

SPECIAL ISSUE

Kenya Gazette Supplement No. 183 (National Assembly Bills No. 46)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2017

NAIROBI, 1st December, 2017

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THE IRRIGATION BILL, 2017

A Bill for

AN ACT o46 Parliament to promote and regulate the development and management of irrigation in Kenya and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Irrigation Act, 2017.

Short title.

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

Interpretation.

“agriculture” shall have the meaning assigned to it under section 2 of the Agriculture, Fisheries and Food Authority Act, 2013;

No 13 of 2013.

“Authority” means the National Irrigation Development Authority established under section 7;

“authorized” means authorized by or under this Act;

“Board” means the Board of the Authority established under section 9;

“Cabinet Secretary ” means the Cabinet Secretary for the time being responsible for matters relating to irrigation;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 12;

“commercial irrigation farmer” means a farmer who by means of irrigation grows crops primarily for sale;

“county irrigation development unit” means the unit or entity established by a county government to carry out irrigation matters under section 14;

“Department” means State Department of Irrigation;

“farmer” includes a crop, livestock or fish farmer;

“irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture, and desired forest trees;

“irrigation scheme” means a systematic and orderly irrigation system covering a defined area of land regardless of the type or system of irrigation employed;

“irrigation management transfer” means the transfer to the users of authority and responsibility for both governance and delivery of management services in an irrigation and drainage scheme;

“irrigation service fee” means the rates to be charged to water users for receiving irrigation services;

“irrigation service plan” means the annual plan for water acquisition and distribution, scheme maintenance and repairs, other management tasks, staff and group labour mobilization, budget and irrigation service fee;

“irrigation water user” means a member of a water users’ association who uses water from an irrigation scheme for an approved purpose such as for crops, livestock, and fish farming;

“irrigation water users’ association” means any association established under section 20;

“large scale irrigation scheme” means a scheme which in acreage size covers over three thousand acres, and is implemented by the Authority or other state agency in the case of national schemes in consultation with county government, and is established for national strategic purposes, or such schemes as implemented by a private entity;

“license” means a license issued by the Director or county government under this Act;

“medium scale irrigation scheme” means a scheme which in acreage size covers over one hundred acres to three thousand acres, and is implemented by the Authority, or another state agency in collaboration with county government, or such schemes as implemented by a private entity;

“Ministry” means the Ministry for the time being responsible for matters related to irrigation;

“monitoring and evaluation” means a system of measuring, reporting and interpreting the quantity and quality of inputs provided, actions implemented, immediate outcomes achieved and ultimate impacts realized;

“national irrigation scheme” means an area of land designated as such by the Authority through a notice;