

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

SPECIAL ISSUE

Kenya Gazette Supplement No. 119 (National Assembly Bills No. 34)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

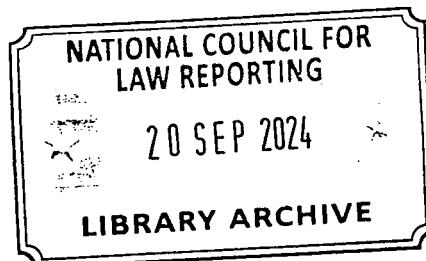
NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 14th June, 2024

CONTENT

Bill for Introduction into the National Assembly —

| | PAGE |
|-------------------------------|------|
| The Livestock Bill, 2024..... | 763 |



THE LIVESTOCK BILL, 2024
ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of this Act.
- 4—Guiding principles.
- 5—Application.
- 6—Roles of the national government in the livestock sector.
- 7—Roles of county governments.

PART II—THE LIVESTOCK INPUTS AND PRODUCTS REGULATORY AUTHORITY

- 8—Establishment of the Livestock Inputs and Products Regulatory Authority.
- 9—Composition of the Board of the Authority.
- 10—Qualifications for appointment to the Board of the Authority.
- 11—The Chief Executive Officer of the Authority.
- 12—Functions of the Authority.
- 13—Powers of the Board of the Authority.
- 14—Appointment of livestock inputs and products inspectors.
- 15—Powers of inspectors.
- 16—Designation of laboratories.

PART III—THE KENYA LIVESTOCK RESEARCH ORGANISATION

- 17—Establishment of the Kenya Livestock Research Organisation.
- 18—Board of the Organisation.

- 19—Qualifications of Chairperson and members of the Board of the Organisation.
- 20—Functions of the Organisation.
- 21—Functions of the Board of the Organisation.
- 22—Powers of the Board of the Organisation.
- 23—The Director-General of the Organisation.
- 24—Establishment of research institutes.
- 25—Operations of research institutes.
- 26—Research institute advisory committees.
- 27—Functions of a research institute advisory committee.
- 28—Appointment of research institute directors.
- 29—Collaboration with the National Commission for Science, Technology and Innovation.

PART IV—THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD

- 30—Establishment of the Livestock and Livestock Products Marketing Board.
- 31—Composition of the Marketing Board.
- 32—Qualifications for appointment to the Marketing Board.
- 33—Functions of the Marketing Board.
- 34—Powers of the Marketing Board.
- 35—The Chief Executive Officer of the Marketing Board.
- 36—Information management.

PART V—THE KENYA VETERINARY VACCINES INSTITUTE

- 37—Establishment of the Kenya Veterinary Vaccines Institute.
- 38—Composition of the board of the Institute.
- 39—Qualifications for appointment to the board of the Institute.
- 40—Chief Executive Officer of the Institute.

- 41—Functions of the Institute.
- 42—Powers of the board of the Institute.

PART VI—THE KENYA TSETSE AND TRYpanosomiasis ERADICATION COUNCIL

- 43—Establishment of the Kenya Tsetse and Trypanosomiasis Eradication Council.
- 44—Composition of the Council.
- 45—Qualifications for appointment to the board of the Council.
- 46—Functions of the Council.
- 47—Powers of the Council.
- 48—The Chief Executive Officer of the Council.

PART VII—THE KENYA ANIMAL GENETIC RESOURCES CENTRE

- 49—Establishment of the Kenya Animal Genetic Resources Centre.
- 50—Composition of the board of the Centre.
- 51—Qualifications for appointment as the chairperson of the board of the Centre.
- 52—Functions of the Centre.
- 53—Powers of the board of the Centre.
- 54—The Chief Executive Officer of the Centre.

PART VIII—THE KENYA LEATHER DEVELOPMENT AUTHORITY

- 55—Establishment of the Kenya Leather Development Authority.
- 56—Board of the Leather Authority.
- 57—Qualifications of the chairperson of the Leather Authority.
- 58—Functions of the Leather Authority.
- 59—Functions of the board of the Leather Authority.
- 60—The Chief Executive Officer of the Leather Authority.

61—Qualifications of the Chief Executive Officer of the Leather Authority.

PART IX—GENERAL PROVISIONS ON LIVESTOCK AGENCIES

62—Disqualification from appointment to boards of livestock agencies.

63—Conduct of business and affairs of livestock agencies.

64—Delegation by the board.

65—Functions of the Chief Executive Officer.

66—Remuneration of board members.

67—Committees of the board

68—Vacation of office.

69—Engagement of experts or consultants.

70—Common seal.

71—Removal of the Chief Executive Officer.

72—Personal liability.

73—Establishment of county offices and collaboration with counties.

74—Staff of the livestock agencies.

75—Disclosure of interest.

PART X—FINANCIAL PROVISIONS

76—Funds of livestock agencies.

77—Financial year.

78—Annual estimates.

79—Accounts, audit and annual reports.

PART XI—ESTABLISHMENT OF LIVESTOCK TRAINING INSTITUTIONS

80—Establishment of livestock training Institutions.

81—Establishment of the Training Institutions Examinations Board.

82—Establishment of county livestock farmers training centres.

PART XII—ANIMAL BREEDING

- 83—Registration and licensing of livestock breeders.
- 84—Designation of recording regions.
- 85—Registration of breeding animals.
- 86—Rights of an animal breeder.
- 87—Attachment of identification codes on animals.
- 88—Offences relating to animal identification
- 89—Import and export of animals and genetic material.
- 90—Licensing of Reproductive and Genetics Technology Service Centres.
- 91—Regulations on breeding.

PART XIII—ANIMAL FEEDSTUFF

- 92—Restrictions on importation, manufacture and sale of animal feedstuff.
- 93—Licensing of animal feed manufacturers.
- 94—Labelling of animal feeds.
- 95—Deleterious ingredients.
- 96—Regulations on animal feedstuff.

PART XIV—BEEKEEPING

- 97—Regulations in respect of beekeeping.

PART XV—MISCELLANEOUS PROVISIONS

- 98—General penalty.

- 99—Regulations.

PART XVI—TRANSITIONAL AND REPEAL PROVISIONS

- 100—Interpretation of Part.
- 101—Revocation of legal Notices.
- 102—Staff of former agencies.
- 103—Disciplinary proceedings.
- 104—Reference to former agency.
- 105—Assets and liabilities.
- 106—Proceedings.
- 107—Agreements and deeds.
- 108—Licences and permits.
- 109—Administrative decisions.
- 110—Consequential amendments.

SCHEDULES**FIRST SCHEDULE —****FUNCTIONS OF NATIONAL AND COUNTY GOVERNMENTS IN THE LIVESTOCK SECTOR**

SECOND SCHEDULE —

**RESEARCH
INSTITUTES**

THIRD SCHEDULE —

**PROVISIONS AS
TO THE
CONDUCT OF
THE AFFAIRS
AND BUSINESS
OF THE BOARDS
OF LIVESTOCK
AGENCIES**

FOURTH SCHEDULE —

**REVOKE
LEGAL NOTICES**

FIFTH SCHEDULE —

**CONSEQUENTIAL
AMENDMENTS**

THE LIVESTOCK BILL, 2024

A Bill for

AN ACT of Parliament to provide for the development of the livestock sector and the regulation of livestock inputs and livestock products; research and capacity building in the livestock sector; the establishment of livestock agencies and training agencies; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Livestock Act, 2024. Short title.

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

“animal” means any domestic or wild animal, and includes a bird, bee, fish or other aquatic animal;

“animal feedstuff” means—

(a) any—

(i) substance obtained by a process of crushing, gristing or grinding or by the addition to any substance or the removal therefrom of any ingredient; or

(ii) condimental foodstuff or mineral substance which possesses or is alleged to possess nutritive properties; or

(iii) substance of animal origin, which is intended or offered for the feeding of livestock, domestic animals or poultry; or

(b) any stock lick or substance which can be and is used as a stock lick, whether or not it possesses medicinal properties,

but does not include straw, chaff, underground hay, silage, cereal in the grain or any substance which has been crushed, gristed or ground for a farmer in accordance with his directions for his own use, unless the Cabinet Secretary declares, by notice in the *Gazette*, such substance to be animal foodstuff under section 97;

“animal genetic resource” means animal species that is used or may be used for the production of food and agriculture, and the populations within each of them;

“animal science” includes the disciplines of animal production, range management or veterinary medicine;

“animal science” includes the disciplines of animal production, range management or veterinary medicine;

“Authority” means the Livestock Inputs and Products Regulatory Authority established under section 8;

“biological product” means a product derived from a living organism or a biotechnological process and is used to immunize animals or to prevent, diagnose or treat animal diseases;

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

“Centre” means the Kenya Animal Genetic Resources Centre established under section 50;

“companion animal” means an animal kept as a pet and includes a dog, cat or horse;

“compliance officer” means an officer appointed by the Authority in accordance with section 14(1) and includes a compliance officer appointed by a county government in accordance with Regulations made under this Act;

“Council” means the Kenya Tsetse and Trypanosomiasis Eradication Council established under section 44;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for livestock in a county;

“draught animal” means an animal used to draw a load and includes a camel, donkey, horse, mule or ox;

“emerging livestock” means non-traditional livestock consisting of animal species and includes quail, ostrich, guinea fowl and a farmed game animal or any other animal that the Cabinet Secretary may by notice in the Gazette declare as such under section 105;

“Examinations Board” means the Livestock Training Institutions Examinations Board established under section 82;

“food safety” means the state of food of animal origin, intended for human or animal consumption, being free of biological, chemical or physical material harmful to health;

“inspector” means an officer appointed by the Authority in accordance with section 14(2) and includes an officer appointed by a county government as an inspector under regulations made pursuant to this Act;

“licence” means a licence issued in accordance with the provisions of this Act or regulations made thereunder;

“Institute” means the Kenya Veterinary Vaccines Institute established under section 38;

“Leather Authority” means the Kenya Leather Development Authority established under section 56;

“livestock” includes cattle, camel, sheep, goat, pig, poultry, lagomorphs, companion animals, draught animals, bees, any emerging livestock or any wild animal, bird or reptile in a state of captivity and includes their young ones;

“livestock agency” means the Livestock Inputs and Products Regulatory Authority, the Kenya Livestock Research Organisation, the Livestock and Livestock Products Marketing Board, the Kenya Veterinary Vaccines Institute, the Kenya Tsetse and Trypanosomiasis Eradication Council, the Kenya Animal Genetic Resources Centre or the Kenya Leather Development Authority established under this Act;

“livestock development” means action taken to enhance livestock productivity under this Act;

“livestock industry” means any activity that involves the production, processing, marketing or distribution of livestock and livestock products or services;

“livestock infrastructure” means structures and facilities serving the livestock economy and includes roads, holding grounds, water points, disease free zones, markets and livestock vehicles;

“livestock inputs” include farm machinery and equipment, feeds and feed supplements, water, land, labour, knowledge, fertiliser, veterinary medicines and vaccines;

“livestock product” means a carcass or any part of a carcass of livestock, and any product consisting of parts of, or derived from livestock, and includes hides and skins, wool, feather, meat, dairy products, poultry products, hive products and any other product from livestock that the Cabinet Secretary may by order in the Gazette, declare as such under section 105;

“livestock production” means the management and use of livestock resources to produce livestock for food, labour and raw material for industry;

“livestock resource” means the respective value chains contributing to specific livestock products;

“livestock sector” includes the meat industry, the dairy industry, the hides and skins, leather, wool and fur industry, the poultry industry, the pig industry, the apiculture industry, the camel industry, the small stock and any other livestock based value chain;

“Marketing Board” means the Livestock and Livestock Products Marketing Board established under section 31;

“media” means an environment conducive for the growth of microorganisms;

“Organisation” means the Kenya Livestock Research Organisation established under section 17;

“Principal Secretary” means the Principal Secretary in the State department responsible for livestock;

“processor” means a person who processes livestock products for value addition;

“producer” means a person who produces livestock products at primary level and excludes a processor;

“quality assurance” means the management processes focussed on ensuring that products and services meet set standards;

“rangeland” means a large unimproved or improved open land for keeping, rearing and grazing animals;

“service provider” means a person engaged in the provision of technical or support services to the livestock industry;

“strategic livestock feed reserve” means an animal feed of good quality whose availability in large quantities in the domestic market is important for food security and its reserve is established through either the provision of finance or the direct provision of the product;

“tsetse belt” means an area declared by the Council to be infested by tsetse; and

“value chain actor” means a person engaged in any activity required to bring livestock or livestock product to the final consumer as it passes through the different phases of production, processing and delivery.

