

**SPECIAL ISSUE**

*Gazette Supplement No.*

\_\_\_\_\_ *National Assembly Bill No.*\_\_\_\_\_



**REPUBLIC OF KENYA**

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS 2019**

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## ANIMAL WELFARE BILL

**A Bill of Parliament to provide for the welfare and protection of animals and prevention of ill treatment of animals; to provide for the monitoring of and mitigation of animal abuse 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 Welfare and Protection Act, 2019 and shall come into force upon enactment.

#### 2. Interpretation

In this Act, except where the context otherwise requires-

“**anaesthetic**” means a drug that makes an animal unable to feel pain in all or part of its body;

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

“**animal protection**” includes behaviours and actions aimed at keeping an animal healthy, comfortable, well nourished, safe, able to express innate behaviour and avoidance of any form of suffering;

“**animal welfare**” means the state of the animal and how it is coping with the conditions in which it lives including good health, comfort, good nourishment, safety, ability to express innate behavior and freedom from suffering from unpleasant states such as pain, fear or distress;

“**aquatic animal**” means an animal which predominantly lives in water;

“**baiting**” means the act of luring an animal for the purpose of killing it;

“**bedding**” means the material used for making the sleeping area of an animal;

“**bestiality**” means the act of having carnal knowledge with an animal;

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to animals, animal protection and welfare;

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

“**companion animal**” means a domesticated or domestic-bred animal whose physical, emotional, behavioural and social need can be readily met as a companion in the home;

“**Competent Authority**” means the Veterinary Authority or other Governmental Authority of an OIE Member 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 territory;

“**County Director**” means County Director of Veterinary Services;

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

“**cruelty**” means any deliberate act or omission that results in a compromised welfare of an animal;

“**Director-General**” means the Director-General of Veterinary Services;

“**dispute**” means a conflict of opinion or interest when an animal belonging to one person damages or causes damages to the property of another person;

“**domestic bred**” means an ordinarily wild animal which a person has raised as if the same was a pet;

“**experiment**” means any experiment performed on an animal, but does not include an operation conducted for the exclusive benefit of the animal;

“**euthanasia**” means the act of inducing humane death of an animal;

“**equid**” means a donkey, horse or mule;

“**farm animal**” means any animal including fish, reptiles, rabbits, cattle, sheep, goats, camels, donkeys 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;

“**first aid**” means emergency care, treatment or assistance given to an injured or sick animal pending regular veterinary attention;

“**hawk**” means to peddle, vend or display animals for sell in places other than established animal markets;

“**humane slaughter**” means the process of rendering an animal unconscious prior to bleeding, and without producing pain or anxiety, for purposes of consumption;

“**inspector**” means any person appointed as an animal welfare inspector under section 15 of this Act;

“**licensee**” means a person to whom a license is granted under section 45;

“**operation**” means a procedure performed on an animal by a person legally permitted to do so in order to: -

- (a) save or prolong the life of an animal for the exclusive benefit of the animal; or
- (b) alleviate any suffering of an animal; or
- (c) practice good animal husbandry and welfare for good management practice;

“**oxen**” means working cattle;

“**owner**” includes any person having the charge, custody or control of an animal;

“**poultry**” includes chicken, geese, turkey, quail, guinea fowl, ducks and any other bird allowed by law or licensed by Kenya Wildlife Service to be farmed for food in Kenya;

“**premises**” means anywhere an animal is kept or slaughtered for food;

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

“**receptacle**” means a crate, box or container used for the carriage of animals which is not an integral part of a vessel, aircraft or vehicle;

“**recreation or entertainment animal**” means any animal used to act, perform, fight and/or kill for the enjoyment of humans;

“**sanctuary**” means a place or area where any animal that is stray, lost or confiscated due to injury or cruelty can be provided with shelter and care;

“**sentience**” means the capacity of an animal to experience suffering and pleasure including pain and positive emotions with a level of conscious awareness;

“**stunning**” means the process of rendering an animal unconscious prior to slaughter or destruction;

“**transport**” means to move an animal by sea, air, road, rail or on hoof and includes where an animal is being transported when awaiting to be loaded or unloaded, when being loaded or unloaded and when awaiting, whether or not in the vessel, aircraft or vehicle, for the continuation of a journey;

“**unbroken**” refers to a horse that has not been trained for riding and is therefore unsafe to ride;

“**vehicle**” in relation to the transport of animals by road includes a trailer, constructed or adopted for use on a road, whether drawn or propelled by animal or mechanical power, and, in relation to the transport of animals by rail, includes rolling stock of any description;

“**working animal**” means any animal that is used to provide any service with the exception of purposes for food or companionship and includes but is not limited to oxen, equids, camels and guard dogs;

“**vermin**” refers to a class of animals that are defined as pests that spread diseases and destroy crops or livestock.

### **3. Objects and purposes**

(1) The object and purpose of this Act shall be to promote the responsible care and use of animals leading to the achievement of a reasonable balance between the welfare of animals and the interests of persons whose livelihoods depend on animals.

(2) Without prejudice to the generality of the foregoing, the purposes of the Act are to: -

- (a) ensure that owners of animals and persons in charge of animals take responsibility for and attend to the protection and welfare of the animals;
- (b) ensure animal disease prevention and provision of veterinary care;
- (c) specify and regulate conduct that may be permissible in regard to any animal or class of animals;
- (d) ensure appropriate shelter, management, nutrition, humane handling and humane slaughter or killing of animals;
- (e) provide for guidance on animal care and animal husbandry; and
- (f) provide for the process of approving the use of animals in research, investigations and teaching.

#### **4. application**

This Act applies: -

- (a) to all persons in the animal resource industry including those who own, handle, transport or in any way deal with animals and include persons under whose custody an animal may be on a temporary basis or for an extended period of time; and
- (b) alongside other written laws pertaining to wildlife species or aquatic animals in Kenya.

