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NATIONAL ASSEMBLY BILLS 2019

NAIROBI

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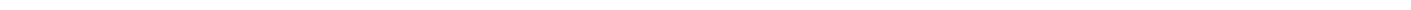
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ANIMAL HEALTH BILL

A Bill of Parliament to provide for prevention, detection, control and eradication of animal diseases and pests; to promote animal health; for sustainable improvement of animal health and veterinary governance and for connected purposes.

ENACTED by the Parliament of Kenya, as follows-

PART – I

1. Short Title and Commencement

This Act may be cited as the Animal Health Act 2019 and shall come into force upon publication.

2. Interpretation

In this Act, unless the context otherwise requires –

“**analyst**” means any person appointed under section 20 of this Act to be an analyst for the purposes of this Act;

“**animal**” means any member of the animal kingdom except human, whether alive or dead, including mammals, birds, insects, reptiles and aquatic animals;

“**Animal material**” means any animal product, feed, fodder or equipment;

“**animal identification**” means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier;

“**animal feed**” means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used as feed or drink for an animal;

“**animal feed establishment**” means the premises where animal feed is manufactured or produced;

“**animal product**” means any part or portion of, or product derived from or yielded by any animal, including any such part, portion or product that has been processed;

“**animal traceability**” means the ability to follow an animal or group of animals during all stages of life;

“**Aquatic Code**” means the OIE Aquatic Animal Health Code;

“**artificial insemination centre**” means a facility approved by the Veterinary Authority that meets the conditions set out in the Terrestrial Code for the collection, processing and/or storage of semen;

“**biosafety**” means the containment principles, technologies and practices that are implemented to prevent unintentional exposure to pathogens and toxins, or 'their accidental release;

“**biosecurity**” means:

- (a) institutional and personal security measures designed to prevent the loss, theft, misuse, diversion or intentional release of pathogens and toxins; and
- (b) a set of management and physical measures designed to reduce the risk of introduction, establishment and spread of animal diseases, infections or infestations to, from and within an animal population.

“**breeding centre**” means a semen collection centre, an embryo collection centre or a sire camp;

“**breeding disease**” means a disease transmissible from one animal to another through natural mating, semen or embryos;

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for veterinary matters;

“**clean area**” means any area declared by the Director-General to be free from a disease, disease agent or an arthropod pest of veterinary importance;

“**clean**” means to free and maintain free from arthropod pest infestation any animal by the spraying of such animal or the submersion of such animal in a dipping tank containing an effective arthropod pest destroying agent, and where necessary by hand dressing and clipping, in such a manner as the Director-General may from time to time, by notice in the Gazette, prescribe and, subject to the foregoing, the Director-General may prescribe different methods of cleaning for different areas;

“**Chief Officer**” means the Chief Officer for the time being responsible for veterinary matters;

“**compartment**” means an animal subpopulation contained in one or more establishments under a common biosecurity management system with a distinct health

status with respect to a specific disease or specific diseases for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade;

“**commodity**” means live animals, products of animal origin, animal genetic material, biological products and pathological material;

“**Competent Authority**” means the Veterinary Authority or other Governmental Authority of a Member Country having the responsibility and competence for ensuring or supervising the implementation of animal health and welfare measures, international veterinary certification and other standards and recommendations in the Terrestrial Code and in the OIE Aquatic Animal Health Code in the whole territory;

“**conveyance**” means any mode of transport including truck, motor car, van, wagon, aircraft, ship, boat, train, cart or other vehicle, or animal, or other mode of transport of whatever kind, including the fittings and equipment and, in the case of an animal, the harness and tackle thereof: “**County Director**” means the County Director of Veterinary Services;

“**county**” means a respective county government established in accordance with the Constitution of Kenya;

“**County Executive Committee Member**” means the member of the County Executive Committee for the time being responsible for veterinary matters;

“**county government veterinary services**” means veterinary services delivered by a county government;

“**court**” means a court of competent jurisdiction;

“**dipping**” means the complete immersion of cattle, sheep, goats and all animals amenable to dipping in a dipping tank containing an effective arthropod pest destroying agent;

“**disease**” means the clinical or pathological manifestation of infection or infestation of an animal and includes a notifiable, zoonotic and emerging or re-emerging disease;

“**disease agent**” means the whole or part of an organism that can cause a disease in an animal or a substance that can cause a disease in an animal or any other thing that is declared under section 5 to be a disease agent

“**disease control**” means taking measures to –

- (a) prevent the occurrence or establishment of a disease;
- (b) limit the spread of a disease;
- (c) reduce the occurrence of a disease and
- (d) eradicate a disease;

“**Disease Free Zone**” means a clearly defined part of a territory containing an animal subpopulation with a distinct health status with respect to a specific disease for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade.

“**Director-General**” means the Director-General of Veterinary Services appointed under section 8;

“**domestic animal**” means an animal that is farmed or kept in a domestic or captive state or is under the direct control of humans regardless of whether the animal is or is not of a species categorized by any other written law as being of a tame or domestic nature;

“**effective arthropod pest destroying agent**” means suitable ingredients in such percentage or proportion as the Director-General may, from time to time, by notice in the Gazette, prescribe;

“**export**” means to move any animal, animal product, animal material or disease agent from a place within the territory of Kenya to a place outside the territory of Kenya;

“**farm animal**” means any animal including fish, reptiles, rabbits, cattle, sheep, goats or amphibians bred or kept for the production of food, wool, skin or fur or for other farming purposes or any other animal kept for these purposes;

“**genetic material**” includes semen, ovum, embryo, oocyte or any material used for the propagation of a given animal species;

“**grazing**” means to feed animals on pasture or herbage under free range;

“**import**” means to move any animal, animal product, animal material or disease agent from a place outside the territory of Kenya to a place within the territory of Kenya;

“**infected**” means diseased; harbouring a disease agent or having been, or suspected of having been, exposed to a disease within the prescribed exposure period;

“**infected place**” means any area declared by the Director-General to be an area infected by a disease, disease agent or an arthropod pest of veterinary importance;

“**inspector**” means the Director-General; County Director of Veterinary Services or a person appointed as an inspector under section 20 of this Act;

“**international trade**” means importation, exportation and transit of commodities;

“**international veterinary certificate**” means a certificate describing the animal health and public health requirements that are fulfilled by the exported commodities;

“**in transit**” means the movement of an animal that has been imported through a port of entry into the country through the country to another country after its release from the port of entry;

“**Joint Committee for Veterinary Services**” means a committee for veterinary services established under section 29;

“**national government veterinary services**” means veterinary services delivered by the national government;

“**notifiable disease**” means a disease listed by the Director-General in the regulations under this Act, and that, as soon as detected or suspected, must be brought to the attention of the Director-General, in accordance with the regulations.

“**owner**” in relation to an animal, includes any person having the possession, charge, custody or control of that animal, in the case of game or animals whose ownership cannot readily be established, the occupier or user of the land on which such game or animals are present is deemed to be the owner the animals;

“**OIE**” means the World Organization for Animal Health;

“**One health**” means the inter-relationship of human, animal, plant and environmental health;

“**permit**” means a permit issued and in force under this Act;

“**performance of veterinary services**” means the implementation of measures to improve animal and public health and enhance compliance with sanitary and phyto-sanitary standards at the county, national, regional and international levels;

“**performance of veterinary services pathway**” means the sustainable improvement of a country's veterinary services' compliance with OIE standards on the quality of veterinary services;

“**pest**” means a protozoan, bacteria, fungus, virus or viroid, vector, plant, rickettsia, arthropod, parasite, prion, infectious agent or other pathogen and any organism related to any of the organisms described in this paragraph that can directly or indirectly injure, cause damage to, or cause disease in animals;

“**prescribed**” means prescribed by regulation;

“**product**” means animal product, biological, chemical or anything intended for animal use;

“**protected area**” means any area declared by the Director-General to be protected from a disease, disease agent or an arthropod pest of veterinary importance;

“**Principal Secretary**” means the Principal Secretary for the time being responsible for veterinary matters;

“**quarantine station**” means a quarantine station established under section 67 of this Act;

“**quarantine area**” means any place in respect of which a declaration under section 50 is in force;

“**regulations**” means regulations made and in force under this Act;

“**restricted area**” means a place in respect of which a declaration of restricted area is in force under section 48 of this Act;

“**restricted material**” means: a disease agent or any animal material declared by the Director-General under section 5 to be a restricted material;

“**sell**” includes offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, dispose of for any consideration whatsoever, or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid;

“**sick animal**” means any animal showing clinical, serological, pathological, microbiological or other evidence of having been exposed to, or being affected by a disease, injury or metabolic disorder or genetic disorder;

“**sire camp**” means a facility under the authority of the Director-General approved for providing natural mating services in animals for a community;

“**spraying**” means the complete saturation of cattle, sheep, goats and other animals amenable to spraying with an effective arthropod pest destroying agent, mechanically or by hand;

“**spray race**” means any effective contrivance approved by the Director-General for the cleansing of camels, cattle, sheep, goats and other animals amenable to spraying;

“**stakeholder**” means a person, group or organization that can affect or be affected by the impacts of veterinary legislation;

“**stray cat**” means any cat not under direct control by a person or not prevented from roaming;

“**stray dog**” means any dog not under direct control by a person or not prevented from roaming;

“**suspected**” means suspected of being infected with an animal disease;

“**surveillance**” means the systematic collection, collation, and analysis of information related to animal health and the timely dissemination of that information to those who need to know so that action can be taken;

“**Terrestrial Code**” means the OIE Terrestrial Animal Health Code;

“**this Act**” includes any subsidiary legislation made thereunder;

“**Transboundary Animal Disease**” means an epidemic disease that is highly contagious or transmissible and has the potential for very rapid spread, irrespective of national borders, causing serious socio-economic and possibly public health consequences;

“**unknown disease**” with respect to the owner of an animal means an animal disease that the owner is not conversant with;

“**vector**” means an insect or any living carrier that transports an infectious agent from an infected individual to a susceptible individual or its food or immediate surroundings. The organism may or may not pass through a development cycle within the vector;

“**Veterinary Authority**” means the Governmental Authority of Kenya, comprising veterinarians, other professionals and paraprofessionals, having the responsibility and competence for ensuring or supervising the implementation of animal health and welfare measures, international veterinary certification and other standards and recommendations in the Terrestrial Code in the whole country.

“**veterinary laboratory**” means an institution equipped in a prescribed manner, staffed by technically competent personnel under the control of a veterinarian who is a specialist in veterinary diagnostic methods and who is responsible for the validity of the results;

“**veterinary services**” means the governmental and non-governmental organizations that implement animal health and welfare measures and other standards and recommendations in the Terrestrial Code in the territory. The Veterinary Services are under the overall control and direction of the Veterinary Authority;

“**Veterinary Services Human Resource Advisory Forum**” means a forum established under section 38;

“**veterinary surgeon**” means a person registered as such under the Veterinary Surgeons and Veterinary Paraprofessionals Act, Cap. 366 of 2011;

“**veterinary paraprofessional**” means a person registered as such under the Veterinary Surgeons and Veterinary Paraprofessionals Act, Cap. 366 of 2011;

“**zero-grazing**” means raising animals under confinement; feeds, water and all their dietary needs are provided where they are confined;

“**zoonosis**” means a disease transmissible from animals to human beings.

3. Application

This Act applies to:

- (a) all terrestrial and aquatic animals in matters of health; and
- (b) veterinary governance in Kenya.

4. Objects and Purposes

The objects and purposes of this Act are to:

- (a) achieve efficient control and eventual eradication of animal diseases particularly Transboundary Animal Diseases; trade-sensitive diseases and zoonotic diseases;
- (b) control livestock movement within counties; across counties and internationally;
- (c) achieve efficient control of vectors of veterinary importance;
- (d) provide for:
 - (i) a simple, reliable, verifiable, affordable and effective system of animal identification, registration and traceability;
 - (ii) improvement of veterinary clinical services;
 - (iii) zoological services of relevance to veterinary services;
 - (iv) efficient, reliable and accessible veterinary laboratory services;
 - (v) animal health insurance;
 - (vi) animal census;
 - (vii) efficient and effective veterinary governance in Kenya.