3. The objects of this Act are to—

Objects of the
Act.

- (a) regulate and coordinate the development of the livestock sector;
- (b) provide mechanisms for the realization of the national food and nutrition security and food safety;
- (c) coordinate the provision of incentives to livestock farmers;
- (d) regulate the production, manufacturing and utilization of livestock inputs and livestock products;
- (e) facilitate market access of livestock, livestock inputs and products through the effective regulation and promotion of the value chains;
- (f) provide for the establishment of animal resource training institutions;
- (g) support a value chain approach to capacity building in the livestock sector;
- (h) provide for the establishment of livestock sector agencies for effective service delivery;
- (i) promote and lead research in the entire livestock sector;
- (j) set standards for livestock development;
- (k) facilitate intergovernmental relations in the livestock sector;
- (l) support interventions to mitigate disasters in the livestock sector; and

- (m) establish measures to enhance consumer protection and safety of foods of animal origin; and
- (n) guide livestock identification and traceability initiatives.

4. The guiding principles of this Act are—

Guiding principles.

- (a) effective, efficient and sustainable utilization of the livestock resource base to improve livelihoods, nutrition, food security and economic development;
- (b) promotion of an innovative, commercially oriented and modern livestock sector for global competitiveness through adoption of best practices;
- (c) sustenance of biodiversity and genetic diversity in livestock resources while ensuring sound environmental management for sustainability; and
- (d) returns on investment to livestock producers and commercial focus for livestock enterprise.

5. (1) This Act shall apply to—

Application.

- (a) livestock;
- (b) livestock inputs and livestock products;
- (c) the delivery of services within the livestock sector; and
- (d) value chain actors in the livestock sector.

(2) This Act shall not apply to—

- (a) the regulation of veterinary practice including veterinary medicines; and
- (b) the regulation of the dairy industry regulated under the Dairy Industry Act.

6. (1) Subject to Article 186 of the Constitution and the Fourth Schedule to the Constitution, the roles of the national government and the county governments with regard to the livestock sector shall be as set out in the First Schedule.

Cap. 336.

Roles of the national government in the livestock sector.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary shall lead the Principal Secretary and technical departments to facilitate the development of the livestock sector through—

- (a) the provision of affordable and safe inputs in the livestock sector;
- (b) the establishment of strategic livestock feed reserves;
- (c) facilitating market access to livestock and livestock products;
- (d) ensuring product integrity of livestock products;
- (e) building the capacity of farmer associations, value chain actors and livestock-based cooperatives;
- (f) the development and implementation of national breeding and conservation programmes for locally adapted livestock breeds;
- (g) developing and continuously updating livestock data repository for research and policy formulation;
- (h) developing strategies, plans and programmes for the conservation and sustainable use of rangeland resources;
- (i) establishing mechanisms for accessing, harvesting and storing water for livestock;
- (j) identification of research agenda, co-ordination and strengthening of livestock research;
- (k) developing strategies for the sustainable use of livestock holding grounds, animal genetics conservation farms and diagnostic and efficacy trial centres;
- (l) establishing mechanisms for the collection, processing and dissemination of livestock data including conducting surveys and census;
- (m) establishing programmes for the uptake of livestock insurance;
- (n) establishing mechanisms for the stabilization of the prices of livestock and livestock products;
- (o) carrying out emergency preparedness and disaster mitigation in the livestock sector;
- (p) supporting measures on safety of food of animal origin;

- (q) control and eradication of livestock diseases and pests; and
- (r) protection of animals and their welfare.

(3) The Cabinet Secretary, Principal Secretary, county executive committee member responsible for livestock and county chief officer responsible for livestock may—

- (a) mobilize resources and provide incentives including grants to farmer associations and value chain actors;
- (b) link small scale livestock farmers with off takers, postharvest storage providers, processors, livestock farmer associations and small and medium enterprises;
- (c) encourage registration of livestock farmers; and
- (d) establish mechanisms for engaging and supporting the private sector within the livestock sector, as appropriate.

7. Every county executive committee member responsible for livestock, county chief officer responsible for livestock and relevant technical departments in a county shall—

- (a) provide livestock extension services along the entire livestock value chain;
- (b) facilitate access to affordable credit and livestock insurance;
- (c) in collaboration with the national government, enforce standards and regulations on livestock inputs and livestock products;
- (d) implement standards on pasture, water management and conservation of natural resources;
- (e) construct markets and value addition infrastructure for livestock and livestock products;
- (f) monitor compliance with standards on the design and construction of animal structures within the county;
- (g) collect and collate county specific livestock data and submit the data to the national government; and

Roles of county governments.

- (h) in collaboration with the national government, put in place emergency measures to mitigate disasters affecting livestock.

PART II—THE LIVESTOCK INPUTS AND PRODUCTS REGULATORY AUTHORITY

8. (1) There is established an authority to be known as the Livestock Inputs and Products Regulatory Authority.

(2) The Authority 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;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act or any written law, which may be lawfully done by a body corporate.

(3) The Authority shall be the successor to the National Livestock Development and Promotion Service established under the National Livestock Development and Promotion Service Order and existing immediately before the commencement of this Act.

(4) The headquarters of the Authority shall be in Nairobi.

9. (1) The management of the Authority shall vest in a board which shall comprise—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to livestock or a representative designated in writing;
- (c) the Director of Veterinary Services;
- (d) the Director of Livestock Production;
- (e) one county executive committee member responsible for matters relating to livestock nominated by the Council of Governors;

Establishment of
the Livestock
Inputs and
Products
Regulatory
Authority.

Sub. Leg.

Composition of
the board of the
Authority.

- (f) three professionals with knowledge and experience in animal sciences, not being public officers, nominated by professional bodies in the livestock sector;
- (g) one person, being a livestock producer, nominated by a livestock farmers' Organisation; and
- (h) the Chief Executive Officer of the Authority.

(2) In appointing members of the board under this section, the appointing authority shall observe the principles of gender and regional balance, diversity of the livestock sector and have due regard to the principle of equal opportunities for persons with disabilities.

(2) The Cabinet Secretary shall, by notice in the Gazette, appoint the members under subsection (1) (e), (f) and (g).

(3) The chairperson and the members appointed under subsection (1) (e), (f) and (g) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

10. (1) A person qualifies for appointment as the chairperson of the board of the Authority if the person—

- (a) holds a bachelor's degree in a livestock related field from a university recognized in Kenya; and
- (b) has at least ten years' professional experience in matters relating to livestock.

Qualifications for
appointment to the
Board of the
Authority.

(2) A person qualifies for appointment as a member of the board under section 9(1) (f) if the person—

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya; and
- (b) has at least ten years' professional experience in animal sciences.

11. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the board of the Authority through a competitive recruitment process.

The Chief
Executive Officer
of the Authority.

(2) A person is qualified for appointment as the Chief Executive Officer of the Authority if the person—

- (a) is a Kenyan citizen;

- (b) holds a bachelor's degree in animal sciences or an equivalent qualification from a university recognized in Kenya;
- (c) holds a master's degree in a relevant field from a university recognized in Kenya;
- (d) has at least ten years' professional experience in the livestock sector, five of which shall be in a senior management position; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Authority shall be an ex-officio member of the board and shall have no right to vote at any meeting of the board.

(4) The Chief Executive Officer of the Authority shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

12. (1) The functions of the Authority shall be to—

Functions of the Authority.

- (a) regulate the production, manufacture, importation, exportation, distribution and sale of animal feedstuff with respect to fodder, concentrates, supplements, feed additives and premixes to ensure compliance with national standards;
- (b) approve stud identification, register breeding animals and undertake performance recording and genetic evaluation;
- (c) oversee sustainable use and conservation of animal genetic resources;
- (d) monitor the utilization of imported and local animal genetic resources intended for breed improvement;
- (e) regulate imported and locally manufactured equipment used in the livestock sector;
- (f) regulate the production, processing, sale and importation of hive products;
- (g) set standards for livestock infrastructure including design and construction of livestock structures;
- (h) maintain a national database for livestock value chain actors including breeders, breeder

associations, animal feeds dealers, beekeepers and other livestock input and livestock products service providers;

- (i) identify training needs in the counties and advise the Principal Secretary on livestock matters that require capacity building in the county governments;
- (j) set standards for the rearing and appropriate utilization and management of draught and other domestic animals;
- (k) set standards for the delivery of extension services;
- (l) collaborate with other government agencies in the enforcement of standards through inspections;
- (m) register and license dealers in livestock inputs and livestock products;
- (n) regulate livestock sector industries and value chains including poultry, apiculture and pig; and
- (o) perform such other functions as may be conferred on it by any other written law.

(2) The functions of the Authority under subsection (1) shall be performed in collaboration with the county governments.

13. (1) The board shall have all the powers necessary for the performance of the functions of the Authority. Powers of the board of the Authority.

(2) Despite the generality of subsection (1), the board may—

- (a) establish such units as it deems necessary for the better carrying out of the provisions of this Part;
- (b) establish such facilities and systems in furtherance of the functions of the Authority;
- (c) compel the production of any information required for the performance of its functions;
- (d) open such banking accounts or special accounts as it may consider necessary;
- (e) borrow money, mortgage or charge any of its assets with the consent of the Cabinet Secretary;

- (f) invest its money in approved securities or other income generating activities as the Cabinet Secretary responsible for finance may approve;
- (g) establish special reserves as it considers necessary or expedient for any purpose contemplated by this Part;
- (h) hire staff as appropriate for the better carrying out of its functions;
- (i) manage and utilize the resources of the Authority in accordance with the provisions of this Act and in a manner, which in the opinion of the board, promote the best interests of the livestock sector; and
- (j) ensure effective communication with stakeholders.

14. (1) The Authority may, by notice in the *Gazette*, appoint duly qualified persons, whether by name or by office, to be compliance officers of the Authority, for such jurisdictional units as may be specified in the notice of appointment.

Appointment of
livestock inputs
and products
inspectors.

(2) Each County Executive Committee Member responsible for livestock shall nominate a duly qualified person to be appointed as an inspector by the Authority for purposes of subsection (1).

(3) The functions of a compliance officer and an inspector shall be to—

- (a) monitor compliance with this Act and Regulations made thereunder; and
- (b) undertake inspections and submit reports thereof to the Authority.

(4) Each compliance officer and inspector appointed under this section shall be issued with an identification certificate in the prescribed form, attesting to the appointment and, on entering any place, the compliance officer or inspector shall produce the identification certificate to the person in charge of that place.

15. (1) A compliance officer and an inspector may, at any hour reasonable for the proper performance of his or her duty—

Powers of
compliance
officers and
inspectors.

- (a) enter any premises where he or she believes any article to which this Act applies is prepared, preserved, packaged, stored or conveyed, examine any such article and take samples thereof, and examine anything that he or she believes is used or capable of being used for such preparation, preservation, packaging, storing or conveying;
- (b) stop, search or detain any aircraft, ship or vehicle in which he or she believes that any article subject to the provisions of this Act is being conveyed and examine any such article and take samples thereof for the purposes of this Act;
- (c) open and examine any receptacle or package which he or she believes contains any article to which this Act applies;
- (d) examine any books, documents, or other records found in any place mentioned in paragraph (a) that he or she believes contain any information relevant to the enforcement of this Act with respect to any article to which this Act applies and make copies thereof or take extracts therefrom;
- (e) direct that any part of premises which he or she has power to enter, or anything in such premises, shall be left undisturbed for so long as is reasonably necessary for the purpose of any test or inspection; or
- (f) seize and detain for such time as may be necessary any article in relation to which he or she believes any provision of this Act has been contravened.

(2) Where the place referred to in subsection (1)(a) is a dwelling-house, the compliance officer or inspector may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued by a magistrate or a judge.

(3) The owner or a person in charge of any place which is to be inspected or a person found at that place shall accord the compliance officer or inspector all reasonable assistance to enable the compliance officer or inspector to carry out the necessary duties under this Act and shall furnish the compliance officer or inspector with

any information that may reasonably be required with respect to the performance of the inspector's functions.