### **PART II – GENERAL PRINCIPLES OF ANIMAL PROTECTION**

#### **5. General principles**

(1) Provision of animal protection shall be guided by basic values and principles which include but are not limited to: -

- (1) an acknowledgement and the cognizance that animals are sentient and are capable of experiencing negative and positive complex emotions including grief, empathy, pain and suffering;
- (2) humane use of animals for companionship, food, fibre, recreation, work, education, exhibition, and research conducted for the benefit of both humans and animals;
- (3) application of a multi-dimensional approach when considering and making decisions regarding animal care, use and welfare;

- (4) continuous evaluation of procedures related to animal housing, management, care and use and where necessary, refine or replace them with methods that enhance the welfare of animals;
- (5) conservation and management of animal populations conducted in a humane, compassionate, socially responsible and scientifically prudent manner;
- (6) a veterinary profession continuously striving to improve animal health and welfare through scientific research, education, collaboration, advocacy and legislation; and
- (7) provision of a humane death to an animal where an animal is to be slaughtered for food or killed for any other lawful reason.

(2) The Cabinet Secretary shall, in the regulations, prescribe: -

- (a) mechanisms to ensure facilitation of the well-being of all animals in Kenya; and
- (b) means by which all animals gazetted as wild species have their welfare guaranteed in accordance with this Act.

### **PART III – MANAGEMENT OF ANIMAL WELFARE AND PROTECTION**

#### **6. National Animal Welfare Advisory Committee**

(1) There is established an Advisory Committee to be known as the National Animal Welfare Advisory Committee.

(2) Members of the Advisory Committee shall be:

- (a) the Director-General of Veterinary Services;
  - (b) the Chairman County Veterinary Services Committee;
  - (c) three representatives of Non-Governmental Organisations dealing with and active in animal welfare;
  - (d) one representative of the Kenya Wildlife Service;
  - (e) one representative of the Kenya Veterinary Association;
  - (f) three representatives of animal producer organizations;
  - (g) two representatives of slaughterhouse owners' association;
  - (h) one representative of animal transporters;
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- (i) one representative of an animal research institution; and
- (j) the Chief Executive Officer of the Kenya Veterinary Board.

(3) Members of the National Animal Welfare Advisory Committee shall be appointed by the Principal Secretary by name and by notice in the Gazette.

(4) The Chairman of the Advisory Committee shall be elected from members in sub-section 6 (2c).

(5) The Director-General of Veterinary Services shall be the secretary to the National Animal Welfare Advisory Committee.

## **7. Functions of the National Animal Welfare Advisory Committee**

(1) The functions of the National Animal Welfare Advisory Committee shall be to carry out such mandates as may be necessary to give effect to the objects of this Act and to advise the national and county governments in relation to all aspects thereof.

(2) Without prejudice to the generality of the foregoing, the Committee shall:

- (a) monitor and report on animal welfare matters;
- (b) promote co-operation among public departments, County Animal Welfare Committees, the private sector, Non-Governmental Organisations and such other organizations engaged in safeguarding of animal welfare;
- (c) develop humane education programmes for animals;
- (d) incorporate animal welfare in school curricula;
- (e) promote awareness on animal welfare matters;
- (f) ensure capacity building of County Animal Welfare Committees and other relevant government departments; and
- (g) prepare annual reports on the state of animal welfare in the country.

## **8. Conduct of meetings of the National Animal Welfare Advisory Committee**

Meetings of the National Animal Welfare Advisory Committee shall be conducted as outlined in the First Schedule.

**9. Financing of meetings of the National Animal Welfare Advisory Committee**

(1) Meetings of the National Animal Welfare Advisory Committee shall be financed by the national government.

(2) Without prejudice to the provision of subsection (1), meetings of the National Animal Welfare Advisory Committee may be financed by:

- (a) development partners; or
- (b) any willing partner or stakeholder in animal welfare and protection.

**10. County Animal Welfare Committees**

(1) Each county government shall establish a County Animal Welfare Committee comprising of: -

- (a) the County Chief Officer responsible for veterinary matters who shall be the Chairperson of the Committee;
- (b) the County Chief Officer responsible for finance;
- (c) the County Director;
- (d) three representatives of animal producer organizations;
- (e) two representatives of slaughterhouse owners' association;
- (f) two representatives of animal transporters;
- (g) the County Warden in charge of Kenya wildlife service;
- (h) the County Director of Livestock Production;
- (i) the County Director of Education;
- (j) the County Police Commandant; and
- (k) two representatives of an animal welfare Non-Governmental Organization.

(2) The County Director shall be the secretary to the County Animal Welfare committee and the competent authority on all matters of animal welfare in the county.

(3) Members of the County Animal Welfare Committee shall be appointed by the County Executive Committee Member responsible for veterinary matters.

(4) Appointment of members of the County Animal Welfare Committee shall be by name and by notice in the Gazette.

### **11. Functions of County Animal Welfare Committees**

County Animal Welfare Committee shall: -

- (a) be responsible for monitoring implementation of this Act;
- (b) be the advisory body on matters related to the protection and welfare of animals in the county;
- (c) promote the safeguarding of animal welfare by all actors in the animal resource industry in the county;
- (d) be involved in the development of animal welfare information and education programmes for the public;
- (e) recommend incorporation of animal welfare in school curricula; and
- (f) perform such other functions as may be necessary under this Act.

### **12. Conduct of meetings of the County Animal Welfare Committee**

Meetings of the County Animal Welfare Committee shall be conducted as outlined in the Second Schedule.

### **13. Financing of meetings of the County Animal Welfare Committee**

(1) Meetings of the County Animal Welfare Committee shall be financed by the county government.

(2) Without prejudice to the provision of subsection (1), meetings of the County Animal Welfare Committee may be financed by:

- (a) development partners; or
- (b) any willing partner or stakeholder in animal welfare and protection.