5. Declaration of animal products, disease agents and restricted material

- (1) The Director-General may, by notice published in the Gazette declare:
 - (a) anything to be an animal product for the purposes of this Act;
 - (b) anything which he considers may cause a disease in animals to be a disease agent;
 - (c) an animal material of a class specified in the notice to be a restricted material.
- (2) A notice made under this section takes effect on -
 - (a) the day on which the notice is published in the Gazette or
 - (b) a later day specified in the notice, if any.

PART II - ADMINISTRATION

6. Responsibilities and duties of the National Government Veterinary Service

The National Government Directorate of Veterinary Services shall be responsible for:-

- (a) development and review of national policies for the animal resource industry;
- (b) disease investigation, surveillance, diagnosis, reporting and notification;
- (c) regulation of animal movement;

- (d) sanitary control of import and export of animals, animal products, feedstuffs and veterinary products;
- (e) management of ports of entry and exit veterinary services;
- (f) development of national disease management strategies and trans-boundary animal disease control programs;
- (g) providing responses to inquiries by the World Trade Organization on animal health matters;
- (h) integration of regional and international animal health measures, inputs and standards under agreements and treaties ratified by Kenya;
- (i) development and review of animal disaster and animal disease emergency management strategies;
- (j) capacity building and technical assistance to counties on matters of veterinary importance and related matters;
- (k) collaboration with relevant ministries and departments in matters of animal health including fish health, wildlife health and livestock-wildlife interactions;
- (l) collaboration with relevant ministries and departments in matters of zoonoses, “One Health” and any other matter of mutual concern to animal and human health; and
- (m) any other matter necessary for the development of veterinary services in Kenya agreed upon by the national and county directorates of veterinary services

7. Office of the Director – General

- (1) There is established the office of the Director-General of Veterinary Services;
- (2) The Director-General of Veterinary Services shall be competitively recruited by the Public Service Commission and appointed by the Cabinet Secretary.

8. Qualifications for appointment as Director-General

- (1) A person shall be qualified for appointment as the Director-General if that person:-
 - (a) is a citizen of Kenya;
 - (b) holds a degree in Veterinary Medicine or Veterinary Science from an institution recognized by the Commission for University Education;
 - (c) holds a Master’s degree in any science field, project management or public administration from an institution recognized by the Commission for University Education;
 - (d) is retained as a veterinary surgeon in the Kenya Veterinary Board register;
 - (e) has at least fifteen years’ experience in the veterinary profession;
 - (f) has at least five years’ experience in senior level management in either the public or private sector in matters relating to finance or public administration and human resource management;
 - (g) meets the requirements of leadership and integrity in Chapter Six of the Constitution; and

(h) has not attained the age of retirement as defined by the Public Service Commission.

(2) The Director-General shall hold office for a term of three years and shall be eligible for reappointment for one further term based on performance.

9. Functions of the Director-General

The Director-General shall: -

- (a) be the head of veterinary services in Kenya and technical advisor to the Government on all matters of veterinary services;
- (b) be the World Trade Organization inquiry point and national notification authority on notifiable diseases of animals;
- (c) be responsible for harmonization and integration of provisions of treaties, global conventions, continental and regional agreements ratified by Kenya, and of veterinary importance, into Kenyan law;
- (d) be the OIE delegate for Kenya;
- (e) collaborate with the departments responsible for foreign affairs and trade in resolving trade disputes involving animals, animal products or animal materials;
- (f) be responsible for certification of animals, animal products or animal materials for export and import trade;
- (g) collaborate with government ministries, departments or agencies in negotiating treaties and agreements on matters of veterinary importance;
- (h) seek and periodically publish reports of notifiable or trade-sensitive diseases of animals;
- (i) be responsible for management and evaluation of national veterinary programmes;
- (j) take lead in mobilizing resources for veterinary services, generally and national veterinary services specifically;
- (k) be responsible for human resource development for veterinary services;
- (l) be responsible for risk assessment of imports of animals or animal products;
- (m) provide timely feedback to reports from counties and stakeholders in the animal resource industry; and
- (n) perform any other functions expedient to the development of veterinary services and incidental to the foregoing functions.

10. Delegation of powers and functions by the Director-General

(1) The Director-General may delegate any power or function conferred on him or her under this Act to:-

- (a) a County Director;
- (b) any officer of the national veterinary services; and
- (c) any authorized person.

- (2) A power or function delegated to a County Director under subsection (1a) may be exercised by him or her or any officer of the county veterinary services or any authorized person.
- (3) The Director-General shall furnish the officers, authorized persons and County Directors contemplated in subsection (1) with a written authority in which he shall indicate that the person mentioned therein is authorized to exercise the powers and perform the functions specified therein.
- (4) The authorization contemplated in subsection (3) may:-
- (a) be written in general terms;
 - (b) refer to cases or situations of a particular nature; or
 - (c) refer to a specified or prescribed measure.
- (5) When exercising a power or function delegated under this section, the officer, authorized person or County Director must produce the authorization referred to in subsection 3 at the request of any person.

11. Directorates

- (1) Pursuant to responsibilities and duties of the national veterinary service in section 6, the Principal Secretary may constitute directorates to take charge of:-
- (a) animal disease epidemiology and risk management;
 - (b) veterinary public health;
 - (c) vector regulatory and zoological services; and
 - (d) administrative services.
- (2) notwithstanding the provisions of subsection (1), the Director-General may recommend to the Principal Secretary the creation of other directorates for the purposes of developing and maintaining competence of national veterinary services.

12. Creation of divisions and functional organs in the national or county veterinary services

The Director-General or County Director shall ensure that creation and naming of divisions and functional organs in the national or county veterinary service conforms to the conventional naming of such divisions or organs in international veterinary treaties and agreements ratified by Kenya.

13. Responsibilities and duties of county government veterinary services

The county government Directorate of Veterinary Services shall:-

- (a) implement national veterinary policies and strategies;

- (b) develop relevant county veterinary policies and strategies;
- (c) manage county abattoirs;
- (d) be responsible for primary animal healthcare including vaccination campaigns;
- (e) be responsible for veterinary clinical services;
- (f) implement national disease control programmes;
- (g) carry out disease surveillance in its county of jurisdiction;
- (h) be responsible for vector surveillance and control including tick and tsetse fly control;
- (i) be responsible for control of animal movement within the county and across counties;
- (j) implement international treaties for the animal resource industry;
- (k) implement international standards on animal health, production and food safety;
- (l) be responsible for animal control and animal welfare including: -
 - (i) licensing of dogs;
 - (ii) implementation of animal welfare standards; and
 - (iii) maintenance of facilities for accommodation, care and burial of animals;
- (m) provide animal health, animal production and animal welfare advisory services to animal value chain actors;
- (n) implement animal reproductive services including artificial breeding;
- (o) collect and synthesize technical veterinary data including disease and vector data for county planning and reporting to the national government directorate of veterinary services;
- (p) coordinate development of markets and value addition infrastructure for animals and animal products;
- (q) take veterinary technical responsibility for livestock sale yards, livestock markets and associated infrastructure;
- (r) be responsible for the safety and quality of hides, skins, wool, feathers, horns, hooves, scales and such other animal products;
- (s) participate in research agenda setting for veterinary services;
- (t) implement national animal disaster and animal disease emergency strategies;
- (u) collaborate with relevant departments in matters of animal health including fish health, wildlife health and livestock – wildlife interactions; and
- (v) collaborate with relevant departments in matters of zoonoses, research, “One Health” and any other matter of mutual concern to animal and human health.

14. Office of the County Director of Veterinary Services

- (1) There is established the office of the County Director of Veterinary Services;
- (2) The County Director shall be competitively recruited and appointed by the County Public Service Board.

[County Governments Act, 2012]

15. Qualifications for appointment as County Director

A person shall be qualified for appointment as the County Director if that person:-

- (a) is a citizen of Kenya;
- (b) holds a degree in Veterinary Medicine or Veterinary Science from an institution recognized by the Commission for University Education;
- (c) holds a Master's degree in any science field, project management or public administration from an institution recognized by the Commission for University Education;
- (d) is retained as a veterinary surgeon in the Kenya Veterinary Board register;
- (e) has at least ten years' experience in the veterinary profession;
- (f) has at least three years' experience in senior level management in either the public or private sector in matters relating to finance or public administration and human resource management; and
- (g) meets the requirements of leadership and integrity in Chapter Six of the Constitution of Kenya.

16. Functions of the County Director

The County Director shall be responsible for the functions of county veterinary services outlined in section (13) of this Act and for that matter shall:-

- (a) be the head of veterinary services in the county and technical advisor to the county government on all matters of veterinary services;
- (b) be responsible for implementation of national veterinary policies, strategies and programmes;
- (c) supervise implementation of veterinary services in the county;
- (d) periodically prepare animal disease and vector control reports and share with the Director-General and stakeholders in the animal resource industry;
- (e) take lead in formation of partnerships with County Directors in contiguous counties and stakeholders for purposes of disease control and promotion of inter-county trade in animals and animal products;
- (f) coordinate human resource development for veterinary services at the county;

- (g) liaise with the Chief Officer and relevant county institutions for purposes of human resource management including promotions and transfers;
- (h) collaborate with relevant departments in matters of fish health, management of livestock-wildlife conflicts, zoonoses and “One Health”; and

(i) perform any other function necessary for the progress of county veterinary services

17. Delegation of functions by the County Director

(1) The County Director may delegate any power or function conferred on him under this Act to:-

- (a) any officer of the county veterinary services;
- (b) an inspector in the county; or
- (c) any authorized person.

(2) The County Director shall furnish the officers, inspectors and authorized persons contemplated in subsection (1) with a written authority in which he shall indicate that the person mentioned therein is authorized to exercise the powers and perform the functions specified therein.

(3) The authorization contemplated in subsection (2) may:-

- (a) be written in general terms;
- (b) refer to cases or situations of a particular nature; or
- (c) refer to a specified or prescribed measure.

(4) When exercising a power or function delegated under this section, the officer, inspector or authorized person must produce the authorization contemplated in subsection 2 at the request of any person

18. Communication by the Director-General or County Director

(1) The Director-General or County Director shall ensure that stakeholders, the public or any interested party is rapidly given objective, reliable and easily accessible information in regard to the objectives of this Act.

(2) Notwithstanding the provisions of subsection (1), the Director-General or County Director may withhold information subject to limitation of right of access to information in accordance with the Access to Information Act, 2016.

19. Reporting

(1) The Director-General and County Directors shall prepare, publish and share technical reports and other reports of relevance to veterinary services on a quarterly basis.

- (2) Reporting between the Director-General and County Directors shall be conducted in writing, through verbal communication, electronically or through any method and medium that is mutually agreeable to the two parties. Such reporting shall be direct from the County Directors to the Director-General and vice versa.
- (3) It shall be an offence under this section for any Veterinary Surgeon or Veterinary Paraprofessional to withhold any information relevant to the reports contemplated in subsection (1), either from the Director-General or from the County Director.
- (4) Whoever commits an offence under this section shall be liable to a fine not exceeding two hundred thousand shillings or imprisonment for one year or to both

20. Appointment of inspectors and analysts

- (1) The Director-General may appoint national government veterinary surgeons or national government veterinary paraprofessionals to be inspectors as may be necessary for the purposes of this Act.
- (2) The Director-General may appoint suitably qualified persons in the national government to be analysts for the purposes of this Act.
- (3) The Director-General may appoint any person in the national government who is qualified in zoological sciences to be an inspector for the purposes of zoological services of veterinary importance under this Act.
- (4) The County Director, in his respective county of jurisdiction, may appoint county government veterinary surgeons or county government veterinary paraprofessionals to be inspectors as may be necessary for the purposes of this Act.
- (5) The County Director, in his respective county of jurisdiction, may appoint any person qualified in zoological sciences to be an inspector for the purposes of zoological services of veterinary importance under this Act

21. Identification of inspectors

- (1) An inspector shall bear suitable form of identification as shall be determined by the Director-General.
- (2) The template, type and features of the identification card in sub section (1) shall be determined by the Cabinet Secretary in the regulations.

