

SPECIAL ISSUE

Kenya Gazette Supplement No. 83

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(Legislative Supplement No. 52)

LEGAL NOTICE NO. 163

THE INSURANCE ACT

(Cap. 487)

EXEMPTION

IN EXERCISE of the powers conferred by section 181 of the Insurance Act, the Minister for Finance exempts the Kenya National Assurance Company (2001) Limited, from the provisions of section 197A of the Insurance Act, with effect from October, 2002 to December, 2004.

Dated the 3rd October, 2003.

DAVID MWIRARIA,
Minister for Finance.

LEGAL NOTICE NO. 164

THE INCOME TAX ACT

(Cap. 470)

EXEMPTION

IN EXERCISE of the powers conferred by section 13 (2) of the Income Tax Act, the Minister for Finance directs that all the income of the Registration of Accountants Board derived from Kenya shall be exempt from the provisions of the Act.

Dated the 15th October, 2003.

DAVID MWIRARIA,
Minister for Finance.

LEGAL NOTICE NO. 165

THE PYRETHRUM ACT

(Cap. 340)

IN EXERCISE of the powers conferred by section 4 (1) (b) and 36 (2) of the Pyrethrum Act, the Minister for Agriculture, after consultations with the Board, makes the following Rules:—

THE PYRETHRUM (ELECTIONS) RULES, 2003

PART I—PRELIMINARY

1. These Rules may be cited as the Pyrethrum (Elections) Rules, 2003.

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

“election” means the process of selecting the candidate to represent licensed pyrethrum growers;

“electoral area” means any zone of any province in which pyrethrum is grown as may be specified on the ground and in the Schedule to these Rules;

“polling station” means a specified site where election shall take place as may be specified on the ground and in the Schedule to these Rules;

“presiding officer” means a person appointed by the returning officer to be in charge of the electoral process in a polling station; and

“returning officer” means a person appointed by the Minister to be in charge of the electoral process.

PART II—ESTABLISHMENT OF POLLING STATIONS AND ELECTIONS OF MEMBERS OF THE BOARD

3. There shall be established in every pyrethrum growing area, polling stations where elections shall take place within the electoral areas as specified on the ground and in the Schedule to these Rules.

4. (1). The Minister, after giving twenty-one (21) days notice in the *Kenya Gazette* and in at least two local dailies of nationwide circulation, shall convene meetings in the electoral areas specified in the Schedule for the purpose of holding meetings to elect members of the Board.

(2). The meetings referred to in sub-rule (1) shall be of licensed pyrethrum growers who deliver dry pyrethrum flowers to the Board.

(3). The number of members to be elected to the Board from an electoral area or zone shall be as specified in the third column in the Schedule.

5. For the purpose of election of the members of the Board, the Minister shall appoint a returning officer who shall be a public officer in the ministry for the time being responsible for matters relating to agriculture.

6. Every person licensed as a pyrethrum grower during the last three years shall be eligible to vote in accordance with the provisions of these Rules.

7. (1) The secretary to the Board shall prepare and keep a register of licensed pyrethrum growers, which shall be reviewed every two years for purposes of elections.

(2) The register kept under sub-rule (1) shall contain—

(a) the full names of each licensed grower; and

(b) the electoral area or zone allocated to the grower.

8. The Board, upon registering a licensed grower, shall—

(a) allocate an electoral area or zone to the grower; and

(b) notify the grower of the allocation of his or her area.

9. The register kept under rule 8 shall be available for inspection by any person (s) during the normal working hours of the Board.

10. (1). A candidate for election to the Board shall be a licensed and registered grower in the electoral zone in which he aspires to represent but no person shall be a candidate in more than one zone.

(2) Each candidate for election shall be proposed and seconded by at least ten licensed growers.

(3) Each candidate must have an average production of not less than 300 kilogrammes of dry flowers over the three years preceeding the date of election.

(4) Every candidate for the election shall—

(a) have attained form four Secondary level of education;

(b) not be holder of a public office;

(c) not be receiving any remuneration, salary or any other allowance from any pyrethrum growers' co-operative society;

(d) not be an employee of the Board;

(e) not be an undischarged bankrupt;

(f) not be of unsound mind;

(g) not have been convicted for mismanagement of public property, corrupt practices or dishonesty;

(h) not have been convicted of any offence under the Act; and

(i) have no uncleared debt owing to the grower's institution other than normal loans.