(4) The compliance officer or inspector may, for the purpose of verifying compliance or preventing non-compliance with this Act, order a person to provide, on such date, time, place and manner specified by the inspector, any document, information or sample specified by the inspector.

(5) The compliance officer or inspector may submit any article seized by him or any sample taken by him or her to a designated laboratory for analysis.

(6) A person who—

- (a) hinders or obstructs a compliance officer or an inspector in the exercise of his or her duties under this Act;
- (b) fails to comply with a lawful order made by an inspector in accordance with this Act;
- (c) refuses entry to a compliance officer or an inspector upon any land or into any premises or vessel which the compliance officer or inspector is empowered to enter under this Act;
- (d) impersonates compliance officer or an inspector;
- (e) refuses access to a compliance officer or an inspector to records or documents kept pursuant to the provisions of this Act;
- (f) misleads or gives wrongful information to compliance officer or an inspector under this Act;
- (g) removes, alters or interferes in any way with articles seized under this Act without the authority of a compliance officer or an inspector,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months, or both.

16. (1) The Authority may, by notice in the *Gazette*, designate laboratories for respective tests.

Designation of laboratories.

(2) Where samples are submitted to a designated laboratory for analysis, the analyst shall, as soon as practicable analyse the sample and issue a certificate of analysis specifying the result of the analysis.

(3) A certificate of analysis issued under this Act shall be in the prescribed form.

(4) Where any method is prescribed for the analysis of any article to which this Act applies, the analyst shall in the certificate of analysis declare that he has followed the prescribed method.

(5) A person who causes or permits any copy of a certificate of analysis obtained under this Act to be used in any advertisement commits an offence.

PART III—THE KENYA LIVESTOCK RESEARCH ORGANISATION

17. (1) There is established an Organisation to be known as the Kenya Livestock Research Organisation.

(2) The Organisation 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 and disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act or any written law, which may lawfully be done or performed by a body corporate.

(3) The headquarters of the Organisation shall be in Nairobi.

18. (1) The management of the Organisation shall vest in a board which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to livestock or a representative designated in writing;
- (c) the Principal Secretary for the time being responsible for finance or a representative designated in writing;

- (d) the Secretary to the National Commission for Science, Technology and Innovation or a representative designated in writing;
- (e) the Director of Livestock Policy and Research or a representative appointed in writing;
- (f) four persons appointed by the Cabinet Secretary as follows—
 - (i) one person who represents the interest of livestock farmers nominated by a registered farmer organisation;
 - (ii) one person who represents the interest of universities that conduct livestock training;
 - (iii) two persons who represent the private sector in the livestock sector nominated by a national organisation representing livestock value chain actors; and
- (g) the Director General.

(2) In appointing members of the board under this section, the appointing authority shall observe the principles of gender and regional balance and have due regard to the principle of equal opportunities for persons with disabilities.

(3) The Cabinet Secretary shall, by notice in the *Gazette*, appoint the members under subsection (1) (f).

(4) The chairperson and the members appointed under subsection (1) (e), shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

19. The chairperson and members appointed under section 19 (1) (e) shall—

- (a) hold a master's degree in a livestock related field; and
- (b) have ten years professional experience in matters relating to livestock.

Qualifications of Chairperson and members of the board of the Organisation.

20. The functions of the Organisation shall be to —

- (a) conduct and coordinate livestock research in line with relevant policies;

Functions of the Organisation.

- (b) advise on, and develop appropriate systems to promote balanced, diversified and sustainable livestock development through adaptive and investigative research;
- (c) develop improved livestock production technologies and establish adequate feedback systems;
- (d) organize, design and carry out on-station and on-farm research in accordance with relevant policies and such research priorities as may be determined by the board;
- (e) address, through research, identified constraints in livestock production and the processing, marketing and utilization of livestock input and products;
- (f) conduct research on livestock diseases and pests to ensure control of emerging and re-emerging disease pathogens;
- (g) conduct research based on the national livestock research agenda;
- (h) lead research on safety of foods of animal origin;
- (i) collaborate with the extension and education services and other Organisations and institutions including schools, technical institutions and universities, public or private, to disseminate research results and technologies;
- (j) collaborate with regional and international livestock research institutions to ensure the introduction, evaluation and use of improved technology of potential benefit to the country;
- (k) in association with stakeholders, conduct annual reviews of research results and modify research programmes as appropriate;
- (l) promote and conduct demand-driven participatory research, planning and priority setting; and
- (m) perform such other functions as may be conferred on it by any other written law.

21. The functions of the board of the Organisation shall be to—

Functions of the
board of the
Organisation.

- (a) advise the Cabinet Secretary on matters of policy relating to livestock research;
- (b) oversee the co-ordination of the operations of the Organisation;
- (c) ensure that the activities of the Organisation are consistent with the policy and objectives of the Government, and the national priorities relating to livestock and livestock research;
- (d) approve, oversee and evaluate on a continuing basis the programmes being implemented by the Organisation;
- (e) direct strategic research and policy and prioritise the research agenda;
- (f) develop an economical, efficient and cost-effective internal management structure;
- (g) approve strategic plans and annual plans of the Organisation; and
- (h) perform such other functions as may be necessary for the execution of the functions of the Organisation under this Act.

22. The Board of the Organisation shall have the powers necessary for the performance of its functions under this Act and subject to the provisions of this Act, the board shall have the power to—

Powers of the
board of the
Organisation.

- (a) protect, manage, control and administer the assets of the Organisation in such manner and for such purposes as best promotes the purpose for which the Organisation is established;
- (b) receive gifts, grants, donations or endowments made to the Organisation and make disbursement therefrom;
- (c) establish specialized livestock research institutes;
- (d) open such bank accounts as may be necessary for the funds of the Organisation, into which all moneys received by the Organisation shall be paid in the first instance and out of which all payments made by the Organisation shall be made;

- (e) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Organisation;
- (f) award researchers for innovations, discoveries and improvements which have significant social-economic impact; and
- (g) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Organisation's funds not immediately required for the purposes of this Act, as it may determine.

23. (1) There shall be a Director-General of the Organisation who shall be competitively recruited by the Board.

The Director-General of the Organisation.

(2) The Director-General shall be the Chief Executive Officer of the Organisation and shall be appointed on such terms and conditions of service as the board shall, with approval of the Cabinet Secretary and the Salaries and Remuneration Commission, determine.

(3) The Director-General shall be an ex officio member of the board and shall have no right to vote at any meeting of the board.

(4) A person qualifies for appointment as the Director-General of the Organisation if the person —

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree in animal science from a university recognized in Kenya;
- (c) holds a doctorate degree in a livestock related field from a university recognized in Kenya;
- (d) has at least fifteen years' experience in matters relating to research, five of which shall be at senior management level;
- (e) has published at least ten scientific papers in reputable peer reviewed journals; and
- (f) meets the requirements of chapter six of the Constitution.

(5) The Director-General shall hold office for a term of three years and shall be eligible for re-appointment for one

further term of three years upon satisfactory performance.

24. (1) The research institutes set out in the Second Schedule which were established under the Kenya Agricultural and Livestock Research Organisation Act shall continue to operate as if they had been established under this Act.

Research institutes.
Cap. 319.

(2) The Cabinet Secretary may, on the recommendation of the Board of the Organisation, by notice in the *Gazette*, establish such other research institutes as the Cabinet Secretary may consider necessary for the performance of the Organisation's functions under this Act.

(3) Each research institute may establish such centres as it may consider necessary for the performance of the Organisation's functions under this Act.

25. (1) Each research institute shall be semi-autonomous in its operations, implementation of its programmes and the allocation and management of its resources.

Operations of
research institutes.

(2) The annual programmes and budget of a research institute shall be as approved by the board.

(3) The board may request a research institute advisory committee appointed under this Act or any other person or body as the board considers appropriate to manage on behalf of the Organisation the property of the research institute.

26. (1) The management of a research institute shall vest in a research institute advisory committee, which shall be headed by the director of the relevant institute, constituted by the Board for each research institute established under section 25.

Research institute
advisory
committees.

(2) The board shall competitively recruit and appoint such number of persons with such knowledge and experience as it shall consider necessary for the performance of the functions of the advisory committee.

(3) The members of the research institute advisory committee shall be appointed on such terms and conditions as the board with approval of the Cabinet Secretary shall consider appropriate.

(4) The board may co-opt into the membership of a research institute advisory committee, such other persons whose knowledge and skills are necessary for the performance of the functions of the committee.

27. The functions of a research institute advisory committee shall be to oversee the management of the research institute and shall—

- (a) make recommendations to the board on strategic and policy issues related to agricultural research and research programme infrastructure;
- (b) oversee the implementation of policies and programmes of the research institute and recommendations of the program review committee;
- (c) report to the board on the status of programmes and projects undertaken by the research institute and make recommendations on the improvements that may be undertaken;
- (d) make recommendations to the board on mechanisms for partnering and integrating basic and translational research programmes and for the adoption of research findings within the livestock sector;
- (e) evaluate and make recommendations to the board on areas of strategic investment and collaborations with other research institutes, research centres, organisations or individuals undertaking livestock research;
- (f) review annually, the operations, administrative organisation and budgets of the research institute in relation to the programmes and initiatives undertaken by the research institute;
- (g) provide a forum for feedback through which individuals undertaking research can submit their proposals and recommendations to the research institute; and
- (h) perform such other functions as may be assigned to it by the board.

28. (1) There shall be appointed a Director for each research institute.

Functions of a
research institute
advisory
committee.

Appointment of
research institute
directors.

(2) The Director of a research institute shall—

- (a) be competitively recruited and appointed by the board;
- (b) be appointed on such terms and conditions of service as the board shall, in consultation with the Cabinet Secretary and the Salaries and Remuneration Commission, determine;
- (c) hold office for a term of three years and shall be eligible for re-appointment for one further term of three years; and
- (d) be responsible to the Director-General for all the activities of the research institute.

(3) A person qualifies for appointment as a director of a research institute if that person —

- (a) is a Kenyan citizen;
- (b) holds a bachelor's degree in animal science;
- (c) holds a doctorate degree in a relevant field from a university recognized in Kenya;
- (d) has at least ten years' professional experience, five of which shall be in a senior management position;
- (e) has published at least five scientific papers in reputable peer reviewed journals; and
- (f) meets the requirements of chapter six of the Constitution.

29. The Organisation shall collaborate with the National Commission for Science, Technology and Innovation and shall, in relation to the Commission, be responsible for research in the livestock sector.

Collaboration with the National Commission for Science, Technology and Innovation.

PART IV—THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD

30. (1) There is established a board to be known as the Livestock and Livestock Products Marketing Board.

Establishment of the Livestock and Livestock Products Marketing Board.

(2) The Marketing 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;
- (c) entering into contracts; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

(3) The headquarters of the Marketing Board shall be in Nairobi.

31. (1) The Marketing Board shall comprise of —

Composition of
the Marketing
Board.

- (a) a chairperson, appointed by the President;
- (b) the Principal Secretary in the state department responsible for livestock or a representative designated in writing;
- (c) the Principal Secretary in the state department responsible for finance or a representative designated in writing;
- (d) one County Executive Committee Member responsible for matters relating to livestock nominated by the Council of Governors;
- (e) one person to represent livestock marketers, traders and marketing or trading associations;
- (f) two persons representing livestock producers and livestock-based cooperatives from two different livestock value chains;
- (g) two persons representing livestock processors from two different value chains; and
- (h) the Chief Executive Officer.

(2) In nominating members of the Marketing Board for appointment under this section, the nominating authorities shall take into account the principles of gender equity, regional balance, and have due regard to the principle of equal opportunities for persons with disabilities.

(3) The Cabinet Secretary shall, by notice in the *Gazette*, appoint the members under subsection (1) (d), (e), (f) and (g).

(4) The chairperson and the members appointed under subsection (1) (d), (e), (f) and (g) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

32. A person qualifies for appointment as the chairperson of the Marketing Board if the person—

Qualifications for appointment to the Marketing Board.

- (a) holds a bachelor's degree from a university recognized in Kenya; and
- (b) has at least ten years' professional experience in the livestock sector of which—
 - (i) at least five shall have been in Kenya; and
 - (ii) more than five years shall have been in the private sector as part of at least one livestock producer, marketer, trader or processor.