22. Functions of inspectors

The functions of inspectors shall include:-

- (a) ensuring that persons comply with this Act;
- (b) determining whether a person may have contravened this Act;
- (c) assessing and facilitating prosecution of offences committed under this Act; and
- (d) performing such other functions as shall be assigned to them by the respective appointing authority or regulations under this Act.

23. Powers of an inspector

(1) In the course of performing his functions, an inspector shall have the following powers:-

- (a) to stop, enter into, search or detain a conveyance;
- (b) to enter into and search a farm or any other premises, either by consent of the owner or with a warrant, on reasonable grounds for believing that an animal, animal product or animal material has a notifiable disease or has been imported in contravention of this Act;
- (c) to examine, seize, make copies of or take extracts from any document or other record that appears to indicate that an offence under this Act has been, or is being, committed;
- (d) to take photographs, films and video recordings in any conveyance or place lawfully entered;
- (e) to examine, test, treat or vaccinate any animal;
- (f) to isolate any animal, animal material or disease agent;
- (g) take such samples of any animal, product or other articles that may be deemed necessary, and for this purpose open any container in which that animal or thing or other article is contained.
- (h) to seize and retain any animal, animal product, animal material or disease agent if the inspector knows or has reason to believe that in respect of that animal, animal product, animal material or disease agent under this Act or a direction thereof has been or is being contravened;
- (i) to remove any animal, animal product, animal material or disease agent;
- (j) to place any animal, animal product, animal material or disease agent under quarantine or other place he or she considers appropriate;
- (k) to tag or mark an animal, animal product, animal material or disease agent in any manner appropriate for the purposes of identification;
- (l) to perform a post-mortem examination, or cause a post-mortem examination to be performed on any animal;
- (m) to dispose of a carcass of an animal as appropriate;
- (n) to control or prevent the movement into or out of a conveyance or place of any animal, animal product, animal material or disease agent;

- (o) to return, or cause to be returned, to its origin, any animal, animal product or animal material that:-
- (i) has been imported in contravention of this Act; or
 - (ii) moved into, within or out of an infected place, restricted area, control area or protected area in contravention of this Act; or
 - (iii) has been presented for sale, exhibition or competition and is, or may be, infected;
- (p) to seize any other thing that appears to indicate that an offence under this Act has been, or is being, committed.
- (2) Despite subsection (1), powers to enter, search and carry out inspections, and performance of any act referred to in subsection (1) must, for the purpose of proving the commission or suspected commission of an offence under this Act or for any other purposes other than those envisaged in subsection (1), be conducted under the authority of a warrant.
- (3) A warrant referred to in subsection (2) must be issued by a court that has jurisdiction in the area where the land or conveyance in question is situated.
- (4) A warrant issued in terms of this section must be executed by day, unless the person who issues the warrant authorizes the execution thereof by night, at times which must be reasonable, and entry upon and search of any land or conveyance must be conducted with strict regard to decency and order.
- (5) An inspector, when executing the warrant in terms of this section must:-
- (a) identify himself to the person in control of the land or conveyance, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent spot on the land or conveyance; and
 - (b) supply at the request of such person, particulars regarding his authority to execute such warrant.
- (6) An inspector may without a warrant enter any land or conveyance and perform any of the acts mentioned in subsection (1) if:-
- (a) the owner, user or any person in control of or employed at such land or premises or conveyance, who is competent to do so, consents thereto; or
 - (b) he believes, on reasonable ground:-
 - (i) that a warrant will be issued to him or her in terms of subsection 2 if he applies for such warrant; and

(ii) that the delay in obtaining such warrant would defeat the object of the investigation.

(7) A warrant issued in terms of subsection (2) may be issued on any day and must be in force until-

- (a) it is executed; or
- (b) it is cancelled by the person who issued it or, if such a person is not available, by any person with similar authority; or
- (c) the expiry of one month from the date of its issue; or
- (d) the purpose for which the warrant was issued, no longer exists, whichever may occur first.

24. Power to search and detain suspects

An inspector or a police officer may, without warrant, stop, detain and search any person whom he believes with reasonable cause to be guilty of an offence under this Act, and if the name and address of such person is not known to the officer stopping and detaining him, and if he fails to give his name and address to the satisfaction of such officer, such officer may without warrant cause arrest.

25. Obstruction of inspectors

(1) A person shall not resist, impede, obstruct or assault -

- (a) an inspector who is performing or exercising a function or power under this Act; or
- (b) a person who is assisting that inspector.

(2) Any person who obstructs an inspector when performing his lawful functions or powers under this Act commits an offence and shall be liable to a fine not exceeding two-hundred thousand shillings or one year in jail or both

26. Confidentiality

No inspector may disclose any information acquired by him through the exercise of his powers or performance of his functions under this Act, except:-

- (a) in so far as it is necessary for the proper application of the provisions of this Act;
- (b) when ordered to do so by any competent court;
- (c) for the purpose of any legal proceedings under this Act;
- (d) if the Principal Secretary or Chief Officer, in the public interest, authorizes the disclosure thereof; or
- (e) to the extent necessary in order to comply with a law dealing with access to information.

27. Indemnity

No action shall lie against any inspector or any person for any act done in good faith under this Act or for any act done in good faith in connection with the diagnosis, control, prevention or treatment of notifiable diseases.

28. Appeal of a decision by an inspector

- (1) Any person who is aggrieved by the decision of an inspector may appeal the decision by-
 - (a) serving the Director-General, in case of national government veterinary services, or the County Director, in case of county government veterinary services with a notice of appeal in the form prescribed in the regulations within fifteen days after the appellant is notified of the decision;
 - (b) within fifteen days after being served with a notice of appeal, the Director-General or the County Director shall consider the appeal, arrive at a decision and notify the appellant of the decision in writing;
- (2) A decision by the Director-General or County Director in subsection (1b) may confirm, vary or revoke the decision of the inspector.
- (3) Any appellant who is not satisfied by the decision of the Director-General or County Director may appeal that decision in court.
- (4) An appeal contemplated in subsection (3) must be commenced within fifteen days after the appellant receives notice of the decision of the Director-General or County Director.

PART III – INTERGOVERNMENTAL INSTITUTIONS FOR VETERINARY SERVICES

29. Joint Committee for Veterinary Services

- (1) There is established the Joint Committee for Veterinary Services in line with the Constitution, the Intergovernmental Relations Act and any applicable law.
- (2) The Committee shall comprise of:-
 - (a) the Director-General of Veterinary Services;
 - (b) heads of divisions in the Directorate of Veterinary Services;
 - (c) County Directors;
 - (d) principals of training institutions allied to the Directorate of Veterinary Services;
 - (e) the chief executive officers of the following state corporations:
 - (i) Kenya Veterinary Vaccines Production Institute;

- (ii) Kenya Animal Genetic Resources Agency;
- (iii) Kenya Tsetse and Trypanosomiasis Eradication Council;
- (iv) any other state corporation formed to directly serve the objectives of veterinary services; and
- (f) other members co-opted on need basis.

30. Functions of the Joint Committee for Veterinary Services

The Joint Committee for Veterinary Services shall:-

- (a) be the committee for consultation and co-operation between the national and county veterinary services;
- (b) receive veterinary progress reports and provide advice as appropriate;
- (c) be the committee for sharing of information on the performance of the counties in the execution of their functions with the objective of learning and promotion of best practices and where necessary, initiating preventive or corrective action;
- (d) monitor the implementation of development plans for national and county veterinary services and recommend appropriate action;
- (e) receive and discuss reports on the evaluation of the Performance of, national or county, Veterinary Services and recommend appropriate action;
- (f) harmonize the development of county and national policies and laws of veterinary importance;
- (g) determine capacity development needs of veterinary personnel; and
- (h) perform any other function mutually agreed upon by the two levels of government.

31. Meetings of the Joint Committee for Veterinary Services

Meetings of the Joint Committee for Veterinary Services shall be conducted as outlined in the First Schedule.

32. Financing of meetings of the Joint Committee for Veterinary Services

- (1) Meetings of the Joint Committee for Veterinary Services shall be financed by the national government.
- (2) Without prejudice to the provision of subsection 1, meetings of the Joint Committee for Veterinary Services may be financed by:
 - (a) development partners;
 - (b) county governments; or
 - (c) any willing partner or stakeholder in veterinary services, the animal resource industry or in Kenya.

33. County Veterinary Services Committee

- (1) There is established the County Veterinary Services Committee in line with the Constitution, the Intergovernmental Relations Act and any applicable law.
- (2) The Committee shall comprise of:-
 - (a) County Directors;
 - (b) officers in charge of Regional Veterinary Investigation Laboratories; and
 - (c) co-opted members depending on need.

34. Functions of the County Veterinary Services Committee

The County Veterinary Services Committee shall:-

- (a) promote consultation and co-operation among County Directors;
- (b) review county working relationships and make recommendations as necessary;
- (c) coordinate regional vaccination campaigns;
- (d) coordinate disease surveillance across neighbouring counties;
- (e) coordinate response to animal disease emergencies and disasters across counties; and
- (f) perform any other function mutually agreed upon by the County Directors.

35. Meetings of County Veterinary Services Committee

Meetings of the County Veterinary Services Committee shall be conducted as outlined in the Second Schedule.

36. Financing of meetings of the County Veterinary Services Committee

- (1) At the beginning of every financial year, the executive committee of the County Veterinary Services Committee comprising of the chairman, vice-chairman and secretary shall prepare a budget for meetings in the coming financial year which shall be equally shared among all the county governments.
- (2) The executive committee referred to in subsection 1 shall manage the budget of the County Veterinary Services Committee.
- (3) The executive committee shall furnish members of the County Veterinary Services Committee with an audited financial report stating the expenditure of the committee during the financial year under review.

37. Functional partnerships for disease control

- (1) The Director-General or County Director may establish functional partnerships with institutions whose functions directly bear on veterinary services or aspects of veterinary services including the Ministry responsible for Health, Kenya Wildlife Service and Kenya Fisheries Service.
- (2) Partnerships in subsection (1) shall be subject to rules consented to by the partners involved, the rules shall:-
 - (a) specify roles of the partners involved in the partnership;
 - (b) indicate the procedure for establishing the partnership, whether by contract or through a memorandum of understanding or any other specified procedure;
 - (c) mode of communication and sharing of information;
 - (d) types of reports to be shared by the partners;
 - (e) frequency of meetings and reporting; and
 - (f) any other matter necessary for the existence of the partnership and realization of aims and objectives of partners.

38. Establishment of the Veterinary Human Resource Advisory Forum

- (1) There is established the Veterinary Services Human Resource Advisory Forum.
- (2) The Forum shall comprise of:-
 - (a) the Principal Secretary for the time being responsible for veterinary matters, or his designated representative, who shall be the chairman of the Forum;
 - (b) the Chairman Council of Governors Committee responsible for veterinary matters or his designated representative who shall be the co-chairman of the Forum;
 - (c) a County Executive Committee Member responsible for veterinary matters nominated by the Council of Governors;
 - (d) a Chief Officer responsible for veterinary matters nominated by the Council of Governors;
 - (e) the Director-General of Veterinary Services;
 - (f) the Chairman County Veterinary Services Committee;
 - (g) one representative nominated by the Public Service Commission;
 - (h) one person nominated by the county public service boards; and
 - (i) the national Director Human Resource Management and Development for the time being responsible for veterinary matters who shall be the Secretary of the Forum.

39. Functions of the Human Resource Advisory Forum

The Human Resource Advisory Forum shall advise and provide guidance on:-

- (a) transfer of technical veterinary staff from one level of government to another level;
- (b) inter-county transfer of technical county veterinary staff;
- (c) welfare and scheme of service for technical veterinary staff;
- (d) posting of veterinary surgeon and veterinary para-professional interns to national and county government institutions;
- (e) technical staffing of the national and county directorates of veterinary services;
- (f) succession management in the national and county directorates of veterinary services; and
- (g) any matter necessary for effective and efficient human resource management or development at either level of government.

