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BUNGOMA COUNTY BILLS, 2025

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CONTENT

Bill for Introduction into the County Assembly of Bungoma—	PAGE
The Bungoma County Food Safety Co-ordination Bill, 2025	1

SCHEDULES: The First Schedule of this Act provides for a total of twenty (20) existing laws related to matters Food Safety.

The Bungoma County Food Safety Coordination Committee established in the Act will be guided by the said laws in carrying out their responsibilities.

The Bill does not contravene any of the provisions of the Constitution of Kenya, 2010 and is not ultra vires to any of the provisions of any national law relating to Food safety.

In case of any conflict between the Act and any National laws the provisions of Article 191 of the Constitution shall take effect.

The enactment of this Bill will occasion additional expenditure of public funds to be provided for through the annual estimates.

WAFULA WAITI,
Chairperson, Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development Committee.

THE BUNGOMA COUNTY FOOD SAFETY CO-ORDINATION BILL, 2025

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1—Short title and Commencement.

2—Interpretation.

3—Oandjects and purpose.

PART II—ESTABLISHMENT OF THE FOOD SAFETY CO-ORDINATING COMMITTEE

4—Establishment of the Food Safety Co-ordination Committee.

5—Composition of the Food Safety Co-ordination Committee.

6—Qualifications for membership to the Food Safety Co-ordination Committee.

7—Functions of the Food Safety Co-ordination Committee.

8—Establishment of the Food Safety Technical Sub-committee.

PART III—FOOD BUSINESS OPERATORS

9—Responsibilities of the Food Business Operators.

PART VI—ESTABLISHMENT OF THE COUNTY FOOD SAFETY LABORATORY

10—County Food Safety Laboratory.

11—Functions of the Food Safety laboratory.

12—Laboratory Head and other staff.

13—Certificate of analysis.

PART VIII—FINANCIAL PROVISIONS

14—Source of funding.

15—Financial Year.

16—Annual Estimates.

17—Annual Report.

18—Accounts and Audit.

PART IX—MISCELLANEOUS PROVISIONS

- 19—Appeals.
- 20—General Penalty.
- 21—Offences by principal officers of body corporate or unincorporated body.
- 22—Regulations.

PART XII A person who commits an offence under this Act is liable to conviction according to the relevant laws stipulated in the First Schedule.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to Provide for the co-ordination of institutions in the control of food; Establish the Bungoma County Food Safety Co-ordinating Committee; and Establish the County Food Safety Laboratory.

PART I provides for the preliminary provisions which include short title and commencement, interpretation of terms, objects and purpose of the Act, Application and Guiding Principles.

PART II establishes the Bungoma County Food Safety Co-ordinating Committee, the composition of the Committee, the qualifications for membership to the Committee and most importantly the functions and powers of the said Committees.

PART III The Committee may appoint Technical Sub-committees and delegate functions as it deems necessary.

PART IV The County Executive Committee Member in-charge of matters relating to food safety shall constitute the twenty-five (25) member Committee.

PART V The Bill appreciates that Food Business Operators are among the key stakeholders when it comes to food handling matters.

PART VI This Part elaborately highlights the responsibilities given to the Food Business Operators as provided for by various legislation to ensure that food safety is achieved along the entire value chain.

PART VII establishes the County Food Safety Laboratory whose functions are to provide analytical services to enforcement regulatory agencies; and any other analytical services that may arise; and verify the safety, quality and efficacy of an article which is produced, manufactured or imported.

PART VIII The Chief Officer shall deploy the laboratory head and sufficient qualified, trained and experienced staff to handle the laboratory.

PART IX provides for the financial provisions and states the sources of funding, accounts and audits, annual estimates and reports.

PART X The Funds of the Committee shall consist of moneys appropriated by County Assembly through line Departments; any grants, gifts, donations or other endowments; such Funds as may vest in or accrue to the Committee in the performance of its functions under this Act or any other written law and such monies as may be payable to Committee.

PART XI provides for general provisions including offences and penalties, appeals and confers powers to the County Executive Committee Member to make Regulations.