33. The functions of the Marketing Board shall be to—

Functions of the Marketing Board.

- (a) advise the national government and county governments on matters relating to production and marketing of livestock and livestock products;
- (b) establish and implement standards and quality assurance, including industry standards for exports, and prescribe and apply certifications in respect of livestock husbandry practices, and comply with international best practices in respect of meat testing standards;
- (c) collaborate with relevant government agencies to support compliance with quarantine and disease control procedures and implement disease-prevention measures and disease-free zones;
- (d) collaborate with relevant government agencies to promote trade and the branding of meat produced in Kenya including by participating in international and domestic trade fairs and supporting agreements in respect of access to new markets;

- (e) support the establishment and deployment of a livestock identification and traceability system;
- (f) provide market intelligence relating to the sector including by participating in national data collection and analysis platforms linked to a livestock identification and traceability system and other sources;
- (g) collaborate with banking and financial institutions to support export financing and sector financing including by helping to mobilise an export financing facility;
- (h) support rehabilitation of and investments in shared enabling infrastructure including livestock export processing zones, port facilities and cold storage facilities; and
- (i) support partnerships with county governments including through public private partnerships and direct investments in infrastructure to support livestock development.

34. The Marketing Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but despite the generality of the foregoing, the Marketing Board shall have the power to—

- (a) manage, control and administer its assets in such a manner and for such purpose as best promotes the purpose for which the Marketing Board is established;
- (b) open such bank accounts for its funds as may be necessary;
- (c) determine the provisions to be made for capital and recurrent expenditure and for the activities of the Marketing Board;
- (d) raise funds for its operations through the imposition of fees as may be approved by the Board or from development partners as may be approved by the Cabinet Secretary responsible for matters relating to finance;
- (e) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the funds of the Marketing

Powers of the Marketing Board.

Board not immediately required for the purposes of this Act, as it may determine;

- (f) receive gifts, grants, donations or endowments made to the Marketing Board and make disbursements therefrom; and
- (g) enter into association with such other bodies or Organisations within or outside Kenya as it may consider appropriate and in furtherance of the purposes for which the Marketing Board is established.

35. (1) There shall be a Chief Executive Officer of the Marketing Board who shall be competitively recruited by the Board.

The Chief Executive Officer of the Marketing Board.

(2) The Chief Executive Officer shall be appointed on such terms and conditions of service as the Board shall determine.

(3) The Chief Executive Officer shall be an *ex officio* member of the board and shall have no right to vote at any meeting of the board.

(4) A person qualifies for appointment as the Chief Executive Officer of the Marketing Board if that person —

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (c) holds a master's degree in a livestock related field, marketing, business or any other relevant field;
- (d) has at least ten years' experience in the livestock sector preferably with a marketing bias, five of which must have been at a senior management position; and
- (e) meets the requirements of chapter six of the Constitution.

(5) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

36. (1) The Marketing Board shall publish and publicize all important information within its mandate affecting the livestock sector.

Information management.

(2) Any person may request for information from the Marketing Board and such request for information—

- (a) shall be addressed to the Chief Executive Officer;
- (b) may be subject to the payment of the prescribed fee; and
- (c) may be subject to confidentiality requirements of the Marketing Board.

PART V—THE KENYA VETERINARY VACCINES INSTITUTE

37. (1) There is established an institute to be known as the Kenya Veterinary Vaccines Institute.

Establishment of
the Kenya
Veterinary
Vaccines Institute.

(2) The Institute 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;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may be lawfully done by a body corporate.

(3) The Institute shall be the successor to the Kenya Veterinary Vaccines Production Institute established in accordance with the Kenya Veterinary Vaccines Production Institute Order and existing immediately before the commencement of this Act.

Sub. Leg.

(4) The headquarters of the Institute shall be in Nairobi.

38. (1) The management of the Institute shall be vested in a board which shall consist of—

Composition of
the board of the
Institute.

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for livestock or a representative designated in writing;

- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Director of Veterinary Services or a representative designated in writing;
- (e) the Director General of the Kenya Livestock Research Organisation or a representative designated in writing;
- (f) one County Executive Committee Member responsible for matters relating to livestock nominated by the Council of Governors;
- (g) one person nominated by a livestock vaccine distribution value chain Organisation;
- (h) one person nominated by a livestock breeders' association;
- (i) one person being a livestock farmer nominated by a livestock farmers' Organisation; and
- (j) the Chief Executive Officer of the Institute.

(2) In appointing the chairperson or members of the board under subsection (1) (a), (f), (g), (h) and (i), the appointing authority shall adhere to the principles of gender, regional and ethnic balance, and shall have due regard to the principle of equal opportunities for persons with disabilities.

39. (1) A person qualifies for appointment as the chairperson of the board of the Institute if that person—

Qualifications for appointment to the board of the Institute.

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (b) has at least ten years' professional experience in matters relating to livestock; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2) A person qualifies for appointment as a member of the board of the Institute under section 39 (1) (g) if that person—

- (a) holds a bachelor's degree from a university recognized in Kenya;
- (b) has at least five years' professional experience in matters related to vaccines and their use; and
- (c) meets the requirements of Chapter Six of the Constitution.

40. (1) There shall be a Chief Executive Officer of the Institute who shall be appointed by the board through a competitive recruitment process.

Chief Executive Officer of the Institute.

(2) A person shall be qualified for appointment as the Chief Executive Officer of the Institute if the person—

- (a) holds a bachelor's degree in veterinary medicine from a university recognized in Kenya;
- (b) holds a master's degree in a relevant field;
- (c) has at least ten years' professional experience five of which should be at a senior management position; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Institute shall be an ex-officio member of the board and shall have no right to vote at any meeting of the board.

(4) The Chief Executive Officer of the Institute shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

41. The functions of the Institute shall be to—

Functions of the Institute.

- (a) produce safe, efficacious and affordable veterinary vaccines;
- (b) manufacture, market and distribute veterinary vaccines, locally, regionally and internationally;
- (c) undertake research, either alone or in collaboration with relevant research institutions, on new innovations in veterinary vaccines production;
- (d) develop and produce chemicals, media, reagents and biological products for use in the production of vaccines;

- (e) maintain a strategic vaccines reserve for the country;
- (f) serve as the custodian of master seeds for veterinary vaccines production in the country;
- (g) advise the Cabinet Secretary on all matters relating to veterinary vaccines; and
- (h) perform such other functions as may be conferred on it by any other written law.

42. The board of the Institute shall have all the powers necessary for the proper performance of its functions under this Act and subject to the provisions of this Act, the board shall have the power to—

- (a) enter into association with such other bodies or Organisations within or outside Kenya, as the board may consider desirable or appropriate and in furtherance of the purposes for which the Institute is established;
- (b) appoint the chief executive officer and the senior management staff of the Institute in accordance with the existing government procedures;
- (c) source for funds for the Institute;
- (d) oversee the management, control and administration of land and assets of the Institute in such manner and for such purposes as best promotes the purpose for which the Institute is established;
- (e) establish administrative units for the Institute;
- (f) request, in writing, any person to furnish the Institute with such information or produce such documents or records as they may consider necessary for the performance of the functions of the Institute;
- (g) receive gifts, grants, donations or endowments made to the Institute and make disbursement therefrom;
- (h) open such bank accounts as may be necessary for the management of the funds of the Institute into which all moneys received by the Institute shall be paid in the first instance and out of which all payments made by the Institute shall be made;

Powers of the
board of the
Institute.

- (i) invest any funds of the Institute not immediately required for its purposes; and
- (j) ensure effective communication with stakeholders.

PART VI—THE KENYA TSETSE AND TRYPANOSOMIASIS ERADICATION COUNCIL

43. (1) There is established a council to be known as the Kenya Tsetse and Trypanosomiasis Eradication Council.

(2) The Council 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;
- (c) entering into contracts; and
- (d) performing all other functions for the proper performance of its functions under this Act or any written law, as may lawfully be done by a body corporate.

(3) The Council shall be the successor to the Kenya Tsetse and Trypanosomiasis Eradication Council established in accordance with the Kenya Tsetse and Trypanosomiasis Eradication Council Order, 2012 and existing immediately before the commencement of this Act.

(4) The headquarters of the Council shall be in Nairobi.

44. (1) The Council shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to livestock or a representative designated in writing;
- (c) the Principal Secretary responsible for finance or a representative designated in writing;
- (d) the Director of Veterinary Services or a representative designated in writing;
- (e) the Director-General of the Kenya Wildlife Service or a representative designated in writing;

Establishment of the Kenya Tsetse and Trypanosomiasis Eradication Council.

Composition of the Council.

- (f) the Director-General for health or a representative designated in writing;
- (g) one County Executive Committee Member responsible for livestock from Tsetse infested counties, nominated by the Council of Governors;
- (h) one person nominated by an association representing the private sector Organisations involved in tsetse control;
- (i) one person being a livestock producer nominated by an association representing livestock producing communities in trypanosomiasis endemic areas; and
- (j) the Chief Executive Officer of the Council.

(2) The appointing authority shall, in appointing the members of the Council—

- (a) observe the principles of gender and regional balance, and shall have due regard to the principle of equal opportunities for persons with disabilities; and
- (b) ensure that the members of the Council are appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(3) The chairperson and a member contemplated under subsection (1) (g), (h) or (i) shall be appointed by notice in the Gazette.

(4) The chairperson and the members appointed under subsection (1) (g), (h) and (i) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

45. (1) A person qualifies for appointment as the chairperson of the Council if that person—

Qualifications for appointment to the Council.

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (b) has at least ten years' professional experience in matters relating to livestock; and
- (c) meets the requirements of Chapter Six of the Constitution.

(4) A person qualifies for appointment as member of the Council under section 45 (1) (h) if that person—

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (b) has at least ten years' professional experience in matters relating to tsetse control; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) A person qualifies for appointment as member of the Board under section 45 (1) (i) if that person—

- (a) is a livestock farmer within a tsetse belt;
- (b) holds a bachelor's degree; and
- (c) meets the requirements of Chapter six of the Constitution.

46. The functions of the Council shall be to—

Functions of the Council.

- (a) be the lead agency in tsetse and trypanosomiasis eradication in Kenya;
- (b) enforce standards for tsetse and trypanosomiasis eradication;
- (c) determine and advise the Cabinet Secretary on national policies, goals, priorities and strategies for tsetse and trypanosomiasis eradication;
- (d) in consultation with the County Executive Committee Members responsible for livestock and other relevant bodies, coordinate and plan tsetse and trypanosomiasis eradication programmes;
- (e) promote collaboration among stakeholders on tsetse and trypanosomiasis eradication;
- (f) negotiate, source and mobilize resources for the eradication of tsetse and trypanosomiasis;
- (g) establish and maintain appropriate tsetse and trypanosomiasis knowledge, information and communication system and data base based on contemporary science and technology;
- (h) co-ordinate, guide and facilitate research and use of science and technology in the eradication of tsetse and trypanosomiasis;
- (i) develop a co-ordinated and efficient system-wide framework for planning, development and management of resources available for tsetse and trypanosomiasis eradication activities;

- (j) facilitate the rehabilitation of areas that were previously infested by tsetse through sustainable land use planning and management;
- (k) promote public and private sector partnership for sustainable tsetse and trypanosomiasis eradication;
- (l) in collaboration with county governments and other stakeholders, provide advisory and technical services to community groups, individual farmers and institutions on the planning, implementation, monitoring and evaluation of tsetse and trypanosomiasis eradication programmes; and
- (m) perform such other functions as may be conferred on it by any other written law.

47. In performing the functions set out under section 47, the Council shall have the power to—

Powers of the Council.

- (a) enter into association with such other bodies or Organisations within or outside Kenya, as the Council may consider desirable or appropriate and in furtherance of the purposes for which the Council is established;
- (b) ensure effective communication with stakeholders; and
- (c) declare an area to be within the tsetse belt or declare an area to no longer be within the tsetse belt.

48. (1) There shall be a Chief Executive Officer of the Council who shall be appointed by the Council through a competitive recruitment process.

The Chief Executive Officer of the Council.