40. Meetings of the Human Resource Advisory Forum

The Human Resource Advisory Forum shall meet at least twice in a year.

41. Financing of meetings of the Human Resource Advisory Forum

- (1) Meetings of the Human Resource Advisory Forum shall be financed by the Principal Secretary.
- (2) Without prejudice to the provision of subsection 1, meetings of the Human Resource Advisory Forum may be financed by:
 - (a) development partners;
 - (b) county governments; or
 - (c) any partner or stakeholder in veterinary services, the animal resource industry or in the country.

42. Conduct of business of the Human Resource Advisory Forum

The Human Resource Advisory Forum shall regulate its business and affairs.

PART IV – ANIMAL DISEASE PREVENTION, SURVEILLANCE AND CONTROL

43. Disease prevention, surveillance and control

- (1) The Director-General shall, in consultation with the County Director and stakeholders, develop policies, strategies and programmes for disease prevention, surveillance and control.

- (2) The Director-General shall institute operations and measures for disease prevention, surveillance and control: -
 - (a) at border entry and exit points and
 - (b) through national and regional veterinary investigation laboratories.
- (3) The Director-General shall;
 - (a) maintain the national database for animal health information in the country; and
 - (b) carry out international animal health reporting and provide feedback to stakeholders.
- (4) The County Director shall institute operations and measures to prevent, detect, control or eradicate any disease or pest of animals including: -
 - (a) examining animals,
 - (b) drawing of blood and diagnostic testing of animals;
 - (c) collecting samples from animals or carcasses thereof in abattoirs, stockyards, animal watering points, sale yards or any other point of concentration of animals, and conducting tests on the samples.

44. Duties of owners and occupiers regarding health of animals

- (1) Any owner of an animal or a person having custody of an animal shall take, with due respect to the provisions of this Act, all reasonable steps:-
 - (a) to prevent the infection of his animals with any animal disease;
 - (b) to prevent the infestation of his animals with any parasite;
 - (c) to prevent the spread of any animal disease or pest from his land or animal; and
 - (d) to report immediately to an inspector any abnormal morbidity and mortality among his animals in the prescribed manner.
- (2) Any animal owner shall, at all times, fully cooperate with the County Director or Director-General in matters of animal disease control.
- (3) Whenever an animal is reasonably suspected to be infected with any disease or pest, the owner shall seek from a registered veterinary surgeon or a registered veterinary para-professional, treatment at the earliest time possible.
- (4) Any person who contravenes any of the provisions of this section commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or six months jail term or both

45. Declaration of infected place

- (1) The Director-General, County Director, Sub-County Veterinary Officer or Ward Veterinary Officer may declare a place or conveyance to be an infected place -
- (a) if a notifiable disease is confirmed through laboratory diagnosis to be present in that place or conveyance;
 - (b) if a new disease or an unknown disease is present in that place or conveyance and it is necessary to make the declaration for the purpose of controlling the disease;
 - (c) for the purpose of preventing the spread of a notifiable disease by prohibiting the movement of animals from one county, sub-county, place or area to any other county, sub-county, place or area.
- (2) A declaration remains in force for the period specified in it or, if no period is specified, until it is revoked.
- (3) A declaration or an amendment or revocation of a declaration:-
- (a) shall be made by notice in writing provided to the owner of the place or conveyance; and
 - (b) takes effect when it is provided to the owner.
- (4) The Director-General, County Director, Sub-County Veterinary Officer or Ward Veterinary Officer may amend or revoke his declaration upon confirmation of cleanliness

46. Animals infected with a notifiable disease

- (1) Any person having in his possession or charge an animal infected with a notifiable disease or suspected of being infected with a notifiable disease shall:
- (a) confine such animal in a secure enclosure separate from other animals not so infected or suspected of being infected; and
 - (b) give notice of the infection to the nearest inspector, veterinary surgeon or veterinary paraprofessional.
- (2) For the purposes of this subsection, any animal lawfully on a farm with the agreement of the owner or occupier shall be deemed to be in the possession or charge of the owner or occupier of such farm.
- (3) Any veterinary surgeon or veterinary para-professional who has reason to believe or suspect that any notifiable disease exists on any farm or in any area shall, notwithstanding the provisions of subsection 1, give notice of that fact to the nearest County Director or Sub-County veterinary officer.

- (4) Any inspector, veterinary surgeon or veterinary para professional to whom notice is given under subsection (1) or subsection (3) may take suitable samples within a period of not more than twenty-four hours from such animal or animals or, if such animal dies, from its carcass as may be reasonably required for the purpose of ascertaining the existence and nature of the notifiable disease.
- (5) An inspector, shall, on being satisfied of the existence or suspected existence of a notifiable disease within an area of his jurisdiction, cause all owners or occupiers of farms and owners of animals in the area to be notified of the outbreak, and shall inform the County Directors in the adjoining counties.
- (6) The carcasses of all animals infected with a notifiable disease shall be disposed of in accordance with specific instructions issued by an inspector.
- (7) The Director-General shall by notice in the *Gazette*, declare a disease to be a notifiable disease for the purposes of this Act.
- (8) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or one year in jail or both.

47. Restrictions of movement into, within and from infected places

- (1) A declaration of infected place shall not allow any of the following to enter or leave an infected place:-
 - (a) prescribed animal species;
 - (b) prescribed animal products; or
 - (c) specified animal materials.
- (2) Notwithstanding sub-section (1), the Director-General or County Director may issue a permit authorizing the movement into, within and out of an infected place under documented exceptional circumstances provided that such a permit does not result in spread of the disease.
- (3) Any person who contravenes a declaration of an infected place commits an offense and will be liable to pay a fine not exceeding two hundred thousand shillings or serve a period of one year in prison or both.

48. Declaration of a restricted area

- (1) The Director-General or County Director may declare, through a Gazette notice, a place to be a restricted area for the purpose of:

- (a) controlling a disease present in the place; or
 - (b) if a disease is present in the place, to prevent the spread of the disease; or
 - (c) if a disease may be introduced into the place, to prevent the introduction of a disease into the place.
- (2) The Director-General or County Director may amend or revoke a declaration of restricted area.
- (3) A declaration or an amendment or revocation of a declaration takes effect when it is made.
- (4) A declaration remains in force for the period specified in it or, if no period is specified, until the declaration is revoked.

49. Control of movement into, within and from a restricted area

- (1) Animals, animal products, animal materials and related articles shall not be moved into, within or out of a restricted area except as authorized by, and in accordance with conditions specified in, the declaration in section 48.
- (2) Notwithstanding the provisions of subsection (1), the Director-General or County Director or an inspector may issue a permit authorizing the movement into, within and out of a restricted area.
- (3) Any person who contravenes a declaration of a restricted area commits an offence and shall be liable to pay a fine not exceeding two hundred thousand shillings or serve a period of one year in prison or both.

50. Declaration of a quarantine area

- (1) The Director-General or County Director may declare an area in the county to be a quarantine area if he considers it necessary to do so for the purpose of controlling a disease present in the county or is likely to enter the county whether the disease is a known disease or an unknown disease.
- (2) The declaration in subsection (1) shall be made through a Gazette notice and shall specify the animals, animal products, animal materials and related things to which it applies.
- (3) The Director-General or County Director may amend or revoke a declaration of a quarantine area.

- (4) A declaration or an amendment or revocation of a declaration takes effect when it is made.
- (5) A declaration remains in force for the period specified in the declaration or, if no period is specified, until the declaration is revoked.
- (6) Any person who contravenes a declaration of a quarantine area commits an offense and shall be liable to pay a fine not exceeding five hundred thousand shillings or serve two years in prison or both.

51. Restriction of activities within a quarantine area

- (1) The Director-General or County Director shall by notice in the Gazette and with respect to the whole or a specified part of a quarantine area, prohibit, regulate or control:-
 - (a) the holding of markets, fairs, sales, shows, parades, race meetings or any other gathering or competition involving animals;
 - (b) the purposes for which specified animals, animal products, animal materials or related articles may be used;
 - (c) the treatment of animals, animal products or animal materials;
 - (d) the keeping, transport or management of specified animals, animal products or animal materials;
 - (e) the identification of specified animals, animal products or animal materials;
 - (f) the movement of specified animals, animal products or animal materials, within or out of the control area; and
 - (g) the cleaning or disinfection of persons, animals, animal materials, conveyances and other related articles that may enter, remain in, move within or leave the control area.
- (2) A notice remains in force for the period specified in it or, if no period is specified, until it is revoked.
- (3) Notwithstanding the provisions of subsection (1), the Director-General or County Director may issue a permit authorizing the movement of specified animals, animal products, or animal materials into, within or out of a quarantine area.

52. Management of a quarantine area

- (1) The Director-General or County Director may at any time give written directions to the owner of a quarantine area in relation to:-
 - (a) the management, maintenance, operation and security of the quarantine area;
 - (b) the handling, keeping, examination, testing, vaccination, identification and treatment of any animal, animal product or animal material in the quarantine area;

- (c) products and methods to be used for disinfection relating to the animal disease under consideration; and
 - (d) the use of disinfection at all critical points and for critical functions within the quarantine area.
- (2) An inspector shall give written directions to the owner of a quarantine area or his employee in relation to any matters specified in subsection (1).

53. Power of the County Director to assume management of a quarantine area

- (1) The County Director may assume management of a quarantine area if he considers it necessary to do so.
- (2) In assuming management of a quarantine area, the County Director shall:-
- (a) provide written notice of that assumption of management to the owner of the quarantine area;
 - (b) assume control of the maintenance, operation and security of the quarantine area;
 - (c) manage the quarantine area or appoint an inspector or other person to be its manager;
 - (d) notify the public that the quarantine area is temporarily under the management of the County Director; and
 - (e) name the person who is the manager of the quarantine area while it is under the management of the County Director.
- (3) If the County Director has assumed management of a quarantine area, its owners and all persons in or employed in the quarantine area shall comply with any written or verbal orders given by the County Director or the person who is appointed manager of the quarantine area under subsection (2) (c).

54. Declaration of protected areas

- (1) The Director-General or the County Director may declare, by notice in the Gazette, an area of the county to be a protected area if it is necessary to do so for the purpose of preventing the introduction into, or the spread in that area of a disease.
- (2) A declaration in subsection (1) remains in force for the period specified in the declaration or, if no period is specified, until the declaration is revoked.
- (3) A declaration of a protected area may specify the species of animals, animal products and animal materials:-
- (a) that must not be moved into the area;
 - (b) that may only be moved into the area if the conditions specified in the declaration are complied with.

- (4) The Director-General or County Director may issue a permit authorizing the movement into a protected area, of any animal, animal products or any animal materials.
- (5) Any person who contravenes a declaration of a protected area commits an offense and shall be liable to pay a fine not exceeding two hundred thousand shillings or a jail term of one year or both.

55. Notification of an unknown disease

- (1) An owner who knows or has reason to suspect that his or her animal is infected with an unknown disease must: -
 - (a) isolate the infected animal or group of infected animals;
 - (b) take all reasonable steps to prevent the spread of the disease; and
 - (c) notify an inspector, veterinary surgeon or veterinary paraprofessional of the disease incidence or possible incidence within 48 hours.
- (2) Any person who fails to comply with subsection (1) commits an offense and shall be liable to pay a fine not exceeding one hundred thousand shillings or serve a period of one year in prison or both

56. Disease control measures

- (1) The Cabinet Secretary shall prescribe in the regulations under this Act, suitable measures for control of different diseases.
- (2) Measures contemplated in subsection (1) shall include but are not limited to-
 - (a) disease surveillance
 - (b) vaccination;
 - (c) imposition of quarantines;
 - (d) control of movement of animals, animal products or animal materials;
 - (e) animal identification and registration;
 - (f) control of vectors;
 - (g) control of dog and cat populations;
 - (h) destruction and prescribed disposal of animal products; and
 - (i) destruction and prescribed disposal of sick animals and animals proven to have been in contact with sick animals.

57. Destruction of infected animals

- (1) The Director-General or County Director or inspector may cause to be destroyed any animal infected or suspected of being infected with any notifiable disease or any animal

which has been in contact with an animal infected by a notifiable disease or has been otherwise exposed to the infection or contagion of notifiable disease.