12. Every person licensed as a pyrethrum grower shall be eligible to vote in accordance with the provisions of these Rules.

13 (1) The candidates shall submit their candidature to the secretary to the Board fourteen (14) days before the date of the election.

(2) The secretary to the board shall publish in the *Kenya Gazette*, and in at least two dailies of national circulation, a list of names of the candidates who intend to be elected at least seven days before the date of election.

(3) If there is only one candidate, the returning officer shall forthwith declare such candidate to be duly elected to the Board.

(4) Where there are more than one candidate for elections, the presiding officer shall cause a plain piece of paper to be delivered to every registered grower present and entitled to vote at a polling station and the registered pyrethrum grower shall record his or her vote by writing on the paper the name of the candidate whose name has been published in accordance with sub-rule (2).

(5) No other mark, writing or signature shall be made on the paper and the registered pyrethrum grower shall forthwith fold the paper so as to conceal his or her vote and shall deliver it or cause it to be delivered to the presiding officer in such a manner as the presiding officer shall direct.

(6) Upon receipt and counting of votes cast under sub-rule (5), the presiding officer shall thereupon announce the number of votes cast for each candidate and shall declare the candidate for whom the greatest number of votes has been cast to have been duly elected to represent that zone in the Board.

(7) In the event of an equality of votes between candidates at end of a poll, a second vote shall be taken pitting the candidates and the same procedure shall be observed as if it were a first vote.

(8) No person, other than the registered pyrethrum grower present in person, shall be entitled to vote and each shall have one vote.

(9) The presiding officers shall forward the names of the candidates elected in their respective electoral area or zone to the returning officer.

(10) The names of candidates declared under sub-rule (9) shall be the names to be submitted from the electoral zones by the returning officer to the Minister for the purpose of constituting the Board.

14. The secretary to the Board shall forward the names of the elected members of the Board to the Minister for appointment by notice in the *Kenya Gazette*.

15. Any person who interferes with the electoral process or obstructs any voter, candidate or election official from voting or being elected commits an offence.

16. A person aggrieved by the decision of the returning officer to reject his or her candidature or right to vote may appeal within fourteen (14) days from the date of such rejection to the Agricultural Appeals Tribunal established under the Agriculture Act.

17. Any person who contravenes any provisions of these Rules commits an offence and shall be liable, upon conviction, to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

18. Any person elected under these Rules shall hold office for a term of two years and shall be eligible for re-election.

19. Any person elected under these Rules shall cease to be a member of the Board in the event of resignation or absence from three consecutive meetings of the Board without prior permission from the chairman or upon being convicted of a criminal offence by a court of law for a period exceeding six months or upon being convicted of a corruption related offence by a court of law or upon being declared bankrupt by a court of law or in the event of being incapacitated by prolonged mental or physical illness or in accordance with the provisions of section 4 (5) of the Act.

SCHEDULE

GROWERS REPRESENTATION TO THE PYRETHRUM BOARD OF KENYA

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Provinces</i>	<i>Districts (Electoral Areas)</i>	<i>No. of Members</i>
Rift Valley	ZONE 1 (Nakuru West)—(Molo, Elburgon, Kamara, Keringet and Olenguruone Divisions of Nakuru District).	1
	ZONE 2 (Nakuru East)—(Bahati, Njoro, Mau Narok, Subukia, Naivasha and Gilgil Divisions of Nakuru District).	1
	ZONE 3 (North Rift)—(Keiyo, Marakwet, West Pokot, Trans Nzoia, Mt. Elgon and Uasin Gishu Districts).	1
	ZONE 4 (Central Rift)—(Bomet, Narok, Kericho, Baringo and Koibatek Districts).	1
Central/Eastern	ZONE 5 (Central Kenya)—(Nyandarua, Laikipia and Kiambu Districts).	
	ZONE 6 (Mt. Kenya)—(Nyeri, Meru Central, Meru North, Meru South and Embu Districts).	1
Nyanza	ZONE 8 (Nyanza/Rift Valley)—Nyamira, Kisii Central, Gucha and Trans Mara Districts).	1

Dated the 18th September, 2003.

KIPRUTO ARAP KIRWA,
Minister for Agriculture.