### **14. Duties of counties**

(1) The county Director shall, within the provisions of this Act: -

- (a) implement required animal welfare practices in the county in accordance with provisions of this Act;
- (b) create awareness on animal welfare matters;

- (c) participate in the vetting and competitive recruitment of inspectors and volunteers for the purposes of implementing this Act in the county;
- (d) be responsible for the licensing of dogs and facilities for the accommodation, care and burial of animals; and
- (e) perform such other functions as may be necessary under this Act;
- (f) (2) Without prejudice to subsection (2), the County Director shall ensure: -
- (g) that any animal whether working, domestic, companion, aquatic or wild is adequately supplied with feed, water, shelter, necessary minimum restraint and health-care at all times;
- (h) that any animal transported by sea, road, railway, air or inland water transport is fit for the journey and is properly supplied with feed, water and proper ventilation during the loading, passage and on landing;
- (i) that there is no ill treatment and suffering of an animal during loading, passage and on landing;
- (j) humane slaughter of an animal for food or trade;
- (k) humane handling of working, sporting or research animals;
- (l) that animal handling and care comply with this Act and any other relevant written law;
- (m) that inspection and certification of animal transport within the county or from his county to another county are consistently conducted; and
- (n) that preparation of regular animal welfare reports for the county is accomplished.

[Constitution of Kenya 2010, Fourth Schedule]

## **PART IV – INSPECTORS**

### **15. Appointment of animal welfare inspectors**

(1) The County Director, in his county of jurisdiction, may appoint county government veterinary surgeons or county veterinary paraprofessionals to be animal welfare inspectors for purposes of this Act.

(2) The County Director, in his county of jurisdiction, may appoint volunteer animal welfare inspectors for purposes of this Act.

(3) An inspector shall bear suitable form of identification as shall be determined by the County Director.

#### **16. Functions of animal welfare inspectors**

Inspectors: -

- a) shall ensure compliance with provisions of this Act;
- b) perform such other functions as shall be assigned to them by the regulations under this Act.

#### **17. Powers of animal welfare inspectors**

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

- a) with a warrant, enter and inspect any land, premises or vehicle in or upon which there is reason to believe an offence under this Act or against any regulation made there under has been or is about to be committed and may therein-
  - i. seize any animal, vehicle or any other thing which he has reasonable grounds to believe is evidence of an offence; and
  - ii. require the owner or occupier of the land or premises or the owner or driver of a vehicle to render such explanation and such information relating to any animal as may be reasonably required by such inspector in the performance of his duties;
- b) enter any slaughterhouse at any time and may inspect the premises, methods and instruments used for stunning and shall in particular, but without prejudice to the generality, ensure that-
  - i. the appropriate approved instruments and cartridges are used in respect of each species of animal;
  - ii. the equipment for stunning is clean and in good working order; and
  - iii. the person using the equipment for stunning has the necessary ability and relevant knowledge.

- c) detain or seize any animal drawing a vehicle and appears to be diseased or injured as to be unfit for work or appears to have suffered ill-treatment.
- d) seize any vehicle that is drawn by an animal that appears to be diseased or injured as to be unfit for work.

(2) The power to act under subsection (1) shall be exercised without a warrant if the inspector so acting has reasonable cause to believe that the delay occasioned in obtaining search warrant would seriously hinder him in the performance of his duties.

(3) Any animal or vehicle seized under this section, shall be placed in safe custody until the termination of proceedings in its respect or until the court directs such a vehicle or animal to be delivered to the person charged or the owner thereof.

(4) Any reasonable costs of seizure or detention, including the cost of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal or vehicle, be recoverable from the owner as if such costs were a fine.

(5) A court of law, may, when issuing orders under this section, refer a seized animal to a legal sanctuary.

(6) An inspector shall: -

- a) before removing anything under the provisions of subsection (1a) furnish the person in whose custody or possession the article is, at the time of removal, with a written receipt thereof;
- b) report every seizure made under this section to the County Director without unreasonable delay.

(7) Any person who resists, hinders or obstructs an inspector in the exercise of his powers under this Act or conceals any animal with intent to defeat the exercise of such powers, or who on any requisition under subsection (1) wilfully withholds information or gives any information knowing or having reason to believe such information to be false or misleading, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

**18. Identification of inspectors**

An inspector under this Act shall bear a suitable form of identification as shall be determined by the County Director.

**19. Obstruction of inspectors**

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.

**20. Confidentiality**

No inspector may disclose any information acquired by him or her through the exercise of his or her powers or performance of his or her 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 of law;
- (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.

**21. 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 County Director with a notice of appeal in the form prescribed in the regulations within five days after the appellant is notified of the decision;
- (b) within five days after being served with a notice of appeal, the County Director shall consider the appeal, arrive at a decision and notify the appellant of the decision;

(2) A decision by the County Director in subsection (1b) may confirm, vary or revoke the decision of the inspector.

(3) Any appellant who is not satisfied with the decision of the County Director may appeal that decision in a competent court of law.

(4) An appeal contemplated in subsection (3) must be commenced within 15 days after the appellant receives notice of the decision of the County Director.

## **22. Indemnity**

No action shall lie against the national or county government or any public officer for any act done in good faith under this Act; provided that nothing in this section shall exempt the national or county government or any public officer or any person authorized by a public officer from liability for any act done negligently under this Act.

## **PART V – CARE AND PROTECTION OF ANIMALS**

### **23. Ownership and duty to care for an animal by persons in charge**

(1) A person who owns, is responsible for or is a custodian of any animal shall: -

- a) treat or cause the animal to be treated with respect and dignity;
- b) provide the animal with adequate water, feed, health-care and space;
- c) not subject the animal to, and ensure that the animal is not subjected to fear, pain, stress or any form of suffering;
- d) provide the animal with an environment appropriate to its care and use, with thoughtful consideration for the species-typical biological behaviour;
- e) while transporting or transiting the animal, maintain the animal in a manner that minimizes the possibility of injury, pain and anxiety;
- f) be accountable for anything done to, or by the animal; and
- g) where the person is a veterinary surgeon or veterinary para-professional, provide the necessary veterinary care for the animal.

(2) Any organization or individual tasked by a competent court of law to take custody of any animal shall be accountable for the welfare of the animal for the entire duration of time the animal is under its custody.

## **24. Transportation of animals**

(1) Any animal shall be transported only in accordance with the provisions of this Act.

(2) The Cabinet Secretary shall make regulations prescribing the form of transportation suitable for various animals.

## **25. Working animals**

(1) An animal shall not be used for work, sport, transport or any cultural event except as provided for under this Act or any other written law.