- (2) The Cabinet Secretary shall make regulations prescribing the method of destruction of the animals under subsection (1).

58. Compensation for animals destroyed to control diseases

- (1) Where it is found necessary to destroy specified healthy animals for the purpose of controlling a notifiable disease, compensation shall be paid by the national government to the owner of the animal.
- (2) For purposes of subsection (1), the value of any animal shall be its value immediately before it is destroyed and shall be determined in the regulations under this Act, and the costs and expenses of any such valuation shall be determined, borne and payable as therein provided.

59. Compensation may be withheld

- (1) Compensation in respect of any animal destroyed under this Act may, wholly or partially, be withheld where the owner or person in charge of the animal has been guilty of any breach of the provisions of this Act.
- (2) No compensation shall be made if the animals destroyed to control a notifiable disease are infected with the disease.
- (3) Notwithstanding the provisions of subsection (2), compensation may be paid if the animals destroyed to control a notifiable disease are infected with a disease that has not occurred in the country before.
- (4) No compensation shall be paid in respect of any animal destroyed if such animal was infected with a disease when imported or became infected before it was passed by the inspecting officer at the port of entry, or if such animal was imported in breach of the provisions of this Act.

60. Animals in respect of which offence committed may be seized

- (1) An inspector or a police officer may seize any animal in respect of which he has reason to suspect that an offence under this Act is being committed or has been committed, and may remove such animal to any pound, enclosure or other place selected by an inspector and there, detain such animal subject to the orders of a court.

- (2) Whenever any animal has been seized and detained under subsection (1), the officer making such seizure shall without unnecessary delay report the same to a court having jurisdiction within the sub-county in which the animal has been seized.
- (3) Notwithstanding provisions of subsection (1), an inspector or police officer may use any applicable means of obtaining evidence including video recording, photographic evidence or any other digital media as an alternative to seizure of an animal.

61. Animal may be forfeited

- (1) Whenever any person has been convicted of an offence under this Act, the court convicting such a person may in addition to or in lieu of imposing any other punishment authorized by law, order that any animal or all or any of the animals, in respect of which such offence has been committed shall be forfeited.
- (2) Whenever it is reported to a court that any animal has been seized and detained under this section but that the person who is alleged to have committed an offence or breach in respect of such animal is unknown or cannot be found, the court may, if satisfied by evidence on oath that there is reason to believe that an offence under this Act has been committed in respect of such animal and that the owner is unknown or cannot be found, order that such animal be forfeited.
- (3) Any court whenever satisfied that there is reason to believe that an offence has been committed in respect of an animal seized and detained under subsection (2), may order that the owner of such animal pay to the county government of residence such sum as it considers reasonable to cover the expenses connected with the removal of such animal to the place of detention and the keep of such animal during such detention, and that unless such sum is paid within a reasonable time to be specified in such order, the animal shall be forfeited.

62. Disposal of forfeited animal

- (1) Where any animal is forfeited under section (61), it shall be slaughtered, sold or otherwise dealt with as the court directs.
- (2) Where any forfeited animal or the carcass thereof is ordered to be sold, the court may direct that the proceeds of sale or any portion thereof be paid to any person proved to be the owner of the animal; and where no such direction is given, the proceeds of sale shall be paid into the county treasury of the county of disposal.

63. Power to prescribe fees

- (1) The Cabinet Secretary may prescribe-
 - (a) fees and payments in connection with any service rendered under this Act; and
 - (b) fees and payments in connection with any matter under this Act.
- (2) Any fees or payments due or payable under this Act shall be a civil debt due to the national or county government and may be sued for and recovered with costs by and in the name of the Director-General or County Director.
- (3) The fees and payments referred to in subsection (1) shall apply uniformly in Kenya to the exclusion of any other fees.

[Constitution Article 191 (2b) (i) and Article 191 (3c) iii and iv]

64. Power to prohibit use of vaccine or drug

- (1) The Director-General may, in consultation with the Veterinary Medicines Directorate, prohibit the use of any vaccine, other immunologic agents or drug for the control or treatment of animal diseases in the country.
- (2) Any person who knowingly supplies, sells, purchases, obtains or uses any vaccine or drug for the treatment of animal diseases, the use of which has been prohibited by the Director-General, commits an offence.

[Veterinary Surgeons and Veterinary Paraprofessionals (Veterinary Medicines Directorate) Regulations, 2015]

65. National disease control programmes

- (1) National disease control programmes shall be prepared by the Director-General in consultation with the County Director and stakeholders.
- (2) The programmes prepared under subsection (1) may provide for any one or more of the following matters:-
 - (a) identification, examination and testing of animals, animal products, animal materials and related matters;
 - (b) vaccination of animals or any other measures for control of the disease referred to;
 - (c) treatment of animals, animal products, animal materials and associated articles; and
 - (d) destruction and disposal of infected animals, animal products and animal materials.
- (3) Disease control programmes shall be made in respect of notifiable diseases.

66. Disease Free Zone or Compartment

- (1) The Director-General may by notice in the Gazette establish a Disease Free Zone or compartment in respect of controlling specified diseases, maintaining a disease-free

status for specified diseases, improving animals, processing animal products or for any prescribed purpose.

- (2) The Director-General may under subsection (1) establish different zones or compartments in respect of different kinds of animals.
- (3) A zone may be applicable to the whole of the country or to particular counties or to a particular county or to a specified part thereof.
- (4) A compartment may be applicable to particular farms or a particular farm.
- (5) The Director-General may revoke, through a Gazette notice, a disease-free status of a zone or compartment if it no longer meets the terms and conditions set in the notice that established it.
- (6) All Disease Free Zones or compartments shall submit disease reports to the Director-General, using the fastest means possible, as soon as a disease or diseases are suspected or detected.
- (7) It shall be an offence to declare by self, a zone or compartment, to be disease free.
- (8) It shall be an offence to move animals or animal products into or out of a zone or compartment without a valid permit.
- (9) Failure to submit reports as contemplated in subsection (6) shall constitute an offence.
- (10) The Cabinet Secretary shall make regulations providing for specific terms and conditions of Disease Free Zones or compartments.

67. Quarantine stations and quarantine camps

- (1) The Director-General may-
 - (a) establish at any place in the country a quarantine station for the accommodation of any animals that are required or permitted in terms of this Act to be detained or isolated; and
 - (b) declare any suitable place in the country other than a place referred to in subsection (1a) to be a quarantine camp for the accommodation of any animal that is required or permitted in terms of this Act to be detained or isolated.
- (2) A quarantine station or camp must be equipped and used for the purpose of the performance of specified veterinary procedures in respect of any animal referred to in subsection (1a).

- (3) The Director-General shall, in the case of a quarantine station, appoint an officer as a quarantine manager, with instructions to take charge of such quarantine station.

68. Control of animal movement

- (1) Animal movement permits shall be issued by -
- (a) veterinary officers in the county veterinary service; and
 - (b) any other person appointed by the County Director provided that person is a registered veterinary Surgeon.
- (2) Any person who moves an animal or group of animals from one place to another place within a county, for purposes other than grazing within a ward, shall bear an animal movement permit.
- (3) Any person who requires to move animals from one county to another county shall obtain a “No Objection” permit from a Veterinary Officer in the destination county.
- (4) The “No Objection” permit in subsection (3) shall be presented to the animal movement permit issuer in the county where the animals originate to enable the issuing of an animal movement permit to the destination county.
- (5) Where animals are moved from one county to another county for purposes of grazing, in addition to the “No Objection” permit issued in subsection (3), the local ward administrator of the destination ward shall issue an approval notice.
- (6) The Cabinet Secretary shall prescribe fees for animal movement permits in the regulations under this Act and the fees so prescribed, shall apply in all counties to the exclusion of any other fees.
- (7) Any person who moves or causes to be moved, any animal, contrary to this section, shall be guilty of an offence.
- (8) Any person who sets a fee on an animal movement permit other than the fee prescribed by the Cabinet Secretary commits an offence and shall be liable to a fine not exceeding two-hundred thousand shillings or a jail term of one year or both

69. Control of grazing of livestock

- (1) Livestock shall not be grazed in:-
- (a) any urban settlement including townships, municipalities or cities except under zero-grazing;
 - (b) garbage dumpsites;
 - (c) public roadsides

- (d) gazetted forests;
 - (e) airports or airfields even in rural areas;
 - (f) national parks;
 - (g) along railway lines and
 - (h) any place prescribed by the Director-General or County Director through a Gazette notice.
- (2) Any person who grazes animals in contravention of subsection (1) commits an offence and shall be liable to a fine not exceeding ten-thousand shillings in respect of each livestock so grazed or six months in jail or both.

[Wildlife Conservation and Management Act, 2013]

PART V – RABIES CONTROL

70. Power to seize, detain or destroy stray dogs, stray cats and other stray animals

- (1) An inspector or any person authorized by the Director-General or County Director may seize and detain any stray dog, stray cat or any other stray animal.
- (2) A Veterinary Surgeon, Veterinary Paraprofessional, police officer, inspector or any person expressly authorized by the Director-General or County Director may shoot or otherwise destroy any animal which he has reason to suspect to be suffering from rabies.

71. Power to seize and impound stray animals

- (1) Every animal seized under section 70 shall be detained in such place as shall be appointed by the County Director, until the owner has claimed the animal and paid all expenses incurred by reason of such detention.
- (2) Notice of the seizure of an animal shall immediately be given to the owner, if known.
- (3) When an animal has remained under detention for three days without the owner claiming it and paying all expenses incurred by reason of its detention, the County Director may cause it to be sold, rehomed or destroyed.

72. Order on owner of dog or cat

An inspector, if satisfied with a complaint made by any person that a dog or cat is not kept under proper control, may make an order on the owner or the person in charge of the dog or cat directing that the dog or cat be kept under proper control, and every person failing to comply with such order shall be guilty of an offence.

73. Duties of owners of animals in regard to rabies

- (1) Every owner or person in charge of an animal that is infected with rabies shall forthwith cause the same to be destroyed and shall give notice thereof to a Veterinary Surgeon or Veterinary Paraprofessional.
- (2) Every owner or person in charge of an animal suspected to be infected with rabies shall forthwith cause the same to be destroyed or to be securely tied or otherwise confined, and shall give notice thereof to a Veterinary Surgeon or Veterinary Paraprofessional.
- (3) Any person failing to comply with the requirements of subsection (1) or subsection (2) shall be guilty of an offence.

74. Compulsory vaccination against rabies

It shall be compulsory for every owner of a dog or cat to have such dog or cat vaccinated against rabies as advised by a veterinary surgeon or veterinary paraprofessional.

75. Powers of inspectors in respect of diseased or suspected animals

An inspector receiving credible information of or having reasonable grounds for suspecting the existence of rabies shall forthwith cause the matter to be investigated, and for such purpose may cause any animal to be examined and any diseased or suspected animal to be destroyed or otherwise dealt with as he may think necessary but with due regard to relevant provisions of the Animal Welfare and Protection Act.

76. Director-General or County Director may destroy infected animals

- (1) The Director-General or County Director may, in case of an outbreak or expected outbreak of rabies in any area, cause stray dogs, stray cats or any diseased or suspected animals in that area to be destroyed.
- (2) The Director-General or County Director shall, before and during the destruction of animals referred to subsection (1), take reasonable precautions to prevent injury to persons and animals other than suspected or diseased animals, stray dogs or stray cats.
- (3) The Cabinet Secretary shall prescribe methods of destroying stray animals in an outbreak or suspected outbreak area in the regulations.

77. Indemnity

No action shall lie against an inspector, private veterinary surgeon or private veterinary paraprofessional or any person for any act done in good faith under this part

or under any rules, regulations or order made thereunder, and no compensation shall be payable to any person for any act so done; provided that nothing in this section shall exempt any person from liability for any act done negligently under this part.

PART VI – ANIMAL REPRODUCTIVE HEALTH

78. Control of animal diseases that are transmissible through genetic material

(1) For purposes of controlling animal diseases that may be transmitted through animal genetic material, all artificial insemination centres and breeding centres shall practice and carry out their operations according to standards prescribed in the regulations under this Act.