THE BUNGOMA COUNTY FOOD SAFETY CO-ORDINATION BILL, 2025

A Bill for

AN ACT of the County Assembly of Bungoma to provide for the co-ordination of institutions in the control of food safety, make provision for the establishment of the Food Safety Co-ordinating Committee, establishment of the County laboratory and for connected purposes.

ENACTED by the County Assembly of Bungoma, as follows—

PART I—PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Bungoma County Food Safety Co-ordination Act, 2025 and shall come into operation upon publication in the *Gazette*.

Interpretation

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

“Adulteration” means the intentional addition or subtraction of a substance to or from an article that is likely to adversely affect its quality;

“Animal produce” means a product of a live animal such as milk, eggs and honey and their by-products or other products of animal origin intended for human or animal consumption;

“Authorized officer” means a person assigned to carry out the duties of a law enforcement authority for the purposes of this Act;

“article” includes—

- (a) any food, food additive or device and any labeling or advertising materials in respect of the food, food additive or device; or
- (b) anything used for the preparation, preservation, packing or storing of any food, food additive or device, but excludes narcotics, psychotropic substances and their precursors and essential chemicals;

“Analysis report” a statement of facts relating to a particular subject or event along with necessary analysis, explanation, and recommendation;

“Certificate of compliance” means a certificate issued by a competent authority to an applicant who meets set requirements;

“Committee” means the Food Safety Co-ordinating Committee established under Part 2;

“Contact material” means an article or substance which is intended to come into contact with food;

“Contaminant” means any biological or chemical agent, foreign matter, or other substances not intentionally added to food that may compromise food safety or suitability;

“Contaminate” means the effect exerted by an external agent on food so that it—

- (a) does not meet a standard or requirement determined by any law;
- (b) does not meet acceptable food hygiene standards or consumer norms or standards; or
- (c) is unfit for human consumption;

“Court” means a court of competent jurisdiction;

“Competent authority” means any person or organization that has the legally delegated or invested authority, capacity, or power to perform a designated function;

“County Executive Committee Member” means County Executive Committee Member responsible for matters relating to food safety;

“Device” means an instrument, apparatus or contrivance, including components, parts and accessories of the instrument, apparatus or contrivance, manufactured, sold or intended for use in the preparation, preservation, packaging, storage or transportation of any food;

“Enforcement agency” means any government agency responsible for the enforcement of the laws under or complementary to this Act;

“Enforcement Officer” means a government employee appointed to enforce the law under this Act or any other Acts complementary to this Act;

“Export” means to move food, produce or products from the County to other counties or across the Country borders;

“Feed” means Any single or multiple material, whether processed, semi-processed or raw, which is intended to be fed directly to animals which are consumed as food or an animal whose produce is capable of being consumed as food;

“Food” means any substance or product, whether processed, partially processed, unprocessed, or raw, intended to be, or reasonably expected to be ingested by humans. ‘Food’ includes a drink, chewing gum, and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. The definition does not include

THIRD SCHEDULE

{section 4}

1. Representatives of the County Departments responsible for the following matters—

- | | |
|---------------------------|---|
| (a) Agriculture - | 3 |
| (b) Trade - | 1 |
| (c) Environment – | 1 |
| (d) Water - | 1 |
| (e) Health - | 1 |
| (f) Public Administration | 1 |

2. One representative from the following institutions and organizations—

- (a) Food Processor Organization
- (b) Consumer Organization
- (c) Agro-dealers
- (d) National Government Administration

3. One representative from the following Competent Authorities—

- (a) National Environmental Management Authority
- (b) Agriculture and Food Authority
- (c) Pest Control Products Board
- (d) Kenya Plant Health Inspectorate Service
- (e) Kenya Bureau of Standards
- (f) Kenya Dairy Board

- of the meeting of the Committee, but that person shall have no vote;
- (h) the validity of any proceedings, act or decision of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings; and
 - (i) the Committee shall cause minutes to be kept of the proceedings of every meeting of the Committee and every meeting of any sub-committees of the Committee.

Sub-committees

4. (1) The Committee may, for the purpose of performing its functions under this Act, establish Sub-committees that it considers necessary and delegate to any of those Sub-committees functions that it deems fit.