(2) Any person who uses a working animal for sports, transport, security or any other purpose shall handle and care for the animal in a manner that does not compromise the welfare of the animal or cause the animal to suffer pain, injury, distress, anxiety, discomfort or exhaustion.

(3) Any person who uses any animal for purposes of entertainment in public or in an exhibition or show shall handle and care for the animal in a manner that does not cause pain, injury, anxiety or distress to the animal.

(4) Any person who contravenes this section commits an offence and shall be liable, on conviction to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year or both.

## **26. Animals in confinement, captivity or custody**

(1) An animal shall not be confined except as provided for under this Act or any other written law.

(2) Any person who keeps an animal under custody or confinement shall: -

- a) provide the animal with adequate feed, water, space, area to access sunshine, fresh air and shelter; and
- b) ensure that the welfare of the animal is maintained or where necessary, improved and the animal is able to express natural behaviour.

(3) Any person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or both.

## **27. Companion animals**

(1) Companion animals shall be kept only in accordance with this Act.

(2) Any person keeping or in custody of a companion animal shall ensure that its specific welfare and species needs are met.

(3) Any person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year or both.

## **28. Farm animals**

(1) Any person who owns or operates a farm in which animals are kept shall take all reasonable steps to ensure: -

- a) the welfare of animals under his care; and
- a) that those animals are not caused any suffering, injury or pain.

(2) Where animals are kept in management systems in which their welfare or movement depends on frequent attention of the owner or operator of the farm, the owner or operator shall inspect the animals and the structure in which the animals are kept at least three times every day.

(3) Any person in charge of an animal that operates in a management system where it may not be practically possible to inspect the animal as contemplated in this Act, shall ensure that the animal is inspected at such intervals and days that are sufficient to avoid any suffering to the animal.

(4) Where an animal falls ill or the person in charge of an animal notices that an animal could be of ill health or is injured, the person in charge shall: -

- a) where necessary, provide the animal with an isolated and comfortable accommodation suitable for its species;
- b) without delay, take necessary action to provide First-Aid to the animal; or
- c) where the animal does not respond to the First- Aid, notify a veterinarian or a para-veterinarian as soon as reasonably possible.

(5) Any person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year or both.

### **29. Restriction of movement of animals**

(1) An animal shall move without undue restriction in its place of abode.

(2) Whenever an animal is moved from its place of abode to another ward, sub-county or county, such movement shall be accompanied by a movement permit issued by the County Director or his assignee.

(3) No person shall unduly restrict the movement of an animal unless under written instructions of a registered veterinary surgeon or veterinary-paraprofessional.

### **30. Animal accommodation**

(1) Where a person keeps or is in charge of an animal that requires accommodation, the place for accommodating the animal shall be as specified in this Act.

(2) Any structure meant for accommodation of an animal shall: -

- a) be designed, constructed and maintained in a manner that allows the animals space to stand, turn around, stretch, sit, or lie down comfortably;
- b) have adequate space to walk, exercise and engage in natural behavior;
- c) unless isolated for veterinary or nursing reasons, allow the animal to directly interact with compatible animals in the vicinity.

(3) The structure meant for accommodating an animal shall, depending on the characteristic and species of the animal, be stocked with such animal densities that: -

- a) are optimal enough to prevent excessive temperature and humidity; competition, stress and aggression among animals and abnormal behaviour;
- b) enable good bedding management;
- c) provide suitable enrichment; and
- d) enable efficient and regular waste management

### **31. Animals kept for purposes of human consumption**

All animals kept for purposes of food for human consumption shall be cared for in a manner that guarantees their welfare as stipulated under this Act.

### **32. Slaughtering of an animal for human consumption**

(1) A person shall, when slaughtering an animal for human consumption, slaughter the animal in a manner that does not cause the animal pain, distress or suffering before and during slaughter.

(2) An animal used for food shall, during slaughter, be stunned before bleeding using a stun gun or electric means or any other prescribed humane means by the veterinary authority and shall be bled within twenty seconds of entering the killing area to minimize pain or anxiety.

(3) No person shall conduct further procedures on the animal until a veterinary surgeon or veterinary para-professional in charge verifies the absence of signs of life in the animal.

(4) Where a person uses a stun gun in the slaughter of an animal in the manner specified in subsection (2):

- a) the stunning shall be done such that it causes immediate unconsciousness to the animal; and
- b) where unconsciousness is not immediate, the induction of unconsciousness shall be completely non-invasive.

(5) Where an animal arrives at a slaughterhouse and is unable to walk as a result of an injury, fatigue or any other reason or the animal is unable to walk while at the slaughterhouse, the animal shall not be dragged to the place of slaughter but shall be wheeled to the slaughter area.

(6) Where in a slaughterhouse, the number of animals to be slaughtered exceeds one at any given time, the person slaughtering shall ensure that live animals are not exposed by sight to the animal being slaughtered or animals already killed.

(7) The County Director shall hold regular inspections of all slaughterhouses in his county to ensure that minimum standards are in place to guarantee humane handling and slaughter of animals.

(8) The Director-General, a member of an animal welfare organization or any interested person may, at any time, enter a slaughterhouse in any county to verify that humane handling and slaughter is being practiced.

(9) Any person who, whether in any slaughterhouse or abattoir or in any place other than a slaughterhouse or abattoir, and whether for human consumption or not, slaughters an animal: -

- a) in such a manner as to cause the animal suffering; or
- b) in the sight of another animal awaiting slaughter;
- c) without application of the prescribed slaughter process under this section

commits an offence and shall be liable, on conviction, to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding one year or both.

### **33. Sale of animals**

A person trading in animals shall handle the animal:

- a) in a responsible and humane manner; and
- b) in a manner that does not compromise the welfare of the animal or cause the animal to suffer pain, injury, distress or exhaustion.

### **34. Aquatic animals**

Any person who is responsible for or is in charge of an animal that lives in water shall ensure that: -

- a) the animal is kept or handled in a manner that does not cause it any form of anxiety or distress.
- b) sufficiently oxygenated water and adequate feed supply is provided to the animal; and
- c) adequate space is provided for free movement of the animal.

