

**THE KENYA PLANT HEALTH INSPECTORATE
SERVICE (AMENDMENT) BILL, 2024**

A Bill for

**AN ACT of Parliament to amend the Kenya Plant Health
Inspectorate Service Act Cap. 349; and for
connected purposes**

ENACTED by the Parliament of Kenya, as follows—

Short title

1. This Act may be cited as the Kenya Plant Health
Inspectorate Service (Amendment) Bill, 2024.

Amendment of
section 2 of
Cap. 349.

2. Section 2 of the Principal Act is amended by—

(a) deleting the definition of the term “managing
director”

(b) inserting the following new definition in
proper alphabetical sequence—

“Director General” means the Director
General of the Service appointed under
section 10 of the Act;

(c) repealing subsection (2).

Amendment of
section 3 of
Cap. 349.

3. Section 3 of the principal Act is amended by
deleting subsection (2).

Repeal and
replacement of
section 5 of
Cap. 349.

4. The Principal Act is amended by repealing
section 5 and replacing with the following section—

Functions of the
Service.

5.(1) The functions of the Service shall
be to—

(a) regulate matters relating to plant
protection, seeds and plant
varieties;

(b) administer and enforce sanitary
and phytosanitary measures;

(c) implement food safety
measures;

(d) establish service laboratories to
monitor the quality and levels of
toxic residues in agro-inputs,

The Kenya Plant Health Inspectorate Service (Amendment) Bill, 2024

be required to be registered under the provisions of this Act or any of the laws specified in the First Schedule;

(ii) enter into association with such other bodies or organizations or authorized persons as the Board may consider desirable or appropriate in furtherance of the purposes for which the Service is established;

(iii) be the liaison office for international conventions relating to plant variety protection, plant protection, seed certification and dealing with endangered species or any other related conventions; and

(iv) undertake training, capacity building and research on sanitary and phytosanitary issues.

Amendment of
section 6 of
Cap. 349.

5. Section 6 of the principal Act is amended in subsection (3) by deleting the word "Board" and substituting therefor the word "Service".

Amendment of
section 7 of
Cap. 349.

6. Section 7 of the Principal Act is amended in subsection (1) by deleting the words "shall be the competent regulatory authority to implement" and substituting therefor the words "shall enforce in consultation with other relevant bodies".

Amendment of
section 8 of
Cap. 349.

7. Section 8 of The Principal Act is amended in subsection (1) by —

(a) deleting paragraph (d) (iv) and substituting therefor the following new paragraph—

(iv) four whom shall have knowledge and experience in matters relating to the functions of the Service, one of whom shall have expertise in financial management or accounting and a member

The Kenya Plant Health Inspectorate Service (Amendment) Bill, 2024

10A of Cap.
349.

Corporation
Secretary.

10A. (1) The Board shall appoint a corporation secretary who shall be the secretary to the Board.

(2) The Secretary shall be responsible for arranging the business of the Board's meetings, keeping records of the proceedings of the Board, and shall perform such other duties as the Board may direct.

(3) In the performance of his or her duties under this Act, the Secretary shall be responsible to the Director-General.

(4) The Board may in the absence of the Secretary appoint any member of the Board or staff of the Authority to temporarily perform the functions of the Secretary under subsection (2).

(5) Any functions delegated under subsection (3) may be so delegated subject to such conditions or restrictions as the Board may either generally or specifically determine.

Amendment of
section 11 of
Cap. 349.

10. Section 11 of the Principal Act is amended —

- (a) in the marginal note, by deleting the words "and committees";
- (b) by repealing subsection (2).

Insertion of
new section
11A of Cap.
349.

11. The principal Act is amended by inserting the following new section immediately after section 10—

Committees of
the Board.

11A. The Board may establish and assign functions to such committees as it may consider appropriate, and such committees may consist partly or wholly of members of the Board.

The Kenya Plant Health Inspectorate Service (Amendment) Bill, 2024

Regulations. 28. The Cabinet Secretary may, after consultation with the Service, county governments and other relevant stakeholders, make Regulations for the better carrying out of the provisions of this Act.

Amendment of
the First
Schedule of
Cap. 349. 19. The First Schedule of the principal Act is amended by —

(a) repealing paragraph (c).

(b) repealing paragraph (d).

Amendment of
the Second
Schedule of
Cap. 349. 20. The Second Schedule of the principal Act is amended in paragraph 1, by deleting the word “two” and substituting therefor with the word “three”.

The Kenya Plant Health Inspectorate Service (Amendment) Bill, 2024

Clause 13 proposes to amend section 18 of the Act by substituting managing director with Director General so as to align it with the relevant guidelines in the Public Service on state corporations.

Clause 14 proposes to amend section 22 of the Act by substituting managing director with Director General so as to align it with the relevant guidelines in the Public Service on state corporations.

Clause 15 proposes to amend section 23 of the Act by substituting managing director with Director General so as to align it with the relevant guidelines in the Public Service on state corporations.

Clause 16 proposes to amend section 24 of the Act by substituting managing director with Director General so as to align it with the relevant guidelines in the Public Service on state corporations.

Clause 17 proposes to amend section 25 of the Act by substituting managing director with Director General so as to align it with the relevant guidelines in the Public Service on state corporations.

Clause 18 proposes to amend section 28 of the Act by providing for the role of county governments and other relevant stakeholders on the making of Regulations.

Clause 19 proposes to amend the First Schedule of the Act by deleting paragraph (c) and (d) which are spent.

Clause 20 proposes to amend the Second Schedule of the Act by providing for the period between meetings of the Board so as to align it with the relevant guidelines in the Public Service on state corporations.

- (n) enter into association with such other bodies or organizations or authorized persons as the Board may consider desirable or appropriate in furtherance of the purposes for which the Service is established, and
- (o) be the liaison office for international conventions relating to plant variety protection, plant protection, seed certification and dealing with endangered species or any other related conventions

Section 6 of Cap. 349 which it is intended to amend—

- (3) The Board may charge fees for services rendered by it in the implementation of the laws referred to in subsection (1).

Section 7 of Cap. 349 which it is intended to amend—

The Service shall be the competent regulatory authority to implement the national biotechnology policy and regulations on introduction, transit and use of living modified plants, plant products and other regulated species of plants.

Section 8 of Cap. 349 which it is intended to amend—

- (iv) four who shall have knowledge and experience in matters relating to the functions of the Service;
- (e) the managing director, who shall be secretary.

Section 10 of Cap. 349 which it is intended to amend—

10. Appointment of Managing Director

- (1) There shall be a managing director of the Service who shall be appointed by the Board on such terms and conditions of service as may be specified in the instrument of appointment.
- (2) The managing director shall be responsible to the Board, for the day-to-day management of the affairs of the Service and shall be Secretary to the Board, and perform such other functions as the Board may direct.
- (4) The managing director shall hold office for a term not exceeding three years, on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term.
- (5) The Board may terminate the appointment of the managing director for—

Section 11 of Cap. 349 which it is intended to amend—

11. Appointment of staff and committees

- (2) The Board may establish and assign functions to such committees as it may consider appropriate, and such committees may consist partly or wholly of members of the Board.

The Kenya Plant Health Inspectorate Service (Amendment) Bill, 2024

Section 28 of Cap. 349 which it is intended to amend—

28. Regulations

The Cabinet Secretary may, after consultation with the Board, make regulations for the better carrying out of the provisions of this Act.

First Schedule of Cap. 349 which it is intended to amend—

(c)Spent.

(d)Spent.

Second Schedule of Cap. 349 which it is intended to amend—

1. The Board shall meet at least four times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.