(2) A person qualifies for appointment as the Chief Executive Officer of the Council if the person—

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree in animal sciences or biological sciences from a university recognized in Kenya;
- (c) holds a master's degree in a relevant field from a university recognized in Kenya;
- (d) has ten years' professional experience, five of which shall be at a senior management level; and

(e) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Council shall hold office on such terms and conditions of employment as the Council may, in consultation with the Cabinet Secretary and the Salaries and Remuneration Commission, determine.

(4) The Chief Executive Officer of the Council shall be an *ex-officio* member of the Council and shall have no right to vote.

(5) The Chief Executive Officer of the Council shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

PART VII—THE KENYA ANIMAL GENETIC RESOURCES CENTRE

49. (1) There is established an institution to be known as the Kenya Animal Genetic Resources Centre.

(2) The Centre 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) entering into contacts;
- (c) taking, purchasing or otherwise acquiring, holding, charging and disposing movable and immovable property; and
- (d) doing or performing all such other things or acts for the proper discharge of its functions under this Act or any written law, as may lawfully be done or performed by a body corporate.

(3) The Centre shall be the successor to the Kenya Animal Genetic Resources Centre established in accordance with the Kenya Animal Genetic Resources Centre Order, 2011 and existing immediately before the commencement of this Act.

(4) The headquarters of the Centre shall be in Nairobi.

50. (1) The management of the Centre shall vest in a board which shall consist of —

- (a) a chairperson appointed by the President;

Establishment c
the Kenya Anin
Genetic Resour
Centre.

Composition of
the board of the
Centre.

- (b) the Principal Secretary responsible for matters relating to livestock or a representative designated in writing;
- (c) the Principal Secretary responsible for finance or a representative designated in writing;
- (d) the Director of Veterinary Services or a representative designated in writing;
- (e) one County Executive Committee Member responsible for livestock nominated by the Council of Governors;
- (f) four persons appointed by the Cabinet Secretary not being public officers comprising—
 - (i) one breeding expert nominated by a professional association;
 - (ii) two representatives of livestock farmers nominated by a livestock farmers' Organisation;
 - (iii) one artificial insemination practitioner nominated by an association representing artificial insemination practitioners; and
- (g) the Chief Executive Officer of the Centre.

(2) The chairperson and the members appointed under subsection (1) (e) and (f) shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

51. A person qualifies for appointment as the chairperson of the Board of the Centre if that person—

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (b) has at least ten years' professional experience; and
- (c) meets the requirements of Chapter Six of the Constitution.

Qualifications for appointment as the chairperson of the Centre.

52. The functions of the Centre shall be to —

- (a) in collaboration with county governments and other institutions, undertake conservation of animal genetic resources;
- (b) establish and manage an animal genetic resources gene bank;

Functions of the Centre.

- (c) produce and distribute germplasm;
- (d) serve as a reference laboratory for genotyping and testing of semen, embryos and related animal germplasm;
- (e) in collaboration with other institutions, research on, develop, adopt and promote reproductive technologies for animal reproduction;
- (f) in collaboration with breed societies, individual farmers and breeding institutions, develop and implement animal breeding programmes;
- (g) undertake characterization, take inventory of and monitor trends and associated risks of animal genetic resources;
- (h) in collaboration with county governments and other institutions, establish and manage satellite centres for various livestock breeds; and
- (i) perform such other functions as may be conferred on it by any other written law.

53. The board of the Centre shall have powers to —

- (a) set and oversee the overall strategy of the Centre;
- (b) approve policies of the Centre;
- (c) ensure that the strategy is aligned with the purpose of the Centre and the legitimate interests and expectations of its stakeholders;
- (d) administer assets and funds of the Centre in such manner and for such purposes as shall promote the purpose for which the Centre is established;
- (e) receive gifts donations, grants or other monies and equipment on behalf of the Centre and make legitimate disbursement therefrom;
- (f) enter into association with other persons, bodies or organisations within or outside Kenya as the board may consider appropriate and in furtherance of the purpose for which the Centre is established;
- (g) apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the board may consider appropriate;

Powers of the
board of the
Centre.

- (h) approve the organisational structure of the Centre;
- (i) approve the annual budget of the Centre;
- (j) monitor the Centre's performance and ensure sustainability;
- (k) enhance the corporate image of the Centre;
- (l) ensure availability of adequate resources for achievement of the Centre's objectives;
- (m) recruit the chief executive officer and approve the appointment of senior management staff of the Centre; and
- (n) ensure effective communication with stakeholders.

54. (1) There shall be a Chief Executive Officer of the Centre who shall be appointed by the board through a competitive recruitment process.

The Chief Executive Officer of the Centre.

(2) A person qualifies for appointment as the Chief Executive Officer of the Centre if the person—

- (a) holds a bachelor's degree in animal sciences from a university recognized in Kenya;
- (b) holds a master's degree in a relevant field;
- (c) has at least ten years' professional experience five of which shall be at a senior management level; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Centre shall hold office on such terms and conditions of employment as the board may, in consultation with the Cabinet Secretary or the Salaries and Remuneration Commission, determine.

(4) The Chief Executive Officer of the Centre shall be an ex-officio member of the board and shall have no right to vote.

(5) The Chief Executive Officer of the Centre shall hold office for a term of three years and shall be eligible for appointment for one further term of three years upon satisfactory performance.

PART VIII—THE KENYA LEATHER DEVELOPMENT AUTHORITY

55. (1) There is established an authority to be known as the Kenya Leather Development Authority.

Establishment of
the Kenya Leather
Development
Authority.

(2) The Leather Authority 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) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Sub. Leg.

(3) The Leather Authority shall be the successor to the Kenya Leather Development Council established under the Kenya Leather Development Council Order and existing immediately before the commencement of this Act.

(4) The headquarters of the Leather Authority shall be in Nairobi.

56. The management of the Leather Authority shall be vested in a board which shall consist of—

Board of the
Leather Authority.

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to livestock;
- (c) the Principal Secretary for the time being responsible for matters relating to finance;
- (d) the Director of Veterinary Services;
- (e) four members who are not public servants appointed by the Cabinet Secretary as follows—
 - (i) three persons who have knowledge and experience in the leather industry; and
 - (ii) one person who is a finance expert; and
- (f) the Chief Executive Officer of the Leather Authority.

57. A person qualifies for appointment as the chairperson of the board of the Leather Authority if that person—

Qualifications of
the chairperson of
the Leather
Authority.

- (a) holds a university degree from a university recognized in Kenya;
- (b) has at least ten years' experience in the leather industry three of which shall be at senior management level; and
- (c) meets the requirements of Chapter Six of the Constitution.

58. The functions of the Leather Authority shall be to—

Functions of the
Leather Authority.

- (a) advise the Cabinet Secretary on matters relating to the utilization of leather and promotion of leather goods;
- (b) establish and promote the development of leather industrial parks;
- (c) support the development of small and medium enterprises in the leather industry;
- (d) in collaboration with other institutions, promote the adoption of new technologies in the leather industry through incubation;
- (e) regulate value chain actors involved in the manufacturing of leather goods;
- (f) collect, store, analyse and disseminate data on leather and leather goods;
- (g) promote and coordinate the marketing of leather and leather products;
- (h) conduct capacity building on the production of leather products;
- (i) provide inputs to manufacturers of leather products; and
- (j) perform any other function that may be conferred on it by any other written law.

59. (1) The Board of the Leather Authority shall—

- (a) ensure the proper and effective performance of the functions of the Leather Authority;

Functions of the
board of the
Leather Authority.

- (b) recruit the chief executive officer and senior management staff of the Leather Authority;
- (c) approve the policies of the Leather Authority;
- (d) manage, control and administer the assets of the Leather Authority in a manner and for purposes that promote the objects of the Leather Authority;
- (e) receive and manage any gifts, grants, donations or endowments made to the Leather Authority;
- (f) determine the provisions to be made for capital and recurrent expenditure, and for the reserves of the Leather Authority;
- (g) approve the annual budget of the Leather Authority;
- (h) subject to the relevant provisions of the Public Finance Management Act and other relevant laws, open bank accounts for the funds of the Leather Authority;
- (i) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Leather Authority funds not immediately required for the purposes of this Act, as it may determine;
- (j) in consultation with the Salaries and Remuneration Commission, determine and specify the terms and conditions for the appointment and emoluments of the personnel of the Leather Authority;
- (k) co-operate with other organisations undertaking functions similar to its own, whether within or outside Kenya as it may consider appropriate and in furtherance of the objects of the Leather Authority;
- (l) provide for a staff superannuation scheme for the employees of the Leather Authority; and
- (m) approve the borrowing of funds in consultation with the Cabinet Secretary for the time being responsible for matters relating to finance.

60. (1) There shall be the Chief Executive Officer of the Leather Authority who shall be recruited by the board through a competitive recruitment process.

The Chief
Executive Officer
of the Leather
Authority.

Cap. 412A.

(2) The Chief Executive Officer of the Leather Authority shall hold office on such terms and conditions of employment as the Board may determine.

(3) The Chief Executive Officer of the Leather Authority shall be an ex-officio member of the board and shall have no right to vote.

(4) The Chief Executive Officer of the Leather Authority shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years upon satisfactory performance.

61. A person qualifies for appointment as Chief Executive Officer of the Leather Authority if that person—

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree in a leather related field from a university recognized in Kenya;
- (c) has at least ten years professional experience in the leather industry, five of which shall be at senior management level; and
- (d) meets the requirements of Chapter Six of the Constitution.

Qualifications of
the Chief
Executive Officer
of the Leather
Authority.

PART IX—GENERAL PROVISIONS ON LIVESTOCK AGENCIES

62. (1) A person shall not be qualified for appointment as a member of the Board of a livestock agency established under this Act if the person—

Disqualification
from appointment
to boards of
livestock
agencies.

- (a) is a State officer;
- (b) is a member of a governing body of a political party;
- (c) is an undischarged bankrupt; or
- (d) has been removed from public office for contravening the Constitution or any other law.

(2) Subsection (1) (a) shall not apply to a Principal Secretary or a County Executive Committee Member representing the Council of Governors.

63. The conduct and regulation of the business and affairs of a livestock agency shall be as set out in the Third

Conduct of
business and
affairs of livestock
agencies.

Schedule but subject thereto, the livestock agency may regulate its own procedure.

64. A livestock agency may by resolution, either generally or in any particular case, delegate to any committee, member of the livestock agency or employee the exercise of any of the powers or the performance of any of the functions of the livestock agency.

65. The Chief Executive Officer of a livestock agency shall be responsible for—

- (a) the day-to-day administration of the affairs of the livestock agency, subject to the direction of the board of the livestock agency;
- (b) formulation of the long-term strategies, budget and plans for adoption by the livestock agency;
- (c) administration, organisation and control of the staff of the livestock agency;
- (d) management of the funds, property and affairs of the livestock agency;
- (e) implementation of the policies and programmes of the livestock agency and reporting to the board of the livestock agency; and
- (f) the performance of any other duty necessary for the implementation of the functions of the livestock agency under this Act, as may be assigned by the board of the livestock agency.

66. The members of the board of a livestock agency shall be paid such remuneration and allowances as the Salaries and Remuneration Commission shall advise.

67. (1) A livestock agency may constitute such committees as may be necessary for the performance of its functions.

(2) In addition to the general governance committees, the livestock agency may establish thematic committees to address the specific industry sub-sectors.

(3) A committee shall be subject to the control of the board of the livestock agency and may be discharged or reconstituted at any time as the board may deem proper.

(4) The board of a livestock agency may, where it considers it appropriate, co-opt any person from outside the

Delegation by the board.

Functions of the Chief Executive Officer.

Remuneration of board members.

Committees of the board.

board with knowledge and expertise in specific areas to attend the deliberations of any of its committees.

(5) The decisions of a committee established under subsection (1) or (2) shall be ratified by the board of the livestock agency.

68. The chairperson or a member the board of a livestock agency, other than an ex-officio member, shall vacate office if the member—

Vacation of
office.

- (a) resigns from office by serving the appointing authority with a written notice of resignation;
- (b) is unable to perform the functions of the office by reason of prolonged physical or mental incapacity;
- (c) is adjudged bankrupt by a court of competent jurisdiction;
- (d) is absent from three consecutive meetings of the board without the permission of the chairperson;
- (e) fails to declare his interest in any matter being considered or to be considered by the board;
- (f) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (g) violates Chapter Six of the Constitution.