### **35. Acts and omissions which amount to cruelty and penalties thereof**

(1) No person shall: -

- (a) cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate or terrify an animal;
- (b) use an animal that is diseased, injured or in such physical condition that it is unfit to be used;

- (c) convey, carry, confine or impound an animal in a manner or position as to cause that animal suffering;
- (d) without sufficient cause, underfeed or deny water to an animal; or
- (e) being the owner of an animal, or tasked to care for an animal, without reasonable cause or excuse, abandon the animal, whether permanently or not, in circumstances likely to cause the animal suffering;
- (f) being the owner of an animal, or tasked to care for an animal, keep the animal in a grossly dirty or verminous condition or, without reasonable cause or excuse, fail to procure or administer required veterinary care or attention for the animal in case of disease, injury or parturition; or
- (g) wilfully, without reasonable cause or excuse, administer any poisonous, stimulant or injurious drug or substance to an animal or cause such substance to be taken by an animal;
- (h) subject an animal to veterinary surgery in contravention of the Veterinary Surgeons and Veterinary Paraprofessional Act; or
- (i) subject an animal to any operation, surgical interference or other treatment which is performed without due care and humanity; or
- (j) being the owner of any animal, fail to have the animal humanely euthanized where the animal is so seriously injured or diseased that to prolong the animal's life would cause the animal unnecessary suffering; or
- (k) hunt, kill or destroy any animal in such a manner as to cause that animal suffering; or
- (l) being the owner of any animal, without reasonable cause or excuse, do or omit to do an act which causes suffering to the animal; or
- (m) de-beak a bird, cut ears of a donkey or cut any other animal without direct authorization and supervision of a qualified and registered veterinarian.

(2) Any person who contravenes any provision of this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings, or imprisonment for a term not exceeding one year, or both.

(3) Cultural beliefs and cultural set-ups shall not be a defence for contravening this section.

(4) Nothing in this section shall prevent a person from performing any lawful act in respect to any animal which may include: -

(a) the hunting for purposes of humane killing of any animal under the provisions of the Wildlife Conservation and Management Act or any other written law for the time being in force; or

(b) the lawful coursing and hunting of captive animals;

(c) the lawful slaughter of any animal;

(d) the lawful training of any animal; or

the performance of an operation on an animal under the provisions of the Veterinary Surgeons and Veterinary Paraprofessionals Act 2011.

[Veterinary Surgeons and Veterinary Para-professionals Act, 2011

, Wildlife Conservation and Management Act, 2013]

### **36. Fighting and baiting of animals an offence**

(1) No person shall: -

a) cause, promote or assist the fighting or baiting of an animal;

b) keep, use, manage, act or assist in the management of, premises for the purpose, or partly for the purpose of fighting or baiting any animal, or permit any premises or place to be so kept, managed or used;

c) receive, or cause or procure any person to receive any money for the admission of any person to any premises kept or used for the purpose, or partly used for the purpose of fighting or baiting any animal.

(2) Any person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

### **37. Offences relating to poisoned grain and flesh**

(1) Any person, who for purposes of food for animal consumption: -

(a) sells, or

- (b) offers or exposes for sale;
- (c) gives away, or causes or procures any person to sell or offer or expose for sale or give away, or knowingly takes part in the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bona fide use in agriculture; or
- (d) knowingly puts or places, or causes or procures any person to put or place, or knowingly takes part in putting or placing in or upon any land or building any poison or any fluid or edible matter, not being sown seed or grain, which has been rendered poisonous

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

(2) Notwithstanding the provisions of sub-section (1), poison may be placed for the purpose of destroying insects and other invertebrates, rats, mice and small ground vermin or any other animal where such action is found to be necessary in the interest of public health, agriculture or the preservation of other animals, or for the purpose of fertilizing the land provided that reasonable precaution to prevent injury to other animals shall be taken.

### **38. Use of traps to capture animals**

(1) No person shall, for the purpose of capturing or killing any animal except a vermin or fish: -

- a) use, or cause or procure to be used, any net, snare, trap or other device so designed as to cause suffering to an animal captured or killed; or
- b) having set, or having caused or procured to be set, any net, snare, trap or other device, fail to inspect or to cause a competent person to inspect, the net, snare, trap or other device at reasonable intervals of time and at least once every day between sunrise and sunset.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or both.

(3) Where any person is convicted of an offence under this section, the court may, in addition to any penalty that may be imposed, order any net, snare, trap or other device used by such a person for the capture or killing of any animal confiscated.

### **39. Abandonment of injured captive animal an offence**

(1) No person shall liberate any captive animal: -

- a) in an exhausted, injured or mutilated condition;
- b) in such manner or place as to expose it to immediate attack or danger of attack by other animals; or
- c) in an enclosed space from which the animal has no reasonable chance of escape.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or both.

(3) For purposes of this section, a captive animal shall not be deemed to be coursed or hunted before the animal is liberated for the purpose of being coursed or hunted or after the animal has been recaptured or if the animal is under control.

### **40. Training of animals in a cruel manner an offence**

(1) Any person who trains an animal: -

- a) by the cruel infliction of pain or terror;
- b) by a goad or other instrument; or
- c) by the application of heat, electrical shock or another similar appliance;

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

(2) Where any person is convicted of an offence under this section, the court may, in addition to any penalty imposed: -

- a) order any whip, goad or other instrument or appliance used by such person for the training of any animal to be confiscated;

- b) make an order prohibiting the training or exhibition or imposing such conditions as may be specified in the order.

**41. Prohibition of certain public contests, performances and exhibitions involving animals**

(1) In this section, “exhibition” includes any entertainment to which the public are admitted whether on payment of money or otherwise.

(2) Any person who promotes, or takes part in, or causes or knowingly permits to take place, any public performance which includes an episode consisting of or including: -

- a) throwing or casting, with ropes or other appliances, of any untrained animal; or
- b) riding, or wrestling, fighting or struggling with, any unbroken or untrained animal; or
- c) riding, or attempting to ride, any animal which by the use of any appliance or treatment involving cruelty is or has been stimulated with the intention of throwing off the rider,

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

(3) For purposes of proceedings under subsection (2a) and (2b), if an animal appears or is represented to spectators to be unbroken or untrained it shall lie on the defendant to prove that the animal is in fact broken or trained.

