

(Murang'a County Legislative Supplement No. 5)

LEGAL NOTICE NO. 5

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

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THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2022)

IN EXERCISE of the powers conferred by section 116 of the Public Finance Management Act, 2012, the County Executive Member for Finance makes the following Regulations: —

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

Citation

1. These regulations may be cited as The Public Finance (Murang'a County Agricultural Farm Inputs Subsidy and Incentive Fund) Regulations, 2022.

Interpretation

2. In these Regulations unless the context otherwise requires—

“committee” means the Agricultural Farm Inputs Subsidy and Incentive Fund Committee established under Regulation 6;

“county executive member” means the County Executive Member in-charge of Agriculture;

“dairy farming” means farming of dairy cows;

“farmers” means producers of such products as are subject of these regulations;

“farm inputs” means seeds, herbicides, drugs animal feeds, pesticides, fertilizers, machinery and equipment used in the mango and dairy agricultural practice;

“fund manager” in relation to the fund means a person designated by the County Executive committee member for finance and pursuant to Section 116 of the Public Finance Management Act;

“producer organisations” include registered farmers organisations and other organisations that deal in production, marketing and processing of farm produce;

“subsidy” means money set aside in a fund for pay outs to beneficiaries through mobile based platforms aimed at cushioning dairy and mango farmers.

PART II— ESTABLISHMENT OF THE FUND.

Establishment of the Fund

3. There is established a fund to be known as the Murang'a County Agricultural Farm Inputs Subsidy and Incentive Fund.

The Objects and Purposes of the Fund

4. The objects and purposes of these regulations shall be to —

(a) promote mango and dairy produce farming through agricultural farm input subsidy and incentive to farmers subject to these regulations;

(b) to spur an increase in usage of farm inputs in mangoes and dairy value chains.

Sources of Funds

5. The funds shall consist of —
- (a) monies appropriated by the county assembly for purposes of this fund;
 - (b) grants, loans, donations, or gifts to the Fund;
 - (c) monies earned or arising from any investment of the fund; and
 - (d) any money that may be payable or vested in the fund.

PART III — MANAGEMENT OF THE FUND

Committee of the Fund

6. (1) There is established a Committee to be known as the Agricultural Farm Inputs Subsidy and Incentive Fund Committee, which shall consist of —

- (a) the county executive committee member in charge of agriculture;
- (b) the county executive committee member in charge of finance;
- (c) the chief officer in charge of agriculture;
- (d) a director in the agricultural department; and
- (e) two representatives of producer organisations.

(2) The members under Regulation 6 (1) shall appoint a chairperson from among the members in Regulation 6 (1) (a), (b), (c) of (d).

(3) The fund manager shall be the secretary to the committee.

Fund Manager

7. The county executive committee member for finance shall appoint a fund manager subject to the provisions of the Public Finance Management Act.

Secretariat of the Committee

8. The county executive committee member shall designate officers from the department who shall be the secretariat of the committee.

Functions of the Committee

9. (1) The functions of the committee shall be to —
- (a) consider and recommend the estimates of revenue and expenditure of the fund to the county Executive Committee Member for finance for consideration;
 - (b) approve disbursement from the fund account;
 - (c) receive, review and approve reports on the performance of the fund from the fund manager; and
 - (d) oversee the monitoring and evaluation of the program activities under the Fund.

(2) The Committee shall prepare quarterly reports that shall be approved by the County Executive Committee and forwarded to the county assembly for consideration.

Selection of Beneficiaries

10. Beneficiaries of the fund shall be farmers who—

- (a) belong to registered producer organizations;
- (b) are registered pursuant to the guidelines issued by the county executive committee member under Regulation 16; and
- (c) are mango or dairy farmers.

Payment of the Subsidy

11. (1) The payment of the subsidy shall be through the direct transfer of the eligible amount to the declared e-wallet of the beneficiary.

(2) The transfer shall be in the form of money that will be sent in the mode specified and agreed with the beneficiaries.

Use of Technology

12. (1) The county executive committee member for finance shall set-up a management information system to ensure efficiency in the implementation of the farm inputs subsidy program and data management.

(2) The fund manager shall be in charge of the database in the management information system.

PART IV—ADMINISTRATION OF THE FUND.

Expenditure of the Fund

13. (1) There shall be paid out of the fund, payments in respect of any expenses incurred, in pursuit of the objects and purposes for which the fund is established.

(2) The administration costs of the fund shall not exceed 3% of the approved budget of the Fund.

Administration of the Fund

14. (1) The officer administering the fund shall —

- (a) supervise and control the administration of the fund;
- (b) cause to be kept proper books of account and other books and records in relation to the Fund and for all payments made as subsidy from the Fund;
- (c) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him specifying the capital of the Fund and showing the expenditure incurred from the Fund, in such details as the committee may from time to time direct in accordance with the Public Finance Management Act;
- (d) furnish such additional information as may be required for the purpose of examination and audit by the Auditor-General; and

(e) be the custodian of all assets, equipment and property of the Fund.

(2) All statements of account prepared under this regulation shall include details of the balances between the assets and liabilities of the fund and shall include the financial status of the fund at the end of the financial year.

(3) All monies of the fund shall be paid into an account operated by the officer administering the fund.

(4) Any account operated by the fund for the purpose of the subsidy program shall be approved by the county executive committee member for finance.

Winding up of the Fund

15. (1) The Fund shall subsist until such a time as the county government shall, by way of a resolution of the county executive committee, determine pursuant to the Public Finance Management Act.

(2) The Fund shall then be wound up in the manner provided for under the Public Finance Management Act.

PART V— MISCELLANEOUS PROVISIONS.

Agreements.

16. (1) The County Government shall enter into agreements with producer organisations domiciled in the county dealing with mango and dairy for the purposes of these Regulations.

(2) The agreements shall be between the county government and the producer organisations for the enforcement of these regulations.

Guidelines

17. (1) The county executive committee member for finance shall, with approval of the county executive committee and the county assembly issue guidelines for the implementation of these regulations.

(2) Notwithstanding the generality of Regulation 17 (1) above, the guidelines shall provide for—

- (a) the criteria for evaluation of the eligible and vulnerable beneficiaries and a system for beneficiaries of the subsidies;
- (b) minimum and maximum payments that may be issued to individual farmers;
- (c) application forms for the beneficiaries; and
- (d) any other guidelines that may be necessary for the implementation of these regulations.

Dated the 9th December, 2022.

KIARIE MWAURA,
*County Executive Committee Member,
Finance, IT and Economic Planning.*