(2) The Committee may appoint as members of a Sub-committee persons who are or are not members.

(3) A person serving as a member of Sub-committee shall hold office for a period that the Committee may determine.

(4) Subject to any specific or general direction of Committee a Sub-committee may regulate its own procedure

Disclosure of Interest

5. (1) A member who is present at a meeting of the Committee or any Sub-committee at which any matter is the subject of consideration, and that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Committee or the Sub-committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Committee who contravenes sub-paragraph (1) commits an offence.

Prohibition of publication or disclosure of information to unauthorized persons

6. A person shall not, without the consent in writing given by or on behalf of the Committee, otherwise than in the course of duties of that person, publish or disclose to any other person, the contents of any document, communication or information, which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

feeds, live animals unless they are placed in the market for human consumption, plants in the farm, medicinal products, cosmetics, tobacco and tobacco products, narcotics or psychotropic substances, residues, and contaminants;

“Food additive” means a natural or synthetic substance used in the processing of food as a preservative, antioxidant or emulsifier in order to preserve or add flavor, color or texture to processed food, but does not include contaminants or substances added to food for maintaining or improving nutritional qualities;

“Food business operator” means any person undertaking, whether private or public, for profit or not, carrying out any of the activities related to any stage of production, manufacture, processing, packaging, storage, transportation, distribution of food, imports and including food services, sale of food or food ingredients;

“Food control system” means an organized mandatory regulatory system of enforcement by national or local authorities to provide consumer protection and ensure that food is safe during the production, handling, storage, processing and distribution and is wholesome and fit for human consumption;

“Food hygiene” means all conditions and measures necessary to ensure the safety and suitability of food at all stages of the food chain;

“Food premises” includes any facility where food is processed, prepared, packaged, stored, served or sold, typical premises will include food factories, kitchens, canteens and catering operations, restaurants, and fast-food establishments;

“Food safety” means all measures to ensure that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use;

“Food borne disease” means a general term used to describe any disease or illness caused by eating contaminated food or drink. Traditionally referred to as food poisoning;

“Food handler” means anyone who handles packaged or un packaged food directly as well as the equipment and utensils used to prepare or serve food and/or surfaces that come into contact with food;

“Food Safety Advisory Sub-committee” means the Technical Advisory Sub-committee established under Part 2;

“Food source” means a living plant, animal, bird or fish from which food is intended to be derived, whether by gathering, harvesting, slaughtering, milking, collecting eggs or otherwise;

“Food quality” means the quality characteristics of food that includes external factors such as appearance, texture and flavor;

“Handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or serving, and “handling” shall be construed accordingly;

“Harmful” means capable of causing injury or damage;

“Hazard” means anything microbiological, chemical or physical that can cause harm to a consumer. A microbiological hazard means the unacceptable contamination, growth or survival of a pathogenic microorganism, and/or the unacceptable production or persistence in food of a microbiological toxin;

“Inspection report” means a document issued or to be issued to an applicant for a license, permit or certificate under the relevant law, certifying that the applicant’s business premises and business activities or proposed business premises and proposed business activities follow regulatory health requirements in accordance with this Act or any other written law;

“Import” means to transport or move food, produce and or products into the county from other counties or beyond the country borders;

“injury”, in relation to health, includes an impairment, whether permanent or temporary, and “injurious to health” shall be construed accordingly;

“Joint inspection team” means a composite team from relevant regulatory agencies mandated under this Act or any other law to undertake inspections;

“Irradiated” means treated with ionized irradiation sources, including X-rays, electronic beams or gamma rays;

“Label” includes a tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, attached to or included in, belonging to or accompanying any food or device;

“Laboratory” means the County Food Laboratory established under section 41;

“Medical Officer of Health” has the meaning assigned to the words in the Public Health Act;

“Package” includes anything in which an article is wholly or partly placed or packed whether open or closed;

may appoint another person to be a member in place of the member who vacates the office for the unexpired term of that office.

