AGRICULTURAL FARM INPUTS SUBSIDY AND INCENTIVE FUND) REGULATIONS, 2022.

2.2 INTRODUCTION

In exercise of the powers conferred by section 116 of the Public Finance Management Act, 2012, Hon. (Prof) Kiarie Mwaura, the County Executive Committee Member responsible for Finance, IT and Economic Planning for the County Government of Murang'a published the Public Finance Management (Murang'a County Agricultural Farm Inputs Subsidy and Incentive Fund) Regulations, 2022.

The Regulations were submitted to the Clerk of the County Assembly on 5th December 2022 and were subsequently Tabled before the Murang'a County Assembly in a special sitting held on Tuesday December 6, 2022 in the morning session.

Consequently, and pursuant to Standing Order 20Z(2), the Regulations were committed to the Committee on Delegated County Legislation.

2.3 PURPOSE OF THE REGULATIONS

The Regulations seek to establish The Murang'a County Agricultural Farm Inputs Subsidy and Incentive Fund under Section 116 of the Public Finance Management Act, 2012, to promote mango and dairy produce farming through agricultural farm input subsidy to farmers and to spur an increase in usage of farm inputs in mangoes and dairy value chains

To achieve this purpose the Regulations, seek to: -

- i. *Establish and provide for the legal sources of the Fund and other additional appropriations by the County Assembly;*
- ii. *Provide for the management of the Fund by Members of Agricultural Farm Inputs Subsidy Fund Committee and an administrator of the Fund;*
- iii. *Provide accountability and reporting framework on the part of the administrator of the Fund for the monies credited in this Fund;*
- iv. *Provide for the disbursements from the Fund and expenditures of the Fund*

3.0 SCRUTINY OF THE STATUTORY INSTRUMENT.

With the Regulations having been submitted to the Clerk of the County Assembly, the Committee in a meeting held on Wednesday December 7, 2022 at 11.00am with the County Executive committee member for Finance and Economic Planning, the County Executive Committee Member for Agriculture, Livestock and Fisheries and the Ag. Chief Officer for Agriculture considered and interrogated the Regulations on their conformity with the Statutory Instruments Act No 23 Of 2013.

3.1 Committee observations on legal provisions

During the meeting, the Committee observed as follows:

1. That the Regulations were defective in their drafting contrary to section 13(h) of the Statutory Instruments Act No 23 of 2013.
2. That the Regulations were not published contrary to section 11(1) of the Statutory Instruments Act No 23 of 2013.

In view of the above and in line with section 16 of the Statutory Instruments Act No 23 of 2013, the Committee notified the County Executive Committee Member for Finance to modify and publish the Regulations before their consideration by the Committee.

3.2 CONSIDERATION OF PUBLISHED REGULATIONS

In a committee sitting held on December 10, 2022, the Committee examined the Published Public Finance Management (Murang'a County Farm Inputs Subsidy and Incentives Fund) Regulations, 2022 against the Constitution, the Public Finance Management Act, 2012 and the Statutory Instruments Act, No 23 of 2013 and the procedural guidelines of the Standing Orders and made the following findings:

3.3 COMMITTEE FINDINGS

- i. **Statutory Timelines:** The Published Regulations were within the statutory timelines contemplated under section 11(1) of the Statutory Instruments Act No 23 of 2013.
- ii. **The Regulations were properly drafted**
- iii. **Regulatory Impact Statement:** The Regulations do not require Regulatory Impact Statement within the meaning of section 6, 7 and 8 of the Statutory Instruments Act, 2013 since they are made pursuant to section 116 of the Public Finance Management Act, 2012 which permits the County Executive Committee Member responsible for

Finance to establish public funds with the approval of County Executive Committee and the County Assembly.

- iv. **Explanatory Memorandum:** The Regulations were accompanied by explanatory memorandum detailing a brief statement that the County Executive Committee Member for Finance held public participation meetings on October 20, 2022 in Muranga South and North respectively
- v. **Compliance with Statutory Instruments Act, 2013:** The Regulations comply with section 13(g) of the Statutory Instrument Act No 23 of 2013 as the County Assembly appropriated Kshs 150 Million for implementation of the subsidy program for mangoes and dairy produce in the approved supplementary budget estimates 2022/2023.
- vi. That in case the County Government is desirous to introduce subsidy for more farm produce in future, the Regulations will be amended to include the additional farm produce.

4.0 COMMITTEE RECOMMENDATION

Having examined the Published Public Finance Management (Murang'a County Farm Inputs Subsidy and Incentive Fund) Regulations, 2022 against the Constitution, the Public Finance Management Act, 2012, the Approved Murang'a County Supplementary Budget estimates 2022-2023, The Murang'a County Assembly Standing Orders and the Statutory Instruments Act No 23 of 2013, the Committee on Delegated County Legislation in a meeting held on December 10, 2022 in Nairobi; **RESOLVED** as follows;

5.0 RESOLUTION.

1. THAT, the Murang'a County Assembly do Approve the Public Finance Management (Murang'a County Farm Inputs Subsidy and Incentive Fund) Regulations, 2022.
2. THAT, in compliance with Section 17 of the Regulations, the County Executive Committee Member for Finance submits guidelines for approval by the County Assembly on the implementation of the Regulations.

There were was no dissenting opinion on the approval as contemplated under the Standing Orders.

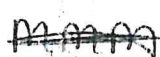
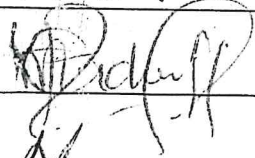
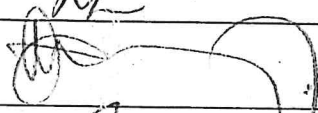


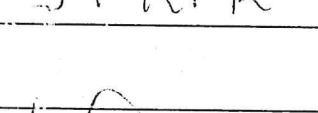
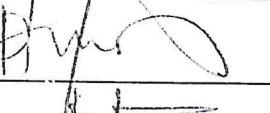
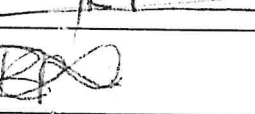
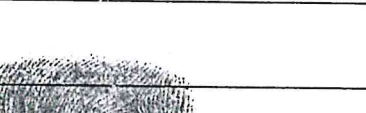

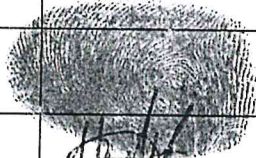
6.0 CONCLUSION

Mr. Speaker Sir,

It is therefore my pleasure and duty, on behalf of the Select Committee on County Delegated Legislation to present to the House the Committee's Report on the consideration of the Public Finance Management (Murang'a County Farm Inputs Subsidy and Incentive Fund) Regulations, 2022 for adoption.

7.0 ADOPTION OF THE REPORT.

The following members of the Committee unanimously approved this report and affirmed its accuracy, validity and authenticity for adoption by the County Assembly;

S/NO	NAME	SIGNATURE
1	Hon. Moses Muchiri Maina	
2	Hon. Mark Gicheru Wainaina	
3	Hon. Priscilla Njeri Mwangi	
4	Hon. Edwin Mwangi Wairagu	
5	Hon. Samson Mukora Ngigi	
6	Hon. Boniface Ng'ang'a Mbau	
7	Hon. James Karanja Kabera	
8	Hon. Margaret Wanjiku Gichia	
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11	Hon. Bernard Ruiru Njeri	
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