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NAIROBI

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VETERINARY PUBLIC HEALTH BILL

A Bill of Parliament to provide for safety of food of animal origin, to provide for construction and control of slaughterhouses and establishments where food of animal origin is processed, to provide for control of non-food animal products, to provide for marketing and trade in food of animal origin and animal products and for matters incidental to and connected to the foregoing.

ENACTED by the Parliament of Kenya, as follows-

PART I – PRELIMINARY PROVISIONS

1. Short Title and Commencement

This Act may be cited as the as the Veterinary Public Health Act, 2019 and shall come into operation immediately after publication.

2. Interpretation

In this Act, unless the context otherwise requires –

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

“**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;

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

“Certificate of Transport”

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

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

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

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

“farm” include farms in the pastoral context

“feed additive” means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value or other effect on the animal, which affects the characteristics of feed or of the animal products and excludes veterinary drugs;

“feed business” means any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed feed ingredient, feed additive or feed supplement;

“feed business operator” means the natural or legal persons undertaking a feed business;

“feed ingredient” means a component part or constituent of any combination or mixture making up a feed, whether or not it has a nutritional value in the animal’s diet, including feed additives;

“feed safety” means feed that is free from physical, chemical or biological sources of infection or toxicity or environmental and other contaminants which are injurious to health of animals or potentially injurious to human health;

“final consumer” means the ultimate consumer of a foodstuff who is not involved in the food business operation or activity;

“food animal” means any animal declared by the Cabinet Secretary, by notice in the Gazette, to be an animal to which this Act applies;

“food” means food of animal origin and includes meat, fish and fishery products, milk, eggs, honey and food insects, for the purpose of this Act;

“food safety” means food that is free from physical, chemical or biological sources of infection or toxicity or environmental and other contaminants which are injurious to health;

“food business” means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food;

"**food business operator**" means the natural or legal persons undertaking a food business;

"**food or feed inspectors**" means a person appointed as such under section 47 of this Act;

"Good Agricultural Practices"

"**Good Manufacturing Practices**" means a production and testing practice recognized by the Competent Authority to ensure the quality of a product.

"**hazard**" means a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect;

"**national government veterinary services**" means veterinary services delivered by the national government;

"**non-food animal products**" include but are not limited to hides, skins, horns, hooves, shells, feathers, hair, wool and scales;

"**Precautionary principle**" means applying risk-management measures where a risk to life or health exists but there is no scientific certainty about such risk, in order to ensure a high level of health protection;

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

"**primary production**" means the production, rearing or growing of primary products including harvesting, milking, farmed animal production prior to slaughter, fishing, hunting and the harvesting of wild products;

"**rapid alert system**" means a system of quickly and widely reporting food or feed safety risks in order to generate rapid corrective action which may include withdrawal or recall of products from the market or a ban of sales;

"**regulations**" means regulations made and in force under this Act;

"**risk analysis**" means a process consisting of three interconnected components: risk assessment, risk management and risk communication;

"**risk assessment**" means a scientifically based process consisting of four steps: hazard identification, hazard characterisation, exposure assessment and risk characterisation;

"risk management" means the process, distinct from risk assessment, of weighing policy alternatives, considering risk assessment and other legitimate factors, and, if need be, selecting appropriate prevention and control options;

"risk communication" means the interactive exchange of information and opinions throughout the risk analysis process as regards hazards and risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, feed and food businesses, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

"safe food" means food that fully complies with the provisions of this Act and therefore safe for human consumption.

"safe feed" means feed that fully complies with the provisions of this Act and therefore safe for animal consumption.

"slaughterhouse" means any place approved by the Director-General or County Director for the purpose of slaughtering animals for human consumption and has the same meaning as an abattoir;

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

"this Act" includes any subsidiary legislation made thereunder;

"traceability" means the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing, storage and distribution;

"veterinary public health" means the sum of all contributions to the physical, mental and social well-being of humans through the understanding and application of veterinary science.

