

SPECIAL ISSUE

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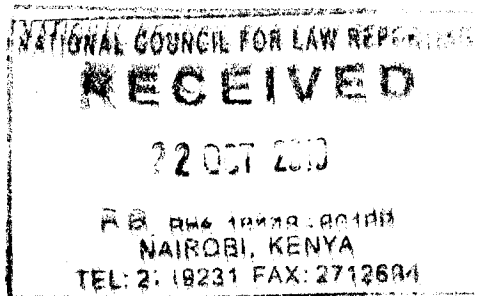
NAIROBI, 2nd October, 2019

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THE SUGAR BILL, 2019**A Bill for**

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, 2019.

Short title.

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

Interpretation.

“agreements” means the agreements specifying the standard provisions governing the rights and obligations of growers, millers and out-grower institutions 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;

“Fund” means the Sugar Development Fund established under section 19;

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

“grower” means a person who produces sugar-cane or any crop in Kenya for the manufacture of sugar but does not include an out-grower institution;

“industry” means the sugar industry in Kenya and includes the growing of sugar-cane and any other sugar producing crop, the manufacturing, refining, marketing and disposal of sugar and its by-products;

“interested parties” means the Government, millers, growers or out-grower institutions;

“licence” means a licence issued by the Board to a miller;

“member” means a member of the Board appointed under section 5;

“miller” means a person licensed to operate a sugar mill or a jaggery mill in Kenya for the production of sugar including refined sugar and other by-products;

“out-grower” means a person who has a sugar-cane farm in a zone and who has in force a cane supply contract in respect of the sugar-cane grown on such farm;

“out-grower institution” means an out-grower institution registered under the Companies Act, 2015, the Co-operative Societies Act (Cap.490), Trade Unions Act (Cap. 233) or any other organization registered under any other law that the annual general meeting may approve;

“refined sugar” means sugar, which complies with the specifications set by the body for the time responsible for setting standards;

“sugar” means crystalline or liquid sucrose in any of its recognized commercial forms, intended for human consumption or other uses;

“sugar-cane” means any plant or part of a plant of the genus *Saccharum* or any hybrid of sugar-cane;

“Tribunal” means the Sugar Arbitration Tribunal established under section 31;

“zone” means the area within a radius of up to a maximum of forty kilometres of a sugar mill.

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—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;