(4) In proceedings under subsection (2c) in respect of the use of any such appliance or treatment as is therein mentioned upon an animal before or during a performance, it shall be a defence for the defendant to prove that he did not know, and could not reasonably be expected to know, that the appliance or treatment was to be or was used on the animal.

(5) In this section, “public performance” does not include a performance presented to the public by means of a cinematograph.

#### **42. Prohibition of films involving cruelty to animals**

(1) No person shall exhibit to the public, nor supply to any person for public exhibition, whether by him or by another person, any cinematograph film, if in connection with the production of the film any scene represented in the film was organized or directed in such a way as to involve the cruel infliction of pain on or terror to an animal or the cruel goading of any animal to fury with the exception of media information and education purposes.

(2) In any proceedings brought under this section in respect of any film, the court may, without prejudice to any other mode of proof, infer from the film as exhibited to the public or supplied for public exhibition, as the case may be, that a scene represented in the film as so exhibited or supplied was organised or directed in such a way as to involve the cruel infliction of pain on or terror to any animal or the cruel goading of any animal to fury, but, whether the court draws the inference or not, it shall be a defence for the defendant to prove that he believed, and had reasonable cause to believe, that no scene so represented was so organized or directed.

(3) Any person who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

(4) For purposes of this section, a cinematograph film shall be deemed to be exhibited to the public when, and only when, it is exhibited in a place or social media site to which for the time being members of the public have access, whether on payment of money or otherwise, and the expression “public exhibition” shall be construed accordingly.

#### **43. Hawking of animals prohibited**

(1) A person shall not display for hawking or hawk an animal.

(2) Any person who hawks any animal commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding six months or both.

**44. Prohibition of unnatural acts with animals**

Any person who commits an unnatural act or bestiality with an animal of any kind commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or imprisonment for a term of two years or both.

**PART VI – CONTROL OF EXPERIMENTS AND RESEARCH**

**45. Prohibition of performance of experiments by permit holder subject to certain conditions**

(1) Any person who performs an experiment on an animal or uses an animal in an experiment or research, shall ensure that: -

- (a) the animal is kept and used for experimental purposes only when there are necessary and important reasons for doing so;
- (b) a minimum number of animals is used;
- (c) the use of animals for experimental purposes causes the least possible amount of pain, suffering, distress and genetic anomalies or lasting harm;

(2) The Kenya Veterinary Board shall annually inspect all premises used for animal experiments to ensure that acceptable animal welfare standards are maintained and followed and that a registered veterinarian is under employed either permanently or contractually to regularly supervise the welfare of animals in use.

(3) Whenever an experiment is being conducted by one institution, any other institution seeking authorization for the same experiment shall be requested to team up with the authorized institution within Kenya unless there is sufficient ground that this cannot happen.

(4) The Cabinet Secretary shall make regulations for consideration of animal welfare as a core aspect of all experiments involving animals.

(5) An authorized person or institution who: -

- (a) performs an experiment other than in accordance with the terms of his authorization or permit and subject to the restrictions imposed by this section; or

- (b) performs any experiment for the purpose of attaining manual skills; or

(c) performs any experiment for the purpose of illustrating any lecture at any university, college, hospital, medical school, agricultural college, school farm or any other academic institution without a teaching permit issued under this Act; or

(d) performs an experiment that is not of a class specified in the permit; or

(e) performs an experiment where there is an alternative to the use of an animal for that purpose

commits an offence and shall be liable, on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a period not exceeding two years or both.

(6) Any person who aids, or takes part, in the performance of any experiment in contravention of the provisions of subsection 1 shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or both.

(7) Except as otherwise provided under this section, no authorized person or institution shall perform any experiment unless: -

(a) the experiment is for the purpose of advancement by new discovery of physiological knowledge, or of any knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating any disease, whether of human beings, animals or plants;

(b) the experiment is for the purpose of testing any former discovery alleged to have been made for the advancement of the types of knowledge referred to in subsection (7a);

(c) throughout the whole of the experiment the animal is under the influence of an anaesthetic of sufficient power to prevent the animal from feeling pain or distress; and

(d) the animal is killed before it recovers from the influence of the anaesthetic which has been administered if the pain is likely to continue after the effect of the anaesthetic has ceased, or if any serious injury has been inflicted on the animal.

(8) The provisions of subsection (7) shall not apply to a licensee who is the holder of a special permit granted under section (46) of this Act in relation to any experiment specified in such a special permit.

(9) Any person, other than a licensee, who performs any experiment using an animal commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

#### **46. Authorization for experiments or research**

(1) The Kenya Veterinary Board may authorize any person to perform any experiment for any purpose and duration subject to such conditions in addition to the conditions specified in this Act.

(2) Any person or institution shall, while performing an experiment pursuant to an authorization granted under this section, ensure that any experiment performed pursuant to such an authorization is performed at such place as may be specified in the authorization permit and in line with the National Guidelines on Care and Use of Animals in Research and Training as stipulated under the guidelines that are given by the National Commission for Science, Technology and Innovation.

(3) Where a person who is granted a license under this section is not registered under the Veterinary Surgeons and Veterinary Para-professionals Act, the person may only perform an experiment under the supervision or direction of a person duly registered under the aforesaid Act.

[Science, Technology and Innovation Act, 2013

Veterinary Surgeons and Veterinary Para-professionals Act, 2011]

#### **47. Teaching permits**

(1) The Kenya Veterinary Board may grant a teaching permit under this Act for performing any experiment specified in such a permit for the purpose of illustrating a lecture if satisfied that: -

- a) it is absolutely necessary for the due instruction of persons attending the course of lectures;

- b) the course is for the purpose of acquiring physiological knowledge or knowledge which will be used for saving or prolonging life, alleviating suffering, or combating any disease whether of human beings, animals or plants; and
- c) the experiment is a short-term activity.

(2) A teaching permit under this section shall be subject to such conditions, in addition to the conditions specified in this Act, as may be specified in such permit, and such permit shall, remain in force for twelve months or for a specified period, from the date on which it was granted.