3. Objects and purposes

The objects and purposes of this Act are to inform:

- (a) control of safety of all foods of animal origin including but not limited to control of food-borne infections, infestations and contaminants, food-borne

zoonoses, residues in food and genetically modified organisms in foods of animal origin;

- (b) construction and control of slaughterhouses;
- (c) control of animal diseases;
- (d) construction and maintenance of establishments for processing food of animal origin;
- (e) control of safety of animal feeds and fodder;
- (f) control of the safety and quality of non-food animal products and by-products including but not limited to hides, skins, horns, hooves, shells, feathers, hair, wool and scales: and

marketing and trade in animal products on matters of safety to consumers thereof.

4. Application

This Act applies to all:

- (a) food of animal origin;
 - (b) non-food products from food animals;
 - (c) non-food products from non-food animals; and
 - (d) any substance or product used as animal feed or fodder
- for purposes of consumer safety and animal health.

PART II – FOOD ANIMALS

5. Declaration of food animals

The Cabinet Secretary may, in consultation with the Director-General, declare an animal to be a food animal.

6. Production and importation of food animals

- (1) Any food animal shall be produced and raised with due regard to provisions of the Animal Health Act and the Animal Welfare and Protection Act.
- (2) Appropriate biosecurity procedures including vaccination; vector control; hygiene of animal premises, animal equipment and animal handlers as

prescribed in the regulations under the Animal Health Act shall, at all times, be observed in food animal production systems.

- (3) Any importation of food animals shall be in accordance with provisions of the Animal Health Act and the Animal Welfare and Protection Act.

[Animal Health Act 2020; Animal Welfare and Protection Act 2020]

7. Use of veterinary medicines, pesticides and chemicals on food animals

- (1) Any person producing food animals shall, at all times, adhere to responsible and prudent use of veterinary medicines, veterinary pesticides and veterinary chemicals.
- (2) Where veterinary medicines, veterinary pesticides or chemicals are used on food animals, animal product withdrawal periods shall be observed in accordance with the recommendations of the manufacturer of the veterinary medicine, veterinary pesticide or chemical.
- (3) Use of antibiotics as growth promoters in food animals is prohibited.
- (4) Notwithstanding the provisions of subsection (2), the Director-General or County Director may conduct further tests to determine the withdrawal periods of animal products in respect of specified veterinary medicines, veterinary pesticides or chemicals.

[Veterinary Paraprofessionals (Veterinary Medicines Directorate) Regulations, 2015; Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011]

8. Audit of farms producing food animals

- (1) Any farm on which food animals are produced or raised shall be periodically audited by the County Director.
- (2) The audit in subsection (1), shall take into consideration the animal health, animal welfare and environmental concerns of the farm among other parameters that may compromise public health.
- (3) The audit in subsection (1) shall be undertaken using a tool prescribed in the regulations under this Act.

- (4) Pursuant to subsection (1), the County Director may designate a veterinary surgeon or a veterinary para-professional, whether public or private, to audit farms producing or raising food animals.
- (5) The audit cost shall be borne by the county veterinary services.
- (6) Notwithstanding the provision of subsection (5), whenever non-conformities are identified during the initial audit, it will be the responsibility of the owner of the farm to pay for subsequent audits in relation to the identified non-conformities.
- (7) The Cabinet Secretary shall prescribe the manner, procedure, fees in case of subsequent audits due to non-conformities and a check list for auditing farms producing or raising food animals in the regulations under this Act.

[Animal Health Act 2020; Animal Welfare and Protection Act 2020]

9. Transportation of food animals

Any food animal shall be transported in accordance with the provisions of the Animal Health Act and Animal Welfare and Protection Act.

[Animal Health Act 2020; Animal Welfare and Protection Act 2020]

PART III – FOOD SAFETY REQUIREMENTS

10. Food safety practices

- (1) Any person involved in food production, food processing, food storage or food distribution shall prioritize mechanisms of prevention, risk management and food control processes in ensuring and maintaining food safety.
- (2) Food shall not be marketed or distributed if it is deemed