Appointment of Chairperson and Vice- Chairperson

2. (1) The Committee shall, at its first meeting, elect a Chairperson and Vice- Chairperson from amongst the members.

(2) The persons elected under sub-paragraph (1) shall not be of the same gender.

Proceedings of Committee

3. (1) Subject to the other provisions of this Act, the Committee may regulate its own procedures—

- (a) the Committee shall meet for the transaction of business at least once in every three months at places and times that the Committee may determine;
- (b) the Chairperson shall call a meeting, on giving notice of not less than fourteen days, if one-third or more of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called on giving a shorter notice;
- (c) the quorum for the conduct of the business of the Committee shall be at least two thirds of the members;
- (d) the Chairperson or in his absence, the Vice Chairperson, shall preside at every meeting of the committee. Whenever the Chairperson and the Vice Chairperson are absent, members shall nominate a member among the members present to preside over the meeting and the business transacted in such a meeting shall be as directed by the Chairperson;
- (e) a decision of the Committee on any question shall be by a majority of votes of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that persons deliberative vote;
- (f) where a member is for any reason unable to attend a meeting of the Committee, the member may, in writing, nominate another person from the same organization to attend that meeting in that member’s stead and that person shall be deemed to be a member for the purpose of that meeting;
- (g) the Committee may invite a person, whose presence is in its opinion desirable, to attend and to participate in the deliberations

SECOND SCHEDULE**{section 3(3)}****PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE COMMITTEE****Tenure of Office and Vacancy**

1. (1) The members of the Committee referred to in Section 3(1) shall, subject to the provisions of this Schedule, hold office for a period of three years on terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term.

(2) A member may resign from office by giving one month's notice, in writing, to the County Executive Committee Member.

(3) The office of a member becomes vacant if the member—

- (a) resigns;
- (b) is absent, without reasonable excuse, from three consecutive meetings of the Committee of which the member has had notice of the Committee meeting;
- (c) is declared bankrupt;
- (d) is convicted of an offence under this Act or any other law and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (e) is removed by the County Executive Committee Member on the following grounds—
 - (i) the member acts dishonorably, improperly, fraudulently, dishonestly or disorderly;
 - (ii) the institution which the member represents withdraws its support of the member as its representative and informs the County Executive Committee Member accordingly; or
 - (iii) is legally disqualified from performing the functions of a member;
- (f) is otherwise unable or unfit to discharge their functions; and
- (g) dies.

(4) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed but in no case shall the further period exceed three months.

(5) Whenever the office of a member becomes vacant, before the expiring of the term of office, the County Executive Committee Member

“Process” includes a procedure involving the storage and preparation of food;

“Public analyst” means a person appointed as a public analyst under section 44;

“Public officer” has the meaning assigned to it in the Public Officer Ethics Act;

“Regulatory clearance” means the certification by the Committee, a government authority or regulatory authority/competent authority, or these institutions acting jointly, that an applicant for a license, permit or certificate under any other law has complied with prescribed regulatory requirements under this Act or any other law;

“Regulatory authority” independent governmental body established by legislative acts in order to set standards in a specific field of activity, or operations, in the private sector of the economy and to enforce those standards;

“Regulatory clearance system” all clearances or registrations necessary if any, for the commercial sale of a licensed product in a field or a territory which shall include certification of all applicable regulatory and notification requirements but which shall exclude any pricing and reimbursement approval;

“Regulatory clearance” means the certification by the Committee, a government authority or regulatory authority/competent authority, or these institutions acting jointly, that an applicant for a license, permit, or certificate under any other law has complied with prescribed regulatory health requirements under this Act or any other law;

“Regulatory requirement” all applicable laws, rules, regulations, orders, requirements, guidelines, interpretations, directives, and requests (whether or not having the force of law) from and of and plans, memoranda, and agreements with any regulatory authority;

“Regulatory service” means the responsibility of enforcing laws relating to food safety;

“Relevant laws” means food safety-related legislation in the manner prescribed in the First Schedule;

“Risk analysis” means a process consisting of three components: risk assessment, risk communication and risk management;

“Risk” the probability of an illness as a result of a hazard occurring in food; and

“Street vended food/feeds” means Foods/feeds prepared and/or sold by vendors in streets and other public places for immediate consumption or consumption at a later time without further processing or food preparation.