69. A livestock agency may engage experts or consultants to assist in the discharge of the functions of the livestock agency.

Engagement of
experts or
consultants.

70. (1) The common seal of a livestock agency shall be kept in the custody of the Chief Executive Officer of the respective livestock agency and shall not be used except on the order of the Board.

Common seal.

(2) The affixing of the common seal of the livestock agency shall be authenticated by the signature of the chairperson and the Chief Executive Officer.

(3) The livestock agency shall in the absence of either the chairperson or the Chief Executive Officer, in any particular matter, nominate one member of the livestock agency to authenticate the seal of the livestock agency on behalf of either the chairperson or the Chief Executive Officer.

(4) The common seal of a livestock agency, when affixed to a document and duly authenticated, shall be

judicially and officially noticed and unless the contrary is proved, any necessary order or authorization by the livestock agency under this section shall be presumed to have been duly given.

71. The Chief Executive Officer of a livestock agency may be removed from office for —

Removal of the
Chief Executive
Officer.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence;
- (d) violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service or other written law.

72. (1) A member of the board of a livestock agency or any officer, employee or agent of a livestock agency shall not be liable for any act done by that person or omitted to be done or ordered to be done by that person in discharge of the person's duties if done in good faith for the purpose of executing the powers, functions or duties of the livestock agency.

Personal liability.

(2) Despite subsection (1), a livestock agency shall not be relieved of the liability to pay compensation or damages to a person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the respective livestock agency by this Act or by any other written law.

73. (1) A livestock agency may establish such county offices as are appropriate for the implementation of its functions.

Establishment of
county offices an
collaboration wit
counties.

(2) A livestock agency shall—

- (a) facilitate the effective implementation of this Act in collaboration with county governments;
- (b) ensure that appropriate capacity building is undertaken for purposes of regulating the relevant aspects of the livestock sector in the counties; and

(c) upon request by a county government, advise on any matter in respect to regulation of the livestock sector.

Staff of the livestock agencies.

74. (1) A livestock agency may appoint such officers and staff as are necessary for the proper and efficient discharge of the functions of the livestock agency under this Act.

(2) The staff of a livestock agency shall consist of—

- (a) the Chief Executive Officer who shall be the head of the secretariat; and
- (b) such other persons as the board of a livestock agency shall determine for the proper performance of the functions of the secretariat under this Act.

(3) The staff appointed under subsection (1) shall serve on such terms and conditions as the board may, in consultation with the Salaries and Remuneration Commission, determine.

(4) The persons appointed under subsection (1) (b) shall possess such knowledge and experience as shall be determined by the board.

Disclosure of interest.

75. (1) A member or employee of a livestock agency who has an interest in a matter for consideration by the livestock agency shall disclose, in writing, the nature of that interest and shall not participate in any deliberations of the livestock agency relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) A member or employee of a livestock agency shall not transact any business or trade with the livestock agency.

(4) A member or employee of a livestock agency who contravenes subsection (1) or (3) commits an offence.

PART X—FINANCIAL PROVISIONS

76. The funds of a livestock agency shall consist of—

Funds of livestock agencies.

- (a) monies allocated and appropriated by the National Assembly for purposes of the livestock agencies;
- (b) any grants, loans, gifts, donations or other endowments given from any source approved by the National Treasury; and

(c) such funds as may vest in or accrue to the livestock agency in the performance of its functions or exercise of its powers under this Act or under any other written law.

77. The financial year of a livestock agency shall be the period of twelve months ending on the thirtieth June in each year.

Financial year.

78. (1) At least three months before the commencement of each financial year, a livestock agency shall cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the livestock agency for the financial year and in particular, the estimates shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff;
- (b) the payment of pensions, gratuities and other charges in respect of the staff;
- (c) the proper maintenance of the buildings and grounds;
- (d) the maintenance, repair and replacement of the equipment and other property; and
- (e) the creation of reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of any other matters.

(3) The annual estimates shall be approved by the board of the livestock agency before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given approval, the livestock agency shall not increase any sum provided in the estimates without the written consent of the Cabinet Secretary.

(4) Expenditure shall not be incurred for the purposes of a livestock agency except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the respective to livestock agency given with the prior approval of the Cabinet Secretary.

Annual estimates.

79. (1) A livestock agency shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the livestock agency.

Accounts, audit
and annual
reports.

(2) The livestock agency shall cause its accounts to be prepared and be reported in accordance with the Public Audit Act.

Cap. 412B.

PART XI—ESTABLISHMENT OF LIVESTOCK TRAINING INSTITUTIONS

80. (1) The following livestock training institutions shall be deemed to have been established under this Act as unincorporated bodies—

Livestock
Training
Institutes.

- (a) Animal Health and Industry Training Institute, Kabete;
- (b) Animal Health and Industry Training Institute, Nyahururu;
- (c) Animal Health and Industry Training Institute, Ndombia;
- (d) Meat Training Institute, Athi River;
- (e) Dairy Training Institute, Naivasha;
- (f) Livestock Training Institute, Wajir;
- (g) National bee Keeping Institute, Lenana; and

(2) The livestock training institutes established under subsection (1) shall be centres of excellence.

The Cabinet Secretary may, by order in the *Gazette*, establish a livestock training institution.

An order issued under subsection (3) may provide for—

- (a) the establishment of each livestock training institution as a body corporate;
- (b) the appointment of boards of management for each of the training institutions; and
- (c) the power of the training institution to conduct examination in the various fields of livestock training and award academic certificates.

(5) The livestock training institutions shall be responsible for—

- (a) the development and review of training curricula;
- (b) the assessment and conduct of examinations for academic programmes;
- (c) awarding diplomas, certificates and such other qualifications as the Boards of Governance of the respective livestock training institutes may prescribe;
- (d) the implementation of Government policies on animal sciences education and training;
- (e) conducting research in livestock sciences and disseminate the research findings;
- (f) the discipline of trainees in the livestock training institutes;
- (g) the advancement of industrial and technological development in the livestock sector;
- (h) promoting corporate social responsibility by offering technical and professional services to communities;
- (i) promoting the welfare of the staff and students of the livestock training institutions; and
- (j) performing any other functions necessary or incidental to achieving the aims and objectives of the livestock training institutions.

81. (1) The Cabinet Secretary shall, by order, establish the Livestock Training Institutions Examinations Board.

(2) The Training Institutions Examinations Board established under subsection (1) shall—

- (a) exercise oversight over the examinations offered by the respective training institutions; and
- (b) provide quality assurance for the academic programmes offered by the training institutions.

(3) The staff of the Examinations Board shall comprise contracted experts or such number of officers as may, upon request by the Examinations Board, be deployed from the state department responsible for livestock.

(4) The expenses incurred by the Examinations Board in the performance of its functions under this Act shall be borne by the state department responsible for livestock.

Establishment
of the Livestock
Training
Institutions
Examinations
Board.

82. (1) The Cabinet Secretary may, in consultation with the Council of Governors, make regulations prescribing standards for the establishment of livestock farmers training centres.

Establishment of county livestock farmers training centres.

(2) A County Executive Committee Member responsible for livestock may establish a livestock farmers training centre in accordance with the standards developed in accordance with subsection (1).

PART XII—ANIMAL BREEDING

83. (1) A person shall not engage in commercial livestock breeding unless that person:

Registration and licensing of livestock breeders.

(a) is registered under this Act; and

(b) holds a valid license issued to operate as such.

(2) An application for registration or licensing under this section shall be made in the manner prescribed in regulations.

(3) A livestock breeder shall file such returns of animal identity, pedigree and performance as may be prescribed in regulations.

(4) A registered livestock breeder shall not use the premises, facility, machinery, plant article or thing specified in the registration certificate and licence to conduct any business other than livestock breeding unless that other business is related to livestock breeding and the Authority has granted permission in writing thereof.

(5) The Authority may cancel a certificate of registration or a licence in the manner prescribed in the regulations.

(6) A person who contravenes subsection (1), (3) or (4) commits an offence.

84. (1) The Authority may, by notice in the Gazette, designate a county as a recording region for purposes of animal identification, and registration under this Act.

Designation of recording regions.

(2) The Authority shall assign to each county designated as a recording region, a recording code for purposes of identification, and registration of breeding animals in that county.

(3) The recording code referred to in subsection (2) may consist of a combination of letters and numbers as the Authority may consider appropriate.

85. (1) Every livestock breeder shall identify and register his breeding animals in accordance with this section.

(2) A livestock breeder who intends to register a breeding animal shall apply for registration to the Authority in the manner prescribed in regulations.

(3) The Authority shall, if satisfied that the application is made in accordance with this Act and the regulations and that no other person has registered the same animal identification, register the animal identification in the name of the applicant, record the registration in the register and issue a certificate of registration to the applicant.

(4) The Authority may, in accordance with the regulations, impose conditions on the registration or renewal of registration of an animal identification under subsection (1).

(5) The Authority may cancel the registration of an animal identification in the manner prescribed in the regulations.

(6) The ownership of any registered animal identification, or the right to use it in relation to a particular animal, may be assigned in the manner prescribed in the regulations.

86. A livestock breeder has the right to—

- (a) own any intellectual property that may arise from his breeding activities without fear of its appropriation; and
- (b) be recognized as a creator of breeds and custodian of his animal genetic resources for business, food and agriculture.

87. An identification code shall be attached on every breeding animal for purposes of the identification of that animal and may be attached by—

- (a) in the case of an animal intended for local commercial purposes—
 - (i) an ear tag which may be plastic or metal;

- (ii) tattoo;
 - (iii) ear notching;
 - (iv) freeze branding;
 - (v) sketching; or
 - (vi) electronic device which may include transponders and implanted devices; and
- (b) in the case of an animal intended for export—
- (i) tattoo; or
 - (ii) photographs, which photographs shall comprise photographs of both sides of the animal and of the head thereof.

88. A person who—

- (a) removes, alters, defaces or obliterates an animal identification without the consent of the owner of the animal identification or, where the animal identification has been assigned, the assignee of the animal identification entitled to its use and possession; or
- (b) brands or directs, aids or assists in branding on any animal any signs, symbols or characters other than those made and registered in accordance with this Act,

commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or both.

89. A person who intends to import or export any live animal, semen or other genetic material shall obtain authorization from the Authority and on obtaining the authorization in writing the person shall subsequently obtain the necessary permits from the relevant authorities.

90. A person who intends to establish a reproductive and genetics technology service centre shall apply to the Authority for registration in the manner prescribed in regulations, where the services to be offered do not fall under the scope of veterinary practice.

91. (1) The Cabinet Secretary may, in consultation with the Authority, make regulations for the better carrying out of the provisions relating to breeding.

(2) Despite the generality of subsection (1), the

Offences relating
to animal
identification.

Import and export
of animal genetic
material.

Licensing of
Reproductive and
Genetics
Technology
Service Centres.

Regulations on
breeding.

Cabinet Secretary may make regulations prescribing—

- (a) pedigree, performance testing and estimation of breeding value;
- (b) mechanisms for improved breeding;
- (c) the identification and multiplication of breeding material;
- (d) genetic evaluation;
- (e) the maintenance of herd-books, studbooks, flock-books and animal breeding registers;
- (f) the issuing of pedigree certificates;
- (g) registration of breeding organisations, licensing of breeders and their breeding stock;
- (h) procedure for import and export of animal genetic material;
- (i) procedure for coordination with other agencies in respect to genetic materials;
- (j) certificates of parentage; and
- (k) marketing of animal genetic material.

PART XIII—ANIMAL FEEDSTUFF

92. (1) A person shall not import, manufacture, compound, mix or sell any animal feedstuff other than a substance that the Authority may, by order, declare to be an approved animal feedstuff.

Restrictions on importation, manufacture and sale of animal feedstuff.

(2) A person shall not import, manufacture, compound, mix or sell any approved animal feedstuff that does not conform to the standards or specifications prescribed in this Act or regulations.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding twelve months, or both.

93. (1) A person shall not manufacture any animal feedstuff for sale except under the authority of a valid licence issued by the Authority.

Licensing of animal feed manufacturers.

(2) A person desirous of manufacturing animal feedstuff for sale may apply to the Authority for a licence.

(3) An application for a licence to manufacture animal feedstuff for sale shall be in the prescribed form and shall be accompanied with the prescribed fees.

