**JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY**

**UNIVERSITY EXAMINATIONS 2017/2018**

**EXAMINATION FOR THE DEGREE OF BACHELOR OF SCIENCE AGRICULTURAL ECONOMICS AND RURAL DEVELOPMMENT/ AGRIBUSINESS MANAGEMENT AND ENTERPRICE DEVELOPMENT**

**AER 2308: AGRICULTURE LAW**

**DATE: JANUARY 2018 TIME: 2 HOURS**

**INSSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS.**

**QUESTION 1**

1. Differentiate between the following terms
2. Case law and common law (2 marks)
3. Policies and statutes (2 marks
4. A bill and an act of parliament (2 marks)
5. The Kenyan constitution 2010 is the supreme foundation of law for agriculture and agribusiness. Explain any three agricultural laws and their foundation in the constitution. (3 marks)
6. Jane Kimaru is a buddung entrepreneur in Nyahururu, Nyandarua county. Over the last four years he has been producing home- made yoghurt flavoured with real strawberry fruits going for the name *jenny yoghurt*. During the first three years of the business, demand for her products grew significantly in Nyahururu, Nakuru and other neighbouring towns. However, over the last year, she noticed that demand for jenny yoghurt had dipped. Her initial investigation showed that her customers were ordering a jenny yoghurt product that did not originate from her processing line.
7. Based on the case study ,explain what may be afflicting Ms. Kimaru’s business (2 marks)
8. What advice would you give Ms Kimaru to safeguard her business (3 marks)
9. Mr saleh has been a practicing orange farming on his 20 acre farm in Kwale county for the last 10 years. Over the last year, a mining exploration company has discovered titanium ores and has applied to the department of mining for a licence to extract the minerals. The department of mining officials have written to Mr Saleh indicating that the state is interested in using the land for mining activities therefore potentially losing his land and by extension his 10 year business. What legal protwction does Mr.Saleh enjoy and what recourse does he have in case they are infringed on? (4 marks)
10. Using relevant examples, explain any four negotiatable instruments that are used in agriculture and agribusiness. (4 marks)
11. A group of youth is seeking for your assistance to apply for a short term lease for a piece of public land in Nairobi to start and open food market. What advice would you give them regarding their obligation with the National Land Commission should they be granted the lease (5 marks)
12. Explain the rights to a spouse as provided for under the Land Act 2012 (3 marks)

**QUESTION 2**

On attaining independence, Kenya inherited and adopted the entire set of colonial land laws that had been enacted to address the interest of the white settlers. The principals of these laws were the Crown Land Ordinances of 1902 and 1915. “ The independence government made superficial amendments to the law inherited from the British ,such that Ordinances were simply named “Acts”, Crown was substituted with “president”, Crown land was renamed “Government Land”, and where Crown refereed to the British Monarch as an institution and it was substituted with “Government”.

1. Discuss the effects of the system of land law that developed in pre and post- independence Kenya on individual and communal tenure rights. (15 marks)
2. Explain the legal mechanisms put in place post 2010 to address the challenges posted by the system of land law which existed in Kenya since the 1920s. (5 marks)

**QUESTION 3**

Due to agriculture’s dominant nature in the country’s economic activity, performance of the Kenyan economy is closed tied to the performance of the agricultural sector. Consequently, it has been argued that whenever the agricultural GDP declines, overall country GDP declines and vice versa. (Odhiambo, Nyagitto et al. 2004) Agricultural policies have been and continue to be key instruments to enhance agricultural performance.

1. Discuss the main areas of concern for Kenya’s agricultural policy making post 2000 (10 marks)
2. In 2008, the Government of Kenya launched Kenya vision 2030 as the new long- term development blueprint for the country whose focus is to create a “Globally competitive and prosperous country with a high quality of life by 2030”. Evaluate the implementation of the first and second medium term plans in the agricultural sector (10 marks)

**QUESTION 4**

1. The passing of the Agriculture, Food and Fisheries Authority Act (2013) as amended in 2015 (AFA, 2015) has been hailed by some industry stakeholders as the most significant change in Kenya’s agricultural sector over the 100 years, discuss the main changes brought about by this law. (10 marks)
2. Using relevant examples, discuss any five principles that guide the utilization of land based resources (10 marks)