#### **48. Revocation of a permit**

(1) The Kenya Veterinary Board may on being satisfied that a permit ought to be revoked, at any time revoke a permit granted under this Act.

(2) The permit holder shall be informed of such revocation without undue delay.

#### **49. Records**

(1) A permit holder: -

- a) who is granted a special permit shall keep, in such form as may be prescribed, records of all experiments performed by him under the special permit;
- b) shall permit any person authorized in writing by the Kenya Veterinary Board to inspect any records at any reasonable hour of the day;
- c) shall render to the Kenya Veterinary Board in such form and at such time as may be prescribed, such returns as may be required in relation to an experiment performed under a special permit.

(2) Any person who being a permit holder contravenes, or fails to comply with, the provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

## **50. Inspections**

(1) An inspector under this Act, may at any time enter and inspect any place specified in any permit for the performance of experiments to ascertain whether the provisions of this Act are being complied with.

(2) Any person who resists, hinders or obstructs any inspector under subsection (1) in the exercise of his powers or conceals any animal with intent to defeat the exercise of such powers of inspection, commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

(3) For purposes of this section, no person shall be an inspector unless the person is registered under the Veterinary Surgeons and Veterinary Paraprofessionals Act.

[Veterinary Surgeons and Veterinary Para-professionals Act, 2011]

## **51. Absolute prohibition of public exhibition of experiments**

(1) A person shall not while conducting an experiment on an animal, exhibit the experiment to the public.

(2) Any person who performs or aids in performing an experiment which is exhibited to the public, whether on payment of money or otherwise, commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both

## **PART VI – DESTRUCTION AND CUSTODY OF ANIMALS**

### **52. Destruction of animals**

(1) An inspector may where: -

- a) it appears that an animal is so diseased; or
- b) an animal is so severely injured or in such a physical condition that in the opinion of the inspector the animal ought to be destroyed; or
- c) the owner of the animal is absent or refuses to consent to euthanasia of the animal that ought to be destroyed,

summon a veterinary surgeon or veterinary paraprofessional to examine the animal.

(2) Where the inspector or a veterinary surgeon, having duly examined the animal: -

- a) establishes that the animal is mortally injured; or
- b) finds that the animal is so severely injured; or
- c) proves that the animal is so diseased; or
- d) establishes that the animal is in such physical condition that it is cruel to keep it alive,  
euthanize the animal.

(3) The inspector or a veterinary surgeon shall in destroying the animal: -

- a) use such instruments or appliances and with such precaution and in such a manner as to inflict as little suffering as practicable; and
- b) if the destruction takes place in any public place, remove the carcass or cause it to be removed from the public place.

(4) Where any animal is destroyed in accordance with this section and the owner cannot be found without unreasonable delay, the inspector shall take such reasonable steps as are necessary to dispose of the carcass.

(5) Where a veterinary surgeon summoned under this section certifies that any injured animal can without cruelty, be removed, the person in charge of the animal shall cause it forthwith to be removed with as little suffering as possible, and, where the person fails to do so, or if there is no person in charge of the animal, the inspector may cause the animal forthwith to be so removed.

(6) It shall be a defence to any action or proceeding which may be brought against a person for or arising from the destruction of an animal by such person or with his authority that such animal was so severely injured, or so diseased or in such a physical condition that it would have been cruel to have kept the animal alive and that to summon an authorized officer or a police officer or veterinary surgeon would have occasioned unreasonable delay and unnecessary suffering to such animal.

### **53. Custody of animals**

(1) Where a person is charged with an offence under this Act, a court of law may, by order authorize any person to seize the animal and cause it to be removed to a sanctuary or some place of custody where the animal's needs and welfare shall be met, pending the hearing of the charge, if the court is satisfied, from information given on oath, that such a seizure and removal are necessary in order to prevent the animal being exposed to further damage, injury or suffering.

(2) Where any person is convicted of an offence committed in relation to an animal which has been seized and placed in custody under subsection (1), the court may, in addition to any penalty that may be imposed, order the person convicted to pay a sum equal to the cost which the court finds to have been incurred in connection with the seizure and custody of that animal and the sum so ordered to be paid shall be recoverable as if it were a fine.

(3) Where proceedings are concluded in respect of an offence committed in relation to an animal which has been seized and placed in custody in terms of this section, the said animal may be delivered to the owner thereof or dealt with in such other manner as the court directs.

### **54. Power of court to order destruction of animals**

(1) Where the owner of an animal is charged with an offence under this Act or against any regulation made thereunder in relation to any animal, it shall be lawful for a court of law, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy the animal, or cause or procure the animal to be destroyed, in his presence, without suffering.

(2) Any reasonable expenses incurred in destroying an animal may be ordered by the court to be paid by the owner, or may be recovered summarily as a civil debt.

### **55. Forfeiture**

(1) A court before which a person is charged for an offence under this Act or any regulations made thereunder may, in addition to any other order: -

- a) upon the conviction of the accused; or
- b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of an offence, order that the animal in respect of which the offence concerned was committed or which was used in the commission of the offence be forfeited to the Kenya Society for the Protection and Care of Animals or any other recognised animal shelter agency in Kenya or be disposed of as the court shall direct.

(2) In making the order of forfeiture under subsection (1) the court may also order that the cost of disposing of any animal or any other thing provided for in that subsection be borne by the person convicted thereunder.

(3) The court may further order that any permit or any authorization given under this Act, and to which the offence relates, be cancelled.

#### **56. Compensation in certain cases**

(1) Where any person, by committing an offence in relation to any animal under sections 30, 31, 32, 33, 34, 35, 36 and 37 of this Act, does, or causes to be done, any damage or injury to the animal or to any person or property, he shall upon conviction for that offence be liable, upon the application by the owner of the animal or the person who has sustained damage or injury to his person or property, to pay as compensation to such owner of the animal or such person, as the case may be, a sum of money which the court before whom he is convicted may consider reasonable and the sum so ordered to be paid shall be recoverable as if it were a fine.