(4) The Authority shall upon receipt of an application made under this section, consider the application and where the application meets the requirements set out in the regulations, issue the applicant with a licence to manufacture animal feedstuff for sale.

(5) A licence issued under this section shall take effect from the date of issue and shall be valid for a period of twelve months from the date indicated on the licence.

(6) Where any animal feedstuff is manufactured or imported under a licence issued under this Act, the Authority shall upon establishing that the animal feedstuff meets all the requirements and procedures prescribed in this Act and regulations—

(a) declare the animal feedstuff to be an approved animal feed; and

(b) assign a serial number in respect of such approved animal feed.

(7) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding twelve months, or both.

94. (1) Any container in which an approved animal feedstuff is sold shall be printed or labelled with the information prescribed in regulations.

(2) A person shall not alter the print or the label affixed on a container in which an approved animal feedstuff is sold unless an application is made to the Authority of such intended alteration and the authority approves the alteration.

(3) A person who contravenes subsection (1) or (2) commits an offence.

95. (1) A person who sells animal feedstuff containing deleterious ingredients commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

Labelling of animal feeds.

Deleterious ingredients.

(2) A substance shall be deemed to be a deleterious ingredient if the substance—~~is not of animal origin~~—~~is not of animal origin~~

(a) is prohibited by regulations and is present in animal feedstuff; or

(b) is present in animal feedstuff in excess of the limit that is prescribed by regulations.

96. (1) The Cabinet Secretary may, in consultation with the Authority, make Regulations for the better carrying out of the provisions relating to animal feedstuff.

(2) Despite the generality of subsection (1), the Cabinet Secretary may make Regulations prescribing—

(a) the standards of composition, efficacy, fineness and purity of animal feedstuff;

(b) the prohibition of certain substances and the limitation of specified quantities of certain substances in animal feedstuff;

(c) the records and returns to be kept and furnished by importers, manufacturers and sellers of animal feedstuff;

(d) certain substances to be animal feedstuff;

(e) the requirements as to the proper storage of animal feedstuff;

(f) the manner of packaging, branding, labelling, marking and sealing of animal feedstuff;

(g) the manner in which declarations made at the time of sale shall be made and the manner in which animal feedstuff shall be exposed for sale;

(h) any declaration or warranty which may be required to be made or given in prescribed cases, the effect of any declaration made by the seller of animal feedstuff, and the existence and effect of any implied or written warranty concerning animal feedstuff;

(i) the methods for sterilization of bones and other substances derived from an animal carcass for manufacturing animal feedstuff; and

(j) the manner in which samples of any substance or animal feedstuff shall be drawn for analysis and in

Regulations on animal feedstuff.

which such samples shall be certified and analysed, and the manner in which their analyses shall be reported.

PART XIV—BEEKEEPING

97. The Cabinet Secretary may, in consultation with the Council of Governors, make Regulations for the—

- (a) registration of bee keepers;
- (b) standards of bee hives;
- (c) branding of beehives; and
- (d) disposal of bees, honeycombs and beehives.

Regulations in respect of beekeeping.

PART XV—MISCELLANEOUS PROVISIONS

98. A person who commits an offence under this Act for which no specific penalty is prescribed shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

General penalty.

99. (1) The Cabinet Secretary may, in consultation with the Council of Governors, make Regulations generally for the better carrying out of the purposes and provisions of this Act.

Regulations.

(2) Despite the generality of the foregoing, the Cabinet Secretary may make regulations providing for—

- (a) the declaration of particular animals to be livestock for purposes of this Act;
- (b) the declaration of particular products to be livestock products;
- (c) the regulation of livestock inputs and products;
- (d) the marketing of livestock and livestock products;
- (e) the standards on animal husbandry in respect to the livestock sector;
- (f) mechanisms of supporting development in the livestock sector including mobilizing investment;
- (g) the provision of credit, farm inputs and other incentives to livestock and livestock products;
- (h) mechanisms for tsetse and trypanosomiasis eradication;

- (i) standards for production of livestock and livestock inputs;
- (j) the production, processing, distribution, regulation and marketing of bee and bee products;
- (k) standards for the establishment of strategic livestock feed reserves;
- (l) the powers and duties of compliance officers of the livestock agencies and other persons appointed to exercise powers and perform duties under the livestock agencies;
- (m) imposition of levies, fees or charges for purposes of this Act;
- (n) the licensing of animal feeds service providers;
- (o) mechanisms for coordination of the livestock sector between National and county governments;
- (p) the forms of application, and of licenses, marks, registers and all documents to be used for the purpose of this Act;
- (q) the examination, inspection, analysis and testing of livestock products, inputs, equipment and how the samples of such products or inputs may be taken;
- (r) the handling of complaints on the quality of livestock products or inputs;
- (s) the appointment of inspectors, as appropriate, for better implementation of this Act;
- (t) the establishment of livestock sector training institutions; and
- (u) anything which is required to be prescribed under this Act.

PART XVI—TRANSITIONAL AND REPEAL PROVISIONS

100. In this Part—

Interpretation of Part.

“appointed day” means the day on which this Act comes into force;

“former agency” means any livestock agency established by a revoked legal notice, existing immediately before the appointed day and includes—

- (a) the National Livestock Development and Promotion Service;
- (b) the Kenya Leather Development Council;
- (c) the Kenya Veterinary Vaccines Production Institute;
- (d) the Kenya Tsetse and Trypanosomiasis Eradication Council;
- (e) the Kenya Animal Genetic Resources Centre; and
- (f) the research institutes set out in the Second Schedule which immediately before the commencement of this Act were established under the Kenya Agricultural and Livestock Research Organisation Act.

Cap. 319.

101. The Legal Notices specified in the Fourth Schedule are revoked.

Revocation of Legal Notices.

102. Notwithstanding section 101, any person who, at the commencement of this Act, is a member of staff of a former agency shall, on the appointed day, become a member of staff of the respective livestock agency on the same or improved terms and conditions of service as may be specified by the livestock agency, unless such person retires on the basis of abolition of office as determined by the respective livestock agency.

Staff of former agencies.

103. (1) Where on the appointed day—

Disciplinary proceedings.

- (a) any disciplinary proceedings against any member of staff of a former agency is in the course of being heard or instituted, or has been heard or investigated by the former agency but no order or decision has been made thereon, the respective livestock agency shall carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
- (b) any member of staff is on interdiction or suspension, the respective livestock agency shall deal with that member of staff in such manner as it deems appropriate having regard to the offence committed by the member of staff, including the conclusion of disciplinary proceedings that have been commenced against that member of staff.

(2) Where on the appointed day, any penalty, other than dismissal, has been imposed on any member of staff of a former agency pursuant to disciplinary proceedings and the penalty has not been, or remains to be, served by such member of staff, the member of staff shall upon transfer to the respective livestock agency, serve or continue to serve such penalty to its completion as if it had been imposed by the respective livestock agency.

104. Any reference in any written law or in any document or instrument to a former agency shall, on and after the appointed day, be construed to be a reference to the respective livestock agency.

Reference to
former agency.

105. (1) All the funds, assets and other property, both movable and immovable, which immediately before the appointed day were vested in a former agency shall, by virtue of this paragraph, vest in the respective livestock agency.

Assets and
liabilities.

(2) All rights, powers and liabilities which immediately before the appointed day were vested in, imposed on or enforceable against a former agency shall be vested in, imposed on or enforceable against the respective livestock agency.

106. Any proceedings taken by or against a former agency immediately before the commencement of this Act may be continued by or against it by the respective livestock agency established under this Act.

Proceedings.

107. Every agreement, deed, bond or other instrument to which a former agency was a party or which affected the former agency and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the respective livestock agency was a party thereto or affected thereby instead of the former agency and as if for every reference, whether express or implied, therein to the former agency there were substituted in respect of anything to be done on or after the appointed day.

Agreements.
Deeds.

108. Any licence or permit issued by a former agency and in force immediately before the commencement of this Act shall remain in force for the unexpired period and shall be deemed to have been granted or issued under the provisions of this Act.

Licences and
permits.

109. The administrative decisions made by a former agency or by the Cabinet Secretary which are in force immediately before the appointed day shall, on or after the appointed day, have force as if they were directions made by the respective livestock agency or the Cabinet Secretary under this Act.

Administrative decisions.

110. The laws specified in the Fifth Schedule are amended in the manner specified in that Schedule.

Consequential amendments.

SCHEMES

FIRST SCHEDULE

s. 6(1)

FUNCTIONS OF NATIONAL AND COUNTY GOVERNMENTS IN THE LIVESTOCK SECTOR

PART I—FUNCTIONS OF THE NATIONAL GOVERNMENT IN THE LIVESTOCK SECTOR

1. Developing the livestock policy and the veterinary policy and overseeing the implementation of those policies.
2. Domestication and implementation of the international protocols & treaties for livestock sector governance.
3. Regulating and promoting international trade in livestock and livestock products.
4. Undertaking livestock and livestock products identification and traceability in collaboration with the county livestock departments.
5. Developing and implementing livestock sector programmes and interventions that go beyond specific county boundaries and have an impact on the national economy.
6. Collecting and managing national livestock sector statistics and data in collaboration with other agencies and the county governments.
7. Protecting intellectual property rights in livestock resources.
8. Consumer protection and ensuring safety of food of animal origin.
9. Development and implementation of training standards middle level livestock training institutions in collaboration with other agencies.
10. Undertaking, coordinating and overseeing livestock sector research.
11. Advising on appropriate land use for the development of livestock resources.
12. Protection of the livestock resources with a view to establishing a durable and sustainable system of development and utilization.
13. Disaster management in the livestock sector.
14. Capacity building to the livestock sector value chains and providing technical assistance to the county livestock departments.
15. Promoting public and private sector investments in the livestock sector.

PART II—FUNCTIONS OF COUNTY GOVERNMENTS IN THE LIVESTOCK SECTOR

1. Implementing the livestock policy and the veterinary policy.
2. County livestock sector interventions including—
 - (a) supporting animal husbandry through extension services and provision of inputs;
 - (b) development and maintenance of livestock sale yards;
 - (c) development, maintenance and provision of food safety services in county abattoirs; and
 - (d) ensuring control of animal disease including county livestock movement;
3. Delivery of county specific veterinary services.
4. Animal control and welfare, including—
 - (a) licensing of dogs; and
 - (b) providing facilities for the accommodation, care and burial of animals.
5. Regulation of County livestock trade including issuing of trade licences.
6. Development of livestock markets.
7. Planning and development of the county livestock resources, including livestock data and statistics and county livestock land use.
8. Implementing County disaster management initiatives in the livestock sector.
9. Ensuring public participation in the governance of the livestock sector programmes at the local level.

SECOND SCHEDULE**s. 24(1)**

| S/No. | Name of Institute | Centre |
|--------------|--|--|
| 1. | Arid and Rangelands Research Institute | Rangeland Research Centre, Kiboko. Rangeland Research Centre, Mariakani. Rangeland Research Centre, Bachuma. Apiculture Research Centre, Perkerra. |
| 2. | Beef Research Institute | Beef Research Centre, Garissa. Beef Research Centre, Marsabit. Beef Research Centre, Lanet. Beef Research Centre, Lodwar. |
| 3. | Dairy Research Institute | Dairy Research Centre, Naivasha. Dairy Research Centre, Ol Joro Orok. Dairy Research Centre, Msabaha. |
| 4. | Non-Ruminant Research Institute | Non-Ruminant Research Centre, Kakamega. Non-Ruminant Research Centre, Naivasha. |
| 5. | Veterinary Research Institute | Veterinary Research Centre, Muguga North. Trypanosomiasis Research Centre, Muguga. Trypanosomiasis Research Centre, Alupe. Veterinary Research Centre, Transmara. |

THIRD SCHEDULE s. 63**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARDS OF LIVESTOCK AGENCIES****1. Meetings.**

(1) Every board of a livestock agency shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding sub paragraph (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the board at any time for the transaction of the business of the board.

(3) Unless three quarters of the total members of the board otherwise agree, at least fourteen days' written notice of every meeting of the board shall be given to every member of the board.

(4) The quorum for the conduct of the business of the board shall be half of the total members including the chairperson or the person presiding.