Objects and Purpose

3. The Object of this Act is to—
- provide for the co-ordination of institutions in the control of food;
 - establish the Bungoma County Food Safety Co-ordinating Committee; and
 - establish the County Food Safety Laboratory.

Application

4. This Act shall apply to the co-ordination of institutions in the control of food safety; and food business operators.

Guiding principles

5. The guiding principles for the implementation of this Act shall be—
- the protection of consumer interests in the conduct of food business;
 - the promotion of the use of scientific based risk analysis;
 - the promotion of food safety;
 - the promotion of fair-trade practices in the conduct of food business; and
 - efficiency in the performance of official control.

PART II: ESTABLISHMENT OF THE COUNTY FOOD SAFETY CO-ORDINATION COMMITTEE

Establishment of Food Safety Co-ordination Committee

6. (1) There shall be established the Bungoma County Food Safety Co-ordination Committee which shall co-ordinate food safety institutions.

(2) The overall co-ordination of all aspects of implementation of food related activities in the County will be the responsibility of the County Food Safety Co-ordination Committee. The Committee shall be domiciled in the County Department responsible for matters related to food safety.

(3) The conduct of business and affairs of the committee shall be in such manner as shall be prescribed in the Second Schedule.

FIRST SCHEDULE (section 2)

RELEVANT LAWS

- Public Health Act, 2017
- Radiation Protection Act, 2012
- Food Drugs and Chemical Substances and Act, 2012
- Crops Act, 2013
- Agriculture Act, 2012
- Plant Protection Act, Cap.324
- Seeds and Plant Varieties Act, 2016
- Pest Control Products Act, Cap. 346
- Dairy Industry Act, 2012
- Agriculture Food Authority Act, 2016
- Kenya Agricultural and Livestock Research Act, 2013
- Meat Control Act, 2012
- Veterinary Medicinal Act, 2015
- Biosafety Act, 2012
- Fisheries Management and Development Act, 2016
- Animal diseases Act, 2012
- Customs and Excise Act, 2010
- The Standards Act, 2013
- Occupational Safety and Health Act, 2007 and
- Environmental Management And Co-ordination Act, 2015

Regulations

23. The County Executive Committee Member may, on the recommendation of the Committee, and in consultation with other relevant public institutions, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

Composition of the County Food Safety Co-ordination Committee

7. (1) The County Executive Committee Member shall constitute a County Food Safety Co-ordination Committee.

(2) The Committee shall have a composition of twenty-five (25) members consisting of—

- (a) the Chief Officer in-charge of Agriculture;
- (b) the Chief Officer in-charge of Livestock;
- (c) the Chief Officer in-charge of Public Health;
- (d) such number of representatives specified for each of the County Departments responsible for matters outlined in the Third Schedule;
- (e) one representative for each of the institutions specified in the Third Schedule;
- (f) one representative for each of the competent authorities specified in the Third Schedule;
- (g) two representatives of farmers within the County;
- (h) one representative of the youth; and
- (i) one representative of Persons with Disability.

8. (1) The members prescribed in section 4 (2) (e) and (f) must be technical staff in the respective institution, organization or competent authority.

(2) The members prescribed in section 4(2) (g), (h) and (i) shall meet the following criteria—

- (a) must be of sound mind;
- (b) must be of contractual age;
- (c) must be a practitioner in the area of interest; and
- (d) must be a resident of the County.

(3) A person shall not be nominated or appointed as a member of the Committee if that person—

- (a) does not meet the requirements of Chapter Six of the Constitution of Kenya, 2010;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force within or outside Kenya;

- (c) is legally disqualified from performing the functions of a member; or
 - (d) is adjudged or declared bankrupt under any written law.
- (4) The County Executive Committee Member shall, in appointing the members of the Committee, ensure equitable gender representation.
- (5) The Committee may, for the purposes of this Act, co-opt any other person from a Government Department, the private sector or non-governmental organization as a member.