(2) A person convicted of an offence under this Act or against any regulation made thereunder in relation to any animal shall, upon the application of any person who has incurred expenses in providing necessary veterinary or other treatment, food or shelter or other care or attention for any animal in respect of which such offence was committed, or for caring for such animal until the making of an order by the court for the disposal of the animal, be liable to pay as compensation to such person a sum of money which the court finds to have been reasonably incurred for the purpose aforesaid and the sum so ordered to be paid shall be recoverable as if it were a fine.

(3) Nothing in this section shall: -

- (a) prevent the taking of any other legal proceedings in respect of any such damage or injury or expenses incurred provided that a person shall not be charged twice in respect of the same claim; or
- (b) affect the liability of any person to be charged and punished under this Act for an offence under this Act.

## **PART VIII – MISCELLANEOUS PROVISIONS**

### **57. Any person is authorized to prevent cruelty**

If any person has reason to believe that any offence is being or is about to be committed under this Act or against any regulation made thereunder in relation to any animal, it shall be lawful, where to summon an inspector will occasion unreasonable delay and suffering to such animal, for such person to take such reasonable steps as are necessary to prevent the commission of such offence.

### **58. Employers and owners to produce drivers or animals if so required**

(1) Where proceedings are instituted under this Act or any regulation made thereunder against the driver or conductor of any vehicle, it shall be lawful for the court to issue summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is in his power so to do, to produce the driver or conductor at the hearing of the case.

(2) Where proceedings are instituted under this Act or under any regulation made thereunder, it shall be lawful for the court to issue summons directed to the owner of the animal requiring him to produce either at, or at any time before the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(3) Where a summon is issued under either subsection (1) or subsection (2) and the owner or employer, as the case may be, fails to comply therewith without reasonable excuse, he shall be liable to a fine not exceeding one hundred thousand shillings or serve one year in prison, for the first offence and a fine not exceeding two hundred thousand shillings or serve two years in prison for the second offence or any subsequent summon which he so fails to honour,

and may be required to pay the cost of any adjournment rendered necessary by his failure.

### **59. Straying animals**

(1) No person shall subject an animal to any form of injury or cruel mistreatment for causing damage to or straying into his property except where human or animal life or health is at risk.

(2) A person whose animal causes damage of property or strays into another person's property shall be liable for the damage caused by the animal and shall pay the sum total of the estimated cost of damage caused by the animal.

(3) A person who finds an animal not belonging to him in his property or which has caused damage to his property: -

- a) may detain the animal but ensure that the animal's welfare needs are met, at the cost of the owner;
- b) shall report the incident to the nearest County Director or sub-county veterinary officer; and
- c) shall, with the help of an expert, compute an estimated cost of the damage caused by the animal.

(4) The County Director or Sub-County Veterinary Officer to whom the case is reported shall carry out his own investigations within 48 hours and resolve the issue either through immediate settlement or refer it to a court of law.

(5) Animals found straying or roaming in market centres, public roadsides or in any place not designated for their abode shall be confiscated by the County Director and, if their ownership is not established within 48 hours, placed in designated holding places at the cost of the owner, sold, or destroyed.

### **60. Acts or omission not to be a defence on any ground**

Where a person is charged under this Act for an act or omission that amounts to compromising the welfare of any animal, it shall not be a defence that the action or omission was of a social, political, cultural, economic, religious or sports undertaking.

## **61. Awards**

Where in any proceedings under this Act or under any regulation made thereunder any fine is imposed, a court may award any sum of money not exceeding half the total fine to the person, not being a public officer, who shall complain, or to such other person as the court deems fit or proper.

## **62. Power to make regulations**

(1) The Cabinet Secretary may make regulations for the better carrying into effect the provisions of this Act, or for prescribing anything which is to be prescribed under this Act.

(2) Without prejudice to the generality of subsection (1) the Cabinet Secretary shall make regulations prescribing: -

- (a) the licensing and inspection of boarding establishments for dogs, cats and horses, riding establishments, pet shops and menageries;
- (b) the operations of County Animal Welfare Committees;
- (c) the manner in which animals may be transported by land, air, sea or inland waters and the manner in which animals are loaded or off-loaded during any transport;
- (d) the load that may be placed on an animal, and stating such maximum load, in relation to size, sex or type of animal;
- (e) the type of vehicle that may be drawn by any animal;
- (f) the manner in which animals are slaughtered at slaughterhouses or abattoirs;
- (g) the control of any form of experiment relating to an animal;
- (h) the keeping of records of all or any experiments performed by a licensee and for the rendering of returns in relation to any experiments and the inspection thereof;
- (i) persons who, and the manner in which such persons, may be appointed and trained as inspectors;
- (j) the manner in which animals may be kept;

- (k) any form to be used in connection to or any fee to be charged under this Act;
- (l) the licencing or permitting of persons using animals for sports and entertainment;
- (m) manner of capture of animals;
- (n) handling and keeping of sport and entertainment animals;
- (o) the licencing, permits and inspection of animal breeding farms and premises for working animals, companion animals or aquatic animals;
- (p) licencing or permitting of a person to keep animals in captivity;
- (q) handling and keeping of animals in captivity; and
- (r) any other matter deemed necessary for ensuring: -
  - i. implementation of required animal welfare practices in a county in accordance with this Act;
  - ii. that any animal transported by sea, road, railway, air or inland water transport is fit for the journey and is properly supplied with feed, water and proper ventilation during the loading, passage and on landing;
  - iii. the protection of an animal from ill treatment and suffering during loading, passage or landing;
  - iv. humane slaughter of an animal for food or trade;
  - v. humane handling of a working, sporting or laboratory animal;
  - vi. that animal handling and care comply with provisions of this Act and any other written law;
  - vii. inspection and certification of animal transport;
  - viii. preparation and submission of inspection reports on matters related to animal welfare to the Director-General or County Director and that the County Director or County Livestock Production Officer is suitably advised on any matter concerning animal welfare.

**63. Repeal of laws and transitional provisions**

(1) The Prevention of Cruelty to Animals Act, Cap. 360 is hereby repealed.

(2) Any regulation or legal notice made or anything done under any provision of the Act 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.