(2) It shall be illegal to:-

(a) use a male breeding animal, whether on own farm or in a sire camp, that is suffering from a breeding disease or any relevant notifiable disease of animals;

(b) use a male animal that is not certified to be free from breeding diseases for breeding;
or

(c) sell or distribute infected semen, embryos, ova or genetic material of any kind.

79. Licensing of artificial inseminators and animal genetic resource production and processing centres

(1) The Kenya Veterinary Board shall license artificial inseminators in the country.

(2) The Director-General shall:-

(a) license animal genetic resource production and processing centres in Kenya;

(b) license animal genetic resource distribution centres;

(c) certify genetic resources including semen, embryos and ova;

(d) certify breeding technologies for use in Kenya;

(e) in collaboration with breeder organizations, register and certify breeding animals;

(f) monitor biosafety in genetic engineering for animal reproduction according to the Biosafety Act, 2009;

- (3) Any person who acts in contravention of the provisions of this part commits an offence and shall be liable to a fine not exceeding five hundred thousand shillings or two years in jail or both.

[Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011]

PART VII – CONTROL AND ERADICATION OF PESTS OF ANIMALS

80. Animal cleaning

- (1) Every animal owner shall clean any animal in his or her care using chemicals or ingredients as may from time to time be prescribed in writing by an inspector.
- (2) In using the chemical or ingredient referred to in subsection (1) to clean his animals, every animal owner shall at all times strictly adhere to the manufacturer's recommendations provided in the product label of the chemical or ingredient used.
- (3) Cleaning of animals referred to in subsection shall be performed through:
- (a) dipping;
 - (b) spraying;
 - (c) pour-ons;
 - (d) collars;
 - (e) powdering;
 - (f) injection
 - (g) ingestion or
 - (h) any other method or route prescribed by the Director-General in consultation with the Veterinary Medicines Directorate.

[Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011]

- (4) An inspector may at any time inspect animals subjected to cleaning chemicals or ingredients to ascertain their freedom or lack thereof from pests and advise the owner accordingly.
- (5) Any person who keeps animals manifestly infested with pests commits an offence and shall be liable to a fine not exceeding one thousand shillings per animal, or, in default of payment of such fine, to imprisonment for a term not exceeding one month.

- (6) Any person who cleans his animals contrary to provisions of subsection (2) commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or, in default of payment of such fine, to imprisonment for a term not exceeding one year or both.

81. Powers of inspectors with respect to control and eradication of animal pests

- (1) An inspector shall have full power and authority to inspect and count any animals at any time and to take a sample or samples from the contents of any cleaning agent, and to call upon all owners to produce all animals in their possession or under their control for the purpose of inspection and enumeration.
- (2) Any person who hinders or impedes or attempts to hinder or impede, or who disobeys the lawful orders of an inspector in the execution of his duties under this section, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings, or, in default of payment of such fine, to imprisonment for a term not exceeding one year or to both.

82. Animal owners to provide cleaning facilities and keep records

- (1) An animal owner on whose property animals are kept with his consent shall, to the satisfaction of an inspector, provide facilities for the dipping or spraying of such animals and shall make provision for sufficient quantities of approved and effective arthropod vector-destroying agents for the cleaning of the animals.
- (2) Every animal owner shall take adequate steps to enforce the cleaning of animals and, in addition, keep in a permanent and legible form a true and correct register, which shall be available for inspection by any inspector, and such register shall contain:-
- (a) particulars of all animals kept on his property;
 - (b) the number and types of animals cleaned on each cleaning day together with such particulars as to deaths, births, purchases, sales, losses, thefts, transfers or other transactions as will enable an inspector to account for any increase or deficiency.

83. Dip or spray race samples to be submitted to a veterinary laboratory

- (1) Animal owners shall, in adherence to procedures prescribed in the regulations under this Act, periodically submit samples from dips or spray races to accredited laboratories that shall analyze the contents thereof and prepare a certificate of the result of such analysis in the prescribed form.

- (2) A copy of every certificate prepared in subsection (1) shall be sent to the owner of the dipping tank or spray race concerned.
- (3) Any person who contravenes provisions of this section commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings, or, in default of payment of such fine, to imprisonment for a term not exceeding one year or both.

84. Vector-destroying agents sold must conform to prescribed standard

It shall be illegal for any person to sell or offer or expose for sale as an effective vector-destroying agent any article or fluid which does not conform to standards prescribed by the manufacturer of the agent and is not registered for use in Kenya by the Veterinary Medicine Directorate.

85. Certificate of analysis to be evidence

In any proceedings under section (83), a certificate of analysis shall be evidence of the facts therein stated.

86. Penalty

Any person who contravenes any of the provisions of this Part, for which contravention no special penalty is provided, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or, in default of payment of such fine, to imprisonment for a term not exceeding one year or both.

PART VIII – ANIMAL FEEDS

87. Standards of animal feeds

The Director-General shall, in collaboration with the Kenya Bureau of Standards, provide standards for the composition and production of animal feeds in the regulations under this Act.

[Standards Act]

88. Registration and licensing of animal feed establishments

The County Director shall register, approve and license establishments for animal feeds with due regard to animal health and public health.

89. Feed business operators, import and export of feeds and feed inspection

The Cabinet Secretary shall prescribe in the regulations under this Act:-

- (a) responsibilities and obligations of animal feed business operators with particular attention to animal health and public health;

- (b) procedures for importation and exportation of animal feeds, that protect animal and public health;
- (c) animal feed inspection and analysis to safeguard animal and public health;
- (d) prohibited animal feeds or animal feed composition in Kenya; and
- (e) any other matter regarding animal feeds and is of critical importance to animal and public health.

90. Recall of animal feeds from the market

- (1) It will be the responsibility of animal feed business operators to recall from the market any animal feed products likely to present a hazard to human, animal, plant and environmental health.
- (2) Notwithstanding the provisions of subsection (1), an inspector under this Act may order a recall of animal feeds from the market.

PART IX – ANIMAL EMERGENCY AND ANIMAL DISASTER

91. Animal emergency

- (1) Whenever any animal disease outbreak or parasite infestation spreads to more than one half of a county and is:
 - a) causing significant economic losses or is likely to cause such losses; or
 - b) zoonotic and causes high morbidity or high mortality in the human population; or
 - c) causing high morbidity or high mortality in the animal population even without significant economic losses;

the Governor shall, on the advice of the County Executive Committee Member together with the County Director, declare the disease outbreak or parasite infestation to be an animal emergency in the county.

- (2) Whenever any chemical or drug impact spreads to more than one half of a county and:
 - a) adversely affects animals; or
 - b) causes significant socio-economic losses; or
 - c) causes high morbidity or high mortality in the human population through consumption or use of animal products;

the Governor shall, on the advice of the County Executive Committee Member together with the County Director, declare the chemical or drug impact to be an animal emergency in the county.

(3) Any animal disease outbreak or parasite infestation or chemical or drug impact in subsection (1) or subsection (2) that spreads to more than one half of the counties in Kenya shall be declared to be an animal emergency by the Cabinet Secretary in consultation with the Director-General.

(4) A declaration contemplated in subsection (1) or (2) shall cause the County Director to take immediate measures to:

- a) protect animal resources;
- b) maintain animal health;
- c) protect the public from any animal related hazards or
- d) do anything that is necessary and expedient for:
 - i. the protection or preservation of animal resources; or
 - ii. the maintenance of veterinary public health;

in accordance with this Act, the Veterinary Public Health Act, Animal Welfare and Protection Act or any applicable written law.

(5) A declaration contemplated in subsection (3) shall cause the County Director and Director General to take immediate measures to:

- a) protect animal resources;
- b) maintain animal health;
- c) protect the public from any animal related hazards or
- d) do anything that is necessary and expedient for:
 - i. the protection or preservation of animal resources; or
 - ii. the maintenance of veterinary public health;

in accordance with this Act, the Veterinary Public Health Act, Animal Welfare and Protection Act or any applicable written law.

92. Animal disaster

(1) An animal disease outbreak or parasite infestation or chemical or drug impact may be declared to be a national disaster if:

- a) the disease:
 - i. is of an infectious or contagious nature and causes significant socio-economic losses; or

- ii. is zoonotic and causes high morbidity or high mortality in the human population; or
 - iii. causes high morbidity or high mortality in the animal population even without significant economic losses.
- b) the parasite infestation:
 - i. causes significant socio-economic losses; or
 - ii. is zoonotic and causes high morbidity or high mortality in the human population; or
 - iii. causes high morbidity or high mortality in the animal population even without significant economic losses.
- c) the chemical or drug:
 - i. adversely affects animals or causes significant socio-economic losses; or
 - ii. causes high morbidity or high mortality in the human population through consumption or use of animal products.

(2) Whenever an animal disease outbreak or parasite infestation or chemical or drug impact attains disaster proportions as provided for in subsection (1), the Cabinet Secretary may, in liaison with the National Disaster Management Authority or any relevant institution, recommend to the President of Kenya to declare the disease or parasite infestation or chemical or drug impact to be a national animal disaster.

(3) Notwithstanding the provisions of subsection (2), the President of Kenya may declare an animal disease outbreak or parasite infestation or chemical or drug impact to be a national animal disaster when advised to do so by the Cabinet Secretary in consultation with the National Disaster Management Authority or any relevant institution.

(4) A declaration of an animal disaster contemplated in subsection (1) or subsection (2) shall cause the Director General or County Director to take immediate measures to:

- a) protect animal resources;
 - b) maintain animal health;
 - c) protect the public from any animal related hazards or
 - d) do anything that is necessary and expedient for:
-

- i. the protection or preservation of animal resources; or
- ii. the maintenance of veterinary public health

in accordance with this Act, the Veterinary Public Health Act, Animal Welfare and Protection Act or any applicable written law.

PART X – VETERINARY LABORATORIES

93. Reference veterinary laboratories

- (1) Reference veterinary laboratories shall be laboratories of scientific and diagnostic expertise as prescribed in the regulations.
- (2) Without prejudice to subsection (1), Reference laboratories may be laboratories that have demonstrated expertise for:
 - (a) a particular animal disease;
 - (b) a particular testing methodology including capability for characterizing and assigning values to reference reagents and samples; and
 - (c) testing and certifying animal products and animal materials for use in the country and for export or import.

94. Control of veterinary laboratories

The Kenya Veterinary Board shall:-

- (a) register, license, control and regulate veterinary laboratories;
- (b) designate reference veterinary laboratories;
- (c) approve and monitor reference laboratories with regard to the diagnostic tests required for international trade;
- (d) classify veterinary laboratories into biosafety levels 1, 2, 3 or 4;
- (e) define responsibilities and obligations for each level of veterinary laboratory;
- (f) designate laboratories for carrying out analysis of official samples;
- (g) carry out surveillance of marketing of reagents; and
monitor quality assurance of reagents by manufacturers.

[Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011]

95. Biosafety

- (1) Every veterinary laboratory, according to its biosafety level, shall:
 - (a) be designed and appropriately located for its functions;
 - (b) perform, only, the functions for which it has been licensed;

- (c) biannually, or as frequently as the operations demand, conduct bio-risk assessment for its establishment and functions;
 - (d) ensure that appropriately calibrated equipment are available for its functions;
 - (e) put in place procedures for authorizing reagents that are used to perform official analyses;
 - (f) ensure that adequate and appropriate facilities are in place for its functions;
 - (g) adopt and use safety or operation manuals that identify known and potential hazards and specify practices and procedures to eliminate such hazards;
 - (h) have essential biosafety equipment;
 - (i) conduct health and medical surveillance of its workers at least once every six months;
 - (j) adequately train its workers to carry out prescribed tests;
 - (k) put in place facilities for safe handling and appropriate disposal of different categories of wastes;
 - (l) put in place adequate decontamination measures and facilities; and
 - (m) put in place facilities for chemical, fire, electrical, radiation and equipment safety.
- (2) Any person who acts contrary to this section commits an offence and shall be liable to a fine not exceeding two hundred thousand shillings or a jail term of one year or both.