Functions of the Committee

9. (1) The Committee shall—
- (a) co-ordinate activities and responses relating to food safety among all stakeholder's enforcement agencies in order to have a unified scientific basis in the food control system;
 - (b) co-ordinate the regulation of cross-border trade, production, manufacturing, labelling, storage, promotion, transportation, advertisement, packaging, sale, distribution and disposal of articles and materials;
 - (c) co-ordinate consumer protection in relation to food safety;
 - (d) co-ordinate information sharing on matters relating to food safety among enforcement agencies and Food business operators;
 - (e) co-ordinate the implementation of food safety policies, procedures and guidelines, laws, strategies;
 - (f) advise the County Executive Committee member on policy matters related to food safety;
 - (g) liaise with other agencies in matters relating to food safety;
 - (h) monitoring and Evaluation on food safety activities in the County;
 - (i) develop annual report on foods safety status in the County and submit to the County Executive Committee;
 - (j) conduct capacity building and public awareness on matters food safety;
 - (k) strengthen linkages between research, regulatory agencies, training institutions, extension service providers and industry at large;

Accounts and Audits

19. (1) The Committee shall cause to be kept all proper Account books and records of accounts of the expenditure and assets of the Committee.

(2) The accounts of the committee shall be audited and reported upon in accordance with the Public Audit Act, 2015.

(3) The annual accounts shall be prepared, audited and reported in accordance with the provisions of Article 226 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

PART IX – MISCELLANEOUS PROVISIONS

Appeals

20. (1) A person aggrieved by a decision made by the committee established under section 3(1) of this Act shall appeal to the County Executive Committee Member.

(2) The County Executive Committee Member, may, on receipt of an appeal constitute an ad hoc appeals committee consisting of not more than five members within five days of receipt of the appeal.

(3) The composition of the appeals committee at any given time shall be determined by the nature of the appeal received by the County Executive Committee Member.

(4) The functions of the ad hoc appeals committee are to hear and determine an appeal by a person aggrieved by a decision made under this Act.

(5) A person aggrieved by a decision made by the Appeals Committee may within thirty days of the decision appeal to the Court.

General Penalty

21. A person who commits an offence under this Act is liable to conviction according to any other written law.

Offences by principal officers of body corporate or non-corporate body

22. Where an offence under this Act is committed by a body corporate or non-corporate body, with the knowledge, consent or connivance of the director, manager, partner or shareholder of that body corporate or non-corporate body, that director, manager, partner or shareholder commits an offence and is liable, on conviction according to any other written law.

PART V—FINANCIAL PROVISIONS

Source of Financing

16. The funds of the Committee shall consist of—

- (a) moneys appropriated by County Assembly through line Departments;
- (b) any grants, gifts, donations or other endowments;
- (c) such Funds as may vest in or accrue to the Committee in the performance of its functions under this Act or any other written law; and
- (d) such monies as may be payable to Committee.

Annual estimates

17. (1) The Committee will make budgets and present to line departments.

(2) The line departments will prioritize the Committee's activities in their annual estimates At least three (3) months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the expenditure for the next financial year.

(3) The annual estimates shall make provision for all estimated expenditure of the Committee for the financial year concerned.

(4) The annual estimates shall be presented to the County Executive Committee Member before the commencement of the financial year to which they relate for forwarding to the County Executive Committee for approval.

Annual report

18. The Committee shall, within a period of three months after the end of each financial year, submit to—

- (a) the County Executive Committee Member, an annual report in respect of that year containing—
- (b) a statement of the expenditure of the Committee during that year;
- (c) the Committee's performance indicators and any other related information;
- (d) a report on the operations of the Committee during that year; and
- (e) such any other information as the County Executive Committee Member may request.

- (l) support programmes aimed at mobilizing value chain actors into groups, registered organizations and co-operatives for effective implementation of traceability;
 - (m) develop and strengthen monitoring, surveillance and reporting management systems;
 - (n) strengthen food inspection at all levels of the food chain to enhance compliance;
 - (o) develop an early warning system to prevent outbreaks of food borne diseases;
 - (p) enhance cross border surveillance; and
 - (q) perform such other duties as may be necessary to ensure food safety.
- (2) The Committee shall, in the performance of its functions—
- (a) consult and cooperate with any Government and Officers and institutions in the implementation of this Act; and
 - (b) recognize the role of relevant agencies in implementing matters relating to food safety.