(5) The members present shall elect one of their number to preside whenever the chairperson is absent, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (6), no proceedings of the board shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

2. Committees of the Board.

(1) The board of a livestock agency may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The board of a livestock agency shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The board of a livestock agency may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the board of a livestock agency.

3. Disclosure of interest.

(1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

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

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

4. Contracts and instruments.

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the board by any person generally or specially authorized by the board for that purpose.

FOURTH SCHEDULE s. 101

1. The National Livestock Development and Promotion Service Order (Sub. Leg.)
2. The Kenya Leather Development Council Order (Sub. Leg.)
3. The Kenya Animal Genetic Resources Centre Order (Sub. Leg.)
4. The Kenya Tsetse and Trypanosomiasis Eradication Council Order (Sub. Leg.)
5. The Kenya Veterinary Vaccines Production Institute Order, (Sub. Leg.)

FIFTH SCHEDULE**s. 110**

| Written law | Provision | Amendment |
|---|------------------|---|
| The Kenya Agricultural and Livestock Research Act (Cap. 319). | Long title | Delete the words “and Livestock” |
| | s. 1 | Delete the words “and livestock” |
| | s. 3(1) | Delete the words “and livestock” |
| | s. 5(1)(a) | Delete the word “livestock” |
| | s. 5(1)(b) | Delete the words “and animal diseases” |
| | s. 6(1)(f) | Delete |
| | s.6(3)(b)(ii) | Delete |
| | s. 14(1) | Delete the words “Deputy Director-General of livestock” |
| | s.16 | Delete the words “livestock or” |
| | s. 16(b) | Delete the words “animal or” |
| | s.32(2)(b) | Delete the word “livestock” |
| | s.32(2)(c) | Delete the word “livestock” |
| | s. 38(2) | Delete and substitute therefor the following— “(2) the Deputy Director-General crops;” |
| | Second Schedule | Delete paragraph (b), (h), (i), (j), (k), (l), (m), (n), (o), (p) |
| | Third Schedule | Delete paragraph (d) |
| The Fertilizers and Animal Foodstuffs Act (Cap. 345). | Long title | Delete the words “and animal foodstuffs” |

- s. 1 Delete the words “and Animal Foodstuffs”
- s. 2 Delete the definition of the words “animal foodstuff”
- s. 2A Delete the words “and animal foodstuffs” in the definition of “Board”
- s. 2B(a) Delete the words “Animal Foodstuffs”
- s. 2B(b) Delete the words “animal foodstuffs”
- s. 2B(c) Delete the words “animal foodstuffs”
- s. 2B(d)(i) Delete the words “animal foodstuffs”
- s. 2B(d)(ii) Delete the words “animal foodstuffs”
- s. 2B(d)(iii) Delete the words “and animal foodstuffs”
- s. 2B(e) Delete the words “and animal foodstuffs”
- s. 2B(f) Delete the words “and animal foodstuffs” and “and the Director of Veterinary Services”
- s. 2B(g) Delete the words “and animal foodstuffs”
- s. 2B(h) Delete the words “and animal foodstuffs”
- s. 2C(1)(g) Delete
- s. 3(1) Delete the words “or animal foodstuff” and “or an approved animal foodstuff, as the case may be”
- s. 3(2) Delete the words “or animal foodstuff”
- The proviso to s. 3(2) Delete the words “or animal foodstuff”
- s. 3(4) Delete.
- s. 4(1)(a) Delete the words “or animal foodstuff”
- s. 4(1)(b) Delete the words “or animal foodstuff”
- s. 4(2) Delete the words “or animal foodstuff”
- s. 5(1) Delete the words “or animal foodstuff”
- s. 7 Delete the words “or animal foodstuff”
- s. 8 Delete the words “or animal foodstuff”
- s. 9(1)(a) Delete the words “animal foodstuff “and “or animal foodstuff”

| | | |
|---|-------------|--|
| | s. 9(1)(b) | Delete the words “or animal foodstuff” |
| | s. 9(1)(c) | Delete the words “or animal foodstuffs” and “animal foodstuff” |
| | s. 9(2) | Delete the words “animal foodstuff” |
| | s. 9(3) | Delete the words “animal foodstuff” |
| | s. 10 | Delete |
| | s. 11(2) | Delete the words “animal foodstuff” |
| | s. 12(1) | Delete the words “or animal foodstuff” |
| | s. 12(1)(a) | Delete the words “or animal foodstuff” |
| | s. 12(1)(b) | Delete the words “or animal foodstuff” |
| | s. 12(2) | Delete the words “or animal foodstuff” |
| | s. 13(b) | Delete the words “or animal foodstuff” |
| | s. 14(a) | Delete the words “or animal foodstuff” |
| | s. 15(1) | Delete the words “or animal foodstuff” |
| | s. 15(2) | Delete the words “or animal foodstuff” |
| | s. 17(a) | Delete the words “animal foodstuff” |
| | s. 17(b) | Delete the words “or animal foodstuff” |
| | s. 18(1) | Delete the words “or animal foodstuff” |
| | s. 19(1)(a) | Delete the words “and animal foodstuffs” |
| | s. 19(1)(b) | Delete the words “or animal foodstuffs” |
| | s. 19(1)(c) | Delete the words “and animal foodstuffs” |
| | s. 19(1)(d) | Delete the words “and animal foodstuffs” |
| | s. 19(1)(e) | Delete the words “and animal foodstuffs” |
| | s. 19(1)(f) | Delete the words “or animal foodstuff” |
| | s. 19(1)(g) | Delete the words “or animal foodstuffs” |
| The Veterinary Surgeons and Veterinary Para-professionals | s. 39(2)(b) | Delete |

Act (Cap.
366).

s. 39(2)(c) Delete

s. 39(2)(d) Delete

s. 39(2)(e) Delete

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to provide for the development and regulation of livestock and livestock products, research and capacity building in the livestock sector and the establishment of livestock agencies.

Part I of the Bill deals with preliminary provisions including the short title, interpretation of the main terms used in the Bill, the application and objects of the Bill. It also provides for the roles of the national and county governments in the livestock sector.

Part II of the Bill provides for the establishment of the Livestock Inputs and Products Regulatory Authority. Clause 12 stipulates the functions of the Authority which include regulating the production, manufacture, importation, exportation, distribution and sale of animal feedstuff, genetic resources, livestock inputs, livestock products, undertaking capacity building in the livestock sector and setting standards for the delivery of extension services. Clause 14 provides for the appointment of inspectors for purposes of enforcing the mandate of the Authority. Clause 16 provides for the designation of laboratories and the appointment of analysts that may perform tests.

Part III of the Bill provides for the establishment of the Kenya Livestock Research Organisation. It consolidates the livestock research institutions in the Kenya Agricultural and Livestock Research Organisation to provide an agency that will primarily focus on livestock research. Clause 21 provides for the functions of the Organisation which include conducting and coordinating livestock research in line with relevant policies and developing improved livestock production technologies. Clause 25 provides for the establishment of research institutes which shall be semi-autonomous in their operations, implementation of programmes and the allocation and management of resources. Clause 27 vests the management of a research institute in a research institute advisory committee. Clause 29 provides for the appointment of a director for each research institute.

Part IV of the Bill provides for the establishment of the Livestock and Livestock Products Marketing Board. Clause 34 stipulates the functions of the Marketing Board which include advising the national government and county governments on matters relating to production and marketing of livestock and livestock products, promoting trade in livestock and livestock products, mobilizing and coordinating resources for investment in and promotion of marketing of livestock and livestock

products, identifying market needs and trends in the livestock sector and advising livestock stakeholders accordingly, providing market intelligence on the supply of and demand for livestock and livestock products, supporting the development and rehabilitation of livestock markets' infrastructure, collecting, collating and disseminating data on livestock, establishing strategic business partnerships, providing mechanisms for price stabilization of livestock and livestock products and conducting research on value addition and marketing of livestock and livestock products.

Part V of the Bill provides for the establishment of the Kenya Veterinary Vaccines Institute. Clause 42 provides for the functions of the Institute which include manufacturing, marketing and distributing veterinary vaccines, undertaking research, developing and producing products for use in the production of vaccines, maintaining a strategic vaccines reserve for the country and serving as the custodian of master seeds for veterinary vaccines production in the country.

Part VI of the Bill provides for the establishment of the Kenya Tsetse and Trypanosomiasis Eradication Council. Clause 47 outlines the functions of the Council which include being the lead agency on tsetse and trypanosomiasis eradication in Kenya, enforcing standards for tsetse and trypanosomiasis eradication, mobilizing resources for the eradication of tsetse and trypanosomiasis, rehabilitation of tsetse infested areas and promoting public and private sector partnership for sustainable tsetse and trypanosomiasis eradication.

Part VII of the Bill provides for the establishment of the Kenya Animal Genetic Resources Centre. Clause 53 provides for the functions of the Centre which include conservation of animal genetic resources, establishing and managing an animal genetic resources gene bank, producing and distributing germplasm, serving as a reference laboratory for testing of semen, embryos, genotyping and related animal germplasm, undertaking research and developing and implementing animal breeding programmes,

Part VIII provides for the establishment of the Kenya Leather Development Authority. Clause 59 provides for the functions of the Leather Authority which include advising the Cabinet Secretary on matters relating to the utilization of leather and promotion of leather goods, establishing and promoting the development of leather industrial parks, supporting the development of small and medium enterprises in the leather industry, promoting the adoption of new technologies in the leather industry through incubation, regulating value chain actors involved in the manufacturing of leather goods, collecting and analysing data on leather

and leather goods, promoting and coordinating the marketing of leather and leather products, conducting capacity building on the production of leather products and providing inputs to manufacturers of leather products.

Part IX of the Bill contains the general provisions on livestock agencies established in the Bill. It provides for disqualification from appointment to boards of livestock agencies, the conduct of business and affairs of livestock agencies, delegation by the board, functions of the Chief Executive Officer, remuneration of board members, committees of the board, vacation of office, engagement of experts or consultants, the common seal of a livestock agency, removal of the Chief Executive Officer, establishment of county offices and collaboration with counties, staff of the livestock agencies and disclosure of interest by members or employees of livestock agencies.

Part X of the Bill contains the financial provisions for the Livestock Agencies. Clause 77 outlines the monies that shall constitute the funds of the livestock agencies. Clause 78 provides for the financial year of the livestock agencies and clause 79 provides for the preparation of annual estimates of the livestock agencies before the end of each financial year. Clause 80 provides for the keeping of accounts preparation of annual reports and auditing of livestock agencies.

Part XI of the Bill provides for the establishment of livestock training institutions. Clause 82 provides for the establishment of the Livestock Training Institutions Academic Board which shall be independent from the training institutions. The Training Institutions Academic Board shall exercise oversight over the examinations offered by the respective training institutions and provide quality assurance for the academic programmes offered by the training institutions. Clause 83 provides for the establishment of county livestock farmers training centres by the county governments.

Part XII of the Bill provides for the regulation of animal breeding. Clause 85 provides for the designation of a county as a recording region for purposes of animal identification and registration. This part also provides for registration of breeding animals, the rights of an animal breeder, offences relating to animal identification, the importation and exportation of animals and genetic material and the licensing of Reproductive and Genetics Technology Service Centres.

Part XIII of the Bill provides for the regulation of animal foodstuff. Clause 93 imposes restrictions on the importation, manufacture and sale of animal foodstuff. Clause 94 provides for the licensing of animal feed manufacturers. Clause 95 regulates the labelling of animal feeds and

clause 96 prohibits the sale of animal food stuff containing deleterious ingredients.

Part XIV of the Bill regulates beekeeping and bee products. It provides for the registration of beekeepers, imposes restrictions on setting up hives, the disposal of bees, honeycombs and hives and the importation of bees.

Part XV contains miscellaneous provisions. It provides for the general penalty for offences committed under the Act and the making of regulations by the Cabinet Secretary.

Part XVI provides for the transitional and savings provisions in respect to the former livestock agencies established under statutory instruments that the Bill seeks to revoke.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

Clauses 91, 96, 97 and 99 of the Bill delegate legislative powers to the Cabinet Secretary responsible for matters relating to livestock for the purposes set out in the respective clauses. The Bill does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

This Bill concerns county governments in terms of Article 110(1) (a) of the Constitution as it affects the functions and powers of county governments as set out in paragraph 1 of Part 2 of the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 12th June, 2024.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.