

SPECIAL ISSUE



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GAZETTE NOTICE No. 3074

THE STATE CORPORATIONS ACT

(Cap. 446)

KENYA SEED COMPANY

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (a) of the State Corporations Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, appoint—

FRANCIS A. OKWARA

to be Chairperson of the Kenya Seed Company Board, for a period of three (3) years, with effect from the 29th March, 2021.

Dated the 29th March, 2021.

UHURU KENYATTA,
President.

GAZETTE NOTICE No. 3075

THE STATE CORPORATIONS ACT

(Cap. 446)

KENYA SEED COMPANY

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (e) of the State Corporations Act, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives appoints—

Francis A. Okwara,
Alice Cheshire,
Gitonga M. N. Kamiti,
Kipkorir arap Menjo,
Samuel Mecca,

to be members of the Board of Directors of the Kenya Seed Company, for a period of three (3) years, with effect from the 27th March, 2021 and revokes the appointments of Samson Chelule* (Dr.), Elsbeth Naeku Tolu* and Muchohi Ruiro Gikonyo*.

Dated the 29th March, 2021.

PETER MUNYA,
Cabinet Secretary,

Ministry of Agriculture, Livestock, Fisheries and Co-operatives.

G.N. No. 3374/2020* is revoked.

GAZETTE NOTICE No. 3076

EXECUTIVE OFFICE OF THE PRESIDENT

APPOINTMENT OF THE TASKFORCE ON THE REVIEW OF POWER PURCHASE AGREEMENTS

IT IS notified for the general information of the public that H.E. Hon. Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, has appointed a Taskforce on the Review of Power Purchase Agreements which shall comprise of:

Chairperson:

John Ngumi

Members:

Kennedy Ogeto
Aaron Ringera, J. (Rtd.)
James Mcfie (Dr.)
Mohammed Nyaoga
Elizabeth Muli (Dr.)
Stanley Kamau (Eng.)
Wanjiku Wakogi
Isaac Kiva (Eng.)
Caroline Kittony
Elizabeth Rogo (Dr.)
Sachin Gudka
James Mwangi (Eng.)
John Mutua (Dr.)
Anne Eriksson
Yida Kemoli

Joint Secretaries:

Jasper Mbiuki
Lillian Abishai
Elsie Mworia

1. The Terms of Reference of the Taskforce shall be to—

- (a) undertake a comprehensive review and analysis of the terms of all Power Purchase Agreements (PPAs) entered into by the Kenya Power and Lighting Company Limited (KPLC);
- (b) probe the compliance of the PPAs and all associated agreements with Government policies, legislation and regulations and identify what appropriate actions should be taken, including the termination or renegotiation of the PPAs;

- (c) review the sustainability and viability of all independent power generation projects that have been proposed, are under implementation, or in operation, and make appropriate recommendations;
 - (d) review the allocation of risk between the independent power producers and KPLC under the PPAs, and make appropriate recommendations;
 - (e) review the Take-or-Pay approach applied under the PPA structure and recommend a viable Pay-when-Taken (merchant plant) approach, or any other viable payment structure, for use in independent power generation projects;
 - (f) develop a suitable strategy for engagement with the independent power producers and lenders, in order to achieve relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector;
 - (g) review the current methods for sourcing of independent power producers and recommend appropriate alternative sourcing frameworks, including energy auctions;
 - (h) recommend legislative, regulatory, policy or administrative interventions for the implementation of the recommendations and strategies of the Taskforce;
 - (i) develop a detailed action plan for implementing the recommendations made by the Taskforce; and
 - (j) perform any other function or tasks as the Taskforce may find necessary in order to deliver on its mandate.
2. In the performance of its mandate, the Taskforce shall—
- (a) report to and be accountable to H.E. President through the Cabinet Sub-committee on Kenya Power and Lighting Company;
 - (b) consult with stakeholders in the electrical energy sub-sector including industry players, large electricity consumers, associations and lobby groups, regulators and Government agencies, and any other person or entity as the Taskforce shall deem necessary;
 - (c) hold such number of meetings, consultative sessions, public events and engagements as the Taskforce shall consider

necessary for the purposes of receiving information or views in furtherance of its terms of reference;

- (d) co-opt any person as it may consider necessary or expedient for the proper performance of its functions and the effective discharge of its mandate;
- (e) have such powers as may be necessary or expedient for the proper execution of its functions;
- (f) regulate its own procedure;
- (g) create committees or sub-committees for the efficient and expedited discharge of its mandate;
- (h) may consider and use the reports of any past or ongoing initiatives as the Taskforce may deem relevant to its mandate; and
- (i) request and receive any information or document that may be relevant to the discharge of its mandate.

3. The Taskforce will serve for a period of six (6) months with effect from the 29th March, 2021, or for such longer period as may be specified by notice in the *Gazette*.

4. During the tenure of the Taskforce—

- (a) a moratorium is hereby placed on all PPAs not concluded as at the date of this notice, including any related letters of support and legal opinions pending issuance by the Attorney-General; and
- (b) a moratorium is hereby placed on the renewal of any PPA whose renewal would occur during the pendency of the Taskforce, with the exception of those that shall receive approval by the Board of Directors of the Kenya Power and Lighting Company Limited for the purposes of renegotiation but, at all times, subject to ratification by the Cabinet Sub-committee on KPLC.

5. The Secretariat of the Taskforce shall be based at Harambee House, 3rd Floor, P.O. Box 30510-00100, Nairobi.

Dated the 29th March, 2021.

JOSEPH K. KINYUA,
Head of the Public Service.