Establishment of the Food Safety Technical Sub-committees

10. (1) The Committee may appoint Technical Sub-committees and delegate functions as it deems necessary.

PART III—FOOD BUSINESS OPERATORS

Food Business Operators Responsibilities

11. A Food Business Operator who owns, operates or is in-charge of a food plant/premises shall—

- (a) determine the shelf-life of the product and declare it on the label in accordance to the existing regulations;
- (b) register or obtain respective licenses with respective authorities before initiating any food business;
- (c) display in all premises covered under this Act a license, or a true copy of it, relevant for the particular food business and current for the period of operation;
- (d) protect food from contamination during production, handling, processing, storage and transportation;
- (e) ensure tools, equipment and utensils used in all operations are kept in good order at all times and calibrated accordingly;

- (f) ensure that all raw materials, food additives and ingredients, wherever applicable conform to all the regulations and standards laid down under the Act;
- (g) use detergents and disinfectants that are safe and harmless to the human.
- (h) have a detailed Standard Operating Procedure and Self-Assessment Guides developed for all operations;
- (i) ensure that technical managers and supervisors have appropriate qualifications, adequate knowledge and skills on food hygiene principles and practices. Other workers shall be trained regularly in their fields of specialization.
- (j) undertake a periodic self-assessment according to the SOP to find out any gaps and areas of improvement;
- (k) appropriately keep records of food production, processing, storage, distribution, food quality, laboratory test results, cleaning and sanitation, pest control and product recall and retained the records for a period of two years or the shelf-life of the product, whichever is more;
- (l) ensure that visitors to its food production, manufacturing, preparation, storage or handling areas must wear protective clothing and adhere to other personal hygiene provisions envisaged in this part;
- (m) use potable water in all the processes;
- (n) provide adequate toilet facilities, urinals and changing rooms with hand washing facilities;
- (o) provide for appropriate storage facilities for chemicals, equipment and detergents;
- (p) provide safety requirements such as stocked first aid kit, appropriate firefighting equipment, fire assembly area and eye wash stations;
- (q) provide adequate facilities for waste disposal in accordance with Environmental Management and Co-ordination Act, 2012;
- (r) ensure the location of the business is in a clean environment with an efficient drainage system;
- (s) keep the premises clean, adequately light, well-ventilated with sufficient free space for movement;

- (t) ensure the layout of the premise is in such a way that cross-contamination of food / feed is avoided during operations;
- (u) refrain persons suffering from infectious diseases to work;
- (v) ensure that smoking, chewing and drinking is not permitted in the immediate vicinity of operations and signs displayed to this effect;
- (w) ensure all food handlers undergo a routine medical check-up as prescribed by the department of Health);
- (x) not employ food handlers who have not been lawfully cleared; and;
- (y) comply to requirements as stipulated by other food safety regulations.

PART IV—THE COUNTY FOOD SAFETY LABORATORY

County Food Safety Laboratory

12. There shall be established County Food Safety Laboratory which shall be domiciled in the department responsible for matters food safety.

Functions of the Food Safety laboratory

13. The functions of the Laboratory are to—

- (a) provide analytical services to enforcement regulatory agencies; and any other analytical services that may arise; and
- (b) verify the safety, quality and efficacy of an article which is produced, manufactured or imported.

Laboratory Head and other staff

14. (1) The Chief Officer shall deploy laboratory head that shall be responsible for staff and the day-to-day administration of the Laboratory activities.

(2) The Chief Officer shall deploy sufficient qualified, trained and experienced staff to handle the testing jobs under the scope for purposes of implementing the provisions of this Part.

Certificate of analysis

15. (1) A certificate of analysis issued by an analyst under this Part shall be evidence of compliance with the requirements of this Act.

(2) The County Food Safety Laboratory may use an approved laboratory to verify the quality, safety and efficacy of any food or device.