96. Biosecurity

- (1) Veterinary laboratories and the materials they contain shall be protected in order to eliminate harm or potential harm to the public, animals, plants and the environment.
- (2) Pursuant to subsection (1), veterinary laboratories shall:-
- (a) observe biosafety measures in section (95) as a basis for biosecurity;
 - (b) have workers that are adequately trained on biosecurity requirements and measures;
 - (c) prepare and implement biosecurity programmes according to their requirements, functions and prevailing local conditions; and
 - (d) put in place a comprehensive programme of accountability for pathogens, toxins and equipment that includes: an updated inventory with storage location, identification of personnel with access, description of use, documentation of internal and external transfers within and between facilities and any inactivation or disposal of materials.
- (3) Any person who acts in contravention of this section commits an offence and shall be liable to a fine not exceeding two million shillings or a jail term of ten years or both.

97. Collection, packaging and transportation of samples

- (1) Diagnostic samples shall be collected and packaged by a trained person provided that if the samples are collected from an animal, the person referred to shall be a veterinary surgeon or veterinary paraprofessional.
- (2) Diagnostic samples may be transported to the laboratories by other persons provided that they are collected and packaged by a trained person.
- (3) Whenever diagnostic samples are transported by persons other than the trained person, the trained person shall take responsibility for any events that may arise during transportation.
- (4) Procedures for sample collection, packaging, transportation and storage shall be prescribed in the regulations under this Act.
- (5) Any person who acts in contravention of this section commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or a jail term of one year or both.

[Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011]

98. Veterinary Efficacy Trial Centres

- (1) Veterinary Efficacy Trial Centres namely Kabete; Machakos; Ngong', Maseno and Kiboko are hereby established.
- (2) Veterinary efficacy trial centres shall be places for-
 - (a) efficacy trial of veterinary medicines, vaccines, biologicals and acaricides;
 - (b) rearing of sentinel herds;
 - (c) rearing of laboratory animals including mice and rabbits;
 - (d) harvesting of cells or tissues for laboratory tests;
 - (e) obtaining animal materials including blood of different animal species to aid in laboratory diagnosis; and
 - (f) any other disease diagnostic processes or animal materials that the Cabinet Secretary shall prescribe in the regulations under this Act.
- (3) Notwithstanding subsection (1), the Director-General may designate any other suitable centre in Kenya to be a Veterinary Efficacy Trial Centre.
- (4) Veterinary Efficacy Trial Centres shall be designated as quarantine areas.

- (5) Any person who trespasses into, annexes or alienates government land reserved as a Veterinary Efficacy Trial Centre commits an offence and shall be liable to a fine not exceeding one million shillings or five years imprisonment or both.

PART XI – ANIMAL IDENTIFICATION AND TRACEABILITY

99. Identification of animals

- (1) Identification of animals for purposes of traceability shall employ means that are simple, accurate and verifiable.
- (2) Means of identification as contemplated in subsection (1) shall be provided in the regulations under this Act and may include physical or electronic means or any other means prescribed by the Cabinet Secretary.
- (3) Domestic animals to bear identification shall be prescribed in the regulations under this Act;
- (4) Any loss of a means of identification of an animal shall be reported to the County Director by the owner of the animal within twenty-four hours of such loss.
- (5) The owner of an animal shall:-
- (a) reveal the identity of his animals, that have been slaughtered or have died, to the County Director of his county of residence within fifteen days of such slaughter or death;
 - (b) within fifteen days of selling an animal, inform the County Director of the county where he resides about that sale;
- (6) Any person who acquires an animal that already bears means of identification shall, within fifteen days of that acquisition, inform the County Director of the county where he resides about his acquisition;
- (7) Any animal found without authentic means of identification, or with defaced means of identification, shall be forfeited to the county government of residence.
- (8) Any person who shall be found to have in his or her possession any prescribed animal without means of identification shall be guilty of an offence and shall be liable to a fine not exceeding one hundred-thousand shillings for each animal so unidentified or five years in jail or both.
- (9) Animal identification data shall be used for the purposes of:-
- (a) tracing animals and animal products;
 - (b) registration of animals;

- (c) animal census;
 - (d) animal insurance;
 - (e) any other purpose prescribed by the Cabinet Secretary provided that such purposes shall not injure the interests of the owner of the animal.
- (10) Any person who fails to reveal the identity of any acquired, slaughtered or dead animal in his or her possession, within fifteen days, of such acquisition, slaughter or death, commits an offence and shall be liable to a fine not exceeding two hundred thousand shillings or two years in jail or both.

100. Traceability system

- (1) A traceability system may include the following:
- (a) means of identification of an animal;
 - (b) species of the animal;
 - (c) number of the animal in the lot of animals owned by one person;
 - (d) the name, address and telephone number of the owner of the animal;
 - (e) ward, sub-county, county and country of the owner of the animal;
 - (f) any other information prescribed by the Cabinet Secretary in the regulations under this Act.
- (2) An animal owner may be required by the regulations to obtain a unique device for the purpose of electronic tracking of his animals provided that not all his animals shall be required to have the device.
- (3) The Director-General shall be the keeper of one central database in which all animal identification and traceability records in Kenya shall be preserved.
- (4) Any person found keeping a presumed Livestock and Identification Traceability System central database other than that kept by the Director-General shall be guilty of an offence and shall be liable to a fine of five-hundred thousand shillings or ten years in jail or both.

101. Confidentiality

- (1) Any information or data in the registers held by animal owners or County Directors or in the central database shall only be accessible to authorized persons for the purposes this Act.
- (2) The Director-General or County Director or any person authorized by either of them shall apply effective safeguards to ensure confidentiality of information or data accessed under this Act.

- (3) Any person who uses animal identification data contrary to subsection (1) commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or one year in jail or both.

PART XII – ANIMAL MARKETS AND OTHER GATHERINGS

102. Registration of animal markets and other gatherings

- (1) Animal markets and other gatherings including fairs and shows, whether permanent or temporary, shall be registered and regulated by the County Director of the county where the market is located.
- (2) Animals shall be sold in registered animal markets.
- (3) Notwithstanding the provision of subsection (2) animals may be sold at the farm gate.

103. Transportation of animals to and from animal markets and other gatherings

- (1) Any person transporting an animal or animals to or from an animal market and other gatherings, whether on hoof or by vehicle, shall bear an animal movement permit.
- (2) Where vehicles are used in subsection (1), packaging of the animals in the vehicle and conditions in the vehicle shall be as prescribed in the Animal Welfare and Protection Act.

104. Facilities in animal markets and other gatherings

- (1) Facilities in animal markets shall be prescribed in the regulations under this Act and shall include:-
- (a) loading and off-loading ramps;
 - (b) isolation pens,
 - (c) watering troughs;
 - (d) restraining crushes for purposes of veterinary inspection of animals;
 - (e) disinfection equipment and suitable disinfectants for cleaning vehicles and other conveyances; and
 - (f) sample collection equipment and containers.
- (2) Animal markets shall operate between 6.00 am and 6.00 pm or any other time determined by the County Director.

105. Compulsory veterinary inspection

- (1) The County Director shall carry out compulsory animal health inspection on all animals at the animal markets and animal gatherings.

- (2) Where necessary, appropriate samples shall be collected during the inspection in subsection (1).
- (3) The results of the inspection in subsection (1) shall be recorded in a designated record book that shall be kept by the County Director.
- (4) Records kept in the record book in subsection (3) shall include:-
 - (a) ward of origin of the animal;
 - (b) identification number of the animal;
 - (c) body temperature of the animal;
 - (d) general outlook of the animal including appearance of membranes, skin or hide, eyes, mouth, nostrils and hooves; and
 - (e) any other important observations made on the animal.
- (5) Any person who acts in contravention of the provisions under this part commits an offense and shall be liable to a fine not exceeding two hundred thousand shillings or one year in jail or both.

PART XIII – VETERINARY CERTIFICATION

106. Power to restrict exports

- (1) No person may export any animal or animal product from the country without an export health certificate issued to him by the Director-General.
- (2) A certificate referred to in subsection (1), must contain specific information required by the competent authority in the importing country with regard to:-
 - (a) the health status of the animal or animal product to be exported;
 - (b) the occurrence or non-occurrence of particular animal diseases in the country or in the area of origin of the animal or animal product to be exported; and
 - (c) any other information that may be required by such authority.
- (3) The international veterinary health certificate must:-
 - (a) be made in the prescribed manner to the applicant; and
 - (b) be accompanied by a document issued by the competent authority of the country authorizing such importation.
- (4) The applicant of the certificate referred to in subsection (1) shall pay the prescribed fees.

- (5) The Director-General may, under the circumstances contemplated in subsection (2), prohibit the exportation of a particular animal or animal product or a particular consignment of animals or animal products to any country.
- (6) The circumstances referred to in subsection (5) include situations where:-
- (a) from a veterinary point of view, the export of an animal or an animal product would be detrimental to the animal health status of the country to which the animal or animal product is intended for export; or
 - (b) it is not possible, where applicable, to certify compliance with the conditions specified in the document referred to in subsection (3b); or
 - (c) prohibition or restriction of exportation is necessary to prevent the dissemination from or within the country of any pest or disease of animals.
- (7) Where the competent authority of the importing country does not require a certificate referred to in subsection (1) and the exporter can provide the Director-General with a written proof thereof, the Director-General shall still issue an international veterinary health certificate.

107. Restriction of importation

- (1) No person may import into or convey in transit through the country any animal or animal product except on the authority of a permit issued by the Director-General.
- (2) An application for an import or in transit permit referred to in subsection (1) must be made in the prescribed manner.
- (3) Any importer of animals or animal products shall give notice of impending imports to the Director-General as specified in the regulations.
- (4) Any animal or product in respect of which a permit referred to in subsection (1) has been issued may:-
- (a) only be introduced into the country through the port of entry specified in the permit in question;
 - (b) only be introduced within the period specified in such permit;
 - (c) be detained in the prescribed manner at the relevant port of entry;
 - (d) be made available to the Director-General at such port of entry for the purpose of performing such veterinary procedures or other acts on or in connection therewith as the Director-General may deem necessary; and
 - (e) not be removed from such port of entry without the written authority of the Director-General contrary to provisions of subsection (1).
- (5) The Director-General may, if he knows or reasonably suspects that any animal or animal product is, contrary to any provision of this Act or any condition of a permit:-

- (a) being removed or has been removed from any place outside the country for the purpose of import into or conveyance in transit through the country;
- (b) about to be imported into or conveyed in transit through the country; or
- (c) present on or in any conveyance, or forms part of any consignment that is being or has been brought into the country;

direct that such animal or product or any specific portion thereof may not be brought into the country or removed from the port of entry, as the case may be, except with the Director-General's consent and on the conditions that he may determine.

- (6) The Director-General must, as soon as practicable, make known the provisions of subsection (4) in respect of such importation, off-loading, removal or conveyance to all persons who, to his knowledge, are or will be involved in the importation, off-loading, removal or conveyance in transit, as the case may be, or to any person in whose service any such persons are, or who exercises control over them.

108. Detention of imported animals or animal products

- (1) No person may remove any imported animal or animal product conveyed in transit that is detained at the port of entry without the written authority of the Director-General or contrary to any condition imposed by the Director-General in granting such authority.
- (2) Any imported animal or animal product that is required in terms of any provision of this Act to be kept in isolation at any quarantine station, quarantine camp, institution or other place, as may be determined by the Director-General, for purposes of any veterinary procedure must:-
 - (a) be removed to such quarantine station, quarantine camp, institution or place by or under the supervision of the Director-General; and
 - (b) be detained at the quarantine station, quarantine camp, institution or port of entry for the period determined by the Director-General.
- (4) No person may remove any animal or animal product referred to in subsection (2) from any quarantine station, quarantine camp, institution or place referred to in that subsection, without the written authority of the Director-General or contrary to any condition imposed by him in granting such authority.

109. Disposal of animals or animal products

- (1) If it is suspected or determined that an animal or animal product whether imported or in transit is infected with a disease, poses a health risk or is severely injured, the Director-General shall:-
 - (a) destroy such animal or animal product at the expense of the owner, importer or conveyer as the case may be;

- (b) dispose such animal or animal product at the expense of the owner, importer or conveyer as the case may be.
- (2) The Director-General shall recover all expenses incurred in connection with a disposal referred to in subsection (1) from the owner, importer or conveyer concerned.

PART XIV – ONE HEALTH COMMITTEES

110. Establishment of joint committees for “One Health”

- (1) There shall be established joint management committees comprising of animal, wildlife, medical, plant and environmental health services for “One Health” at the national and county levels of government.
- (2) The county joint management committees for “One Health” may be devolved to the lowest level possible.

111. Functions of joint management committees for “One Health”

- (1) Functions of the national joint management committee for “One Health” shall include but shall not be limited to:-
 - (a) development and review of strategies for eradication of zoonotic diseases;
 - (b) control and management of antimicrobial resistance;
 - (c) information management for “One Health”;
 - (d) identification of other cross-cutting hazards and threats in “One Health” including antibiotic, chemical and mycotoxin residues in food of animal origin and animal feeds; and
 - (e) response to any other matter incidental to “One Health”.
- (2) The county joint management committee for “One Health” shall have the following functions:-
 - (a) implementation of national strategies for control of zoonotic diseases;
 - (b) development and review of county strategies for eradication of zoonotic diseases;
 - (c) control and management of antimicrobial resistance;
 - (d) collection and collation of data for “One Health”; and
 - (e) response to any other matter incidental to “One Health” .
- (3) The national and county joint management committees for “One Health” shall periodically share reports on “One Health”.

112. Membership of joint management committees for “One Health”

- (1) Members of the national joint management committee for “One Health” shall be two representatives each from the:
 - (a) Directorate of Veterinary Services;

- (b) Ministry for the time being responsible for public health;
 - (c) Kenya Plant Health Inspectorate Service; and
 - (d) Kenya Wildlife Service
- (2) Members of the county joint management committee for “One Health” shall be two representatives each from the:
- (a) County Directorate of Veterinary Services;
 - (b) Department for the time being responsible for public health;
 - (c) Department for the time being responsible for plant health; and
 - (d) Kenya Wildlife Service
- (3) Other members of the national or county joint management committee for “One Health” may be co-opted on need basis.

113. Meetings of joint management committee for “One Health”

- (1) Meetings of the joint management committee for “One Health” shall be held at any one of the institutions constituting the committee, at the national or county government level, on a rotational basis.
- (2) At any meeting of the joint management committee for “One Health” contemplated in subsection (1), the institution hosting the meeting shall provide the chairman of the meeting

114. Conduct of business of the joint management committee for “One Health”

The joint management committee for “One Health” shall regulate its business and affairs.

115. Financing of meetings of the joint management committees for “One Health”

The institution hosting the meeting of the joint management committee for “One Health” in accordance with provisions of section (112) shall finance the meeting.

PART XV – PERFORMANCE OF VETERINARY SERVICES

116. Pathway for Performance of Veterinary Services

The OIE Performance of Veterinary Services pathway shall be applied in the measurement of compliance with OIE standards of veterinary services in any county government or national government veterinary services.

117. Tool for evaluation of the Performance of Veterinary Services

- (1) The Cabinet Secretary shall prescribe the tool for evaluation of the Performance of Veterinary Services in the country in the regulations.

- (2) The tool referred to in subsection (1) shall comply with the OIE tool for evaluation of the Performance of Veterinary Services.
- (3) The tool for evaluation of the Performance of Veterinary Services shall be the basis for objective evaluation of the quality of veterinary services including animal health systems in the national government or county government veterinary services.
- (4) The tool for evaluation of the Performance of Veterinary Services shall consider the following components of veterinary services in national or county governments: -
 - (a) human, physical and financial resources;
 - (b) technical authority and capability of the national or county government in terms of veterinary services;
 - (c) level of interaction with stakeholders in veterinary services;
 - (d) access to markets of animals or animal products of the county government; and
 - (e) any other component of veterinary services prescribed by the Cabinet Secretary in the regulations under this Act.

118. Request for evaluation of the Performance of Veterinary Services

- (1) Any county may officially request the Director-General to carry out an evaluation of the performance of its veterinary services.
- (2) The Director-General may propose to any county the need for evaluation of the performance of its veterinary services.

119. Expenses during evaluation of the Performance of Veterinary Services

The Director-General shall meet the evaluation expenses whether a county requests for evaluation of its Performance of Veterinary Services or the Director-General himself proposes such evaluation.

120. Frequency of evaluation of the Performance of Veterinary Services

Evaluation of the Performance of Veterinary Services in any county government or in the national government shall be done, at least once, every three financial years, provided that a county may request for evaluation of its Performance of Veterinary Services any number of times but not more than once every financial year.

121. Results of evaluation

- (1) The results of evaluation of the Performance of Veterinary Services in any county government or in the national government shall be shared with the respective county or national government.

- (2) The results of evaluation of the Performance of Veterinary Services may be published in national reports of veterinary services with the consent of respective counties.
- (3) The results shall be used for sustainable improvement of compliance with OIE standards of veterinary services.

PART XVI – MISCELLANEOUS

122. Power to make regulations

- (1) The Cabinet Secretary may make regulations for the better carrying out of this Act, and in particular, but without prejudice to the generality of the foregoing power, such regulations may provide for-
 - (a) disease prevention, surveillance and control;
 - (b) establishment and operation of Disease Free Zones and compartments;
 - (c) animal reproductive health;
 - (d) establishment and management of quarantine stations and quarantine camps;
 - (e) regarding any matter which in terms of this Act is required or permitted to be prescribed;
 - (f) regarding the payment of fees for services rendered by an officer in terms of this Act;
 - (g) development and implementation of disease control programmes;
 - (h) protection of fish health, bee health, rabbit health, health of emerging livestock and other special species of animals;
 - (i) control of rabies;
 - (j) control of animal pests;
 - (k) animal disease emergencies and animal disasters;
 - (l) animal movement control;
 - (m) livestock grazing control;
 - (n) animal insurance;
 - (o) “One Health” in veterinary services;
 - (p) livestock identification and traceability;
 - (q) establishment and management of veterinary laboratories;
 - (r) training of samplers;
 - (s) animal markets and other animal gatherings;
 - (t) animal feeds;
 - (u) registration of animal keepers;
 - (v) zoological services of veterinary importance;

- (w) honey production and marketing;
 - (x) diseases, production and marketing of food insects and associated products;
 - (y) measures which may relate to-
 - (i) the importation and exportation of any animal, animal product or animal material;
 - (ii) the designation of specified animal diseases as notifiable diseases;
 - (iii) the designation of specified areas as controlled areas in respect of certain controlled animal diseases;
 - (iv) the taking and analysis of samples of any animal or animal product;
 - (v) records to be kept in respect of this Act;
 - (z) standards for effective veterinary governance in terms of: human resource (cadre, numbers and training) and physical infrastructure including transport facilities, office space and equipment;
 - (aa) establishment of directorates under this Act;
 - (bb) intergovernmental relations between the national government and county government veterinary services and among county government veterinary services;
 - (cc) human resource management across counties and between the national and county governments under this Act;
 - (dd) evaluation of the Performance of Veterinary Services including the tool for that evaluation;
 - (ee) in-service training of veterinary surgeons and veterinary paraprofessionals, short and long courses, and continuity of services;
 - (ff) prescribing any matter that may be expedient or necessary to achieve the purposes of this Act.
- (2) Regulations under this Act may provide for other offences and penalties.

123. General penalties

- (1) Any person who is guilty of an offence under this Act for which no special penalty is prescribed shall be liable, for a first offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, and for a second or subsequent offence to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not less than two years or both.
- (2) Any person who contravenes or fails to comply with any provision of Part II and Part XIII of this Act is guilty of an offence and:
- (a) in the case of a first conviction, shall be liable to a fine not exceeding one-hundred thousand shillings or to imprisonment for a period not exceeding one year or both;
 - (b) in the case of a second or subsequent conviction, whether the same or any other offence referred to in section (2), shall be liable to a fine of two-hundred

thousand shillings or to imprisonment for a period not exceeding two years or both.

- (3) A conviction for an offence under any Act repealed by section 124 (1) of this Act, or of any law made thereunder, is deemed to be a previous conviction under this Act.
- (4) Despite any other written law, any court is competent to impose any penalty provided for in this section.

124. Repeal of laws and transitional provisions

- (1) The Animal Diseases Act, cap. 364; Rabies Act, Cap. 365; Cattle Cleansing Act, Cap. 358 and the Branding of Stock Act, Cap. 357 are hereby repealed.
- (2) Any regulation or legal notice made or anything done under any provision of the Acts referred to in subsection (1), and which was in force immediately prior to the commencement of this Act, is deemed to have been made or done under a corresponding provision of this Act

SCHEDULES

FIRST SCHEDULE

Executive committee and meetings of the Joint Committee for Veterinary Services (JCoVS)

Executive Committee of JCoVS

- (a) Director-General – Chairman;
- (b) Chairman of County Veterinary Services Committee (CVSC) - Vice-Chairman;
- (c) Secretary shall be elected from among the members; and
- (d) Vice-Secretary shall be elected from among the members.

Conduct of meetings of JCoVS

The Joint Committee shall meet **at least twice** in a financial year

Convening of meetings

The chairperson of the Joint Committee shall, in consultation with the executive committee:-

- (a) Determine the agenda of the meetings of the Joint Committee including the date, time and venue of the meeting; and
- (b) Convene and chair its meetings.
- (c) In the absence of the chairperson at a meeting of the Joint Committee, the meeting shall be chaired by the vice- chairperson.
- (d) In the absence of both the chairperson and the vice-chairperson at a meeting of the Joint Committee, the members present shall elect a member to chair the meeting.

Special meetings

The chairperson shall, on the written request of one-third of the members of the Joint Committee, convene a special meeting of the Committee.

Notice of meetings

- (a) Except in the case of a special meeting, at least fourteen days written notice of a meeting of the Joint Committee shall be issued to each member.
- (b) In the case of a special meeting, the chairperson shall convene a meeting within seven days of receipt of the requisition for the special meeting.

Quorum

The quorum for the conduct of the business of a meeting of the Joint Committee shall be a majority of the total membership.

Decision-making

Decisions of the Joint Committee shall be by consensus or a simple majority of members present and voting.

Committees

A meeting of the Joint Committee may establish standing or ad hoc committees charged with specific responsibilities.

SECOND SCHEDULE

Executive committee and conduct of meetings of the County Veterinary Services Committee (CVSC).

Executive committee of CVSC

The executive committee of CVSC shall be elected among County Directors of Veterinary Services and shall comprise of:-

- (a) Chairman;
- (b) Vice-Chairman;
- (c) Secretary; and
- (d) Vice-Secretary

Conduct of meetings of CVSC

The Committee shall meet at least three times in a financial year;

Convening of meetings

(1) The chairperson of the Committee shall, in consultation with the executive committee:-

- (a) Determine the agenda of the meetings of the Committee including the date, time and venue of the meetings; and
- (b) Convene and chair its meetings.

(2) In the absence of the chairperson at a meeting, the meeting shall be chaired by the vice- chairperson.

(3) In the absence of both the chairperson and the vice-chairperson at a meeting of the Committee, the members present shall elect a member to chair the meeting.

Special meetings

The chairperson shall, on the written request of one-third of the members of the Committee, convene a special meeting of the Committee.

Notice of meetings

- (a) Except in the case of a special meeting, at least fourteen days written notice of a meeting of the Committee shall be issued to each member of the Committee.
- (b) In the case of a special meeting, the chairperson shall convene a meeting within seven days of receipt of the requisition for the special meeting.

Quorum

The quorum for the conduct of the business of a meeting of the Committee shall be a majority of the total membership.

Decision-making

Decisions of the Committee shall be by consensus or a simple majority of members present and voting.

Committees

A meeting of the Committee may establish:-

- (a) Standing or ad-hoc committees charged with specific responsibilities.
- (b) Sub-committees of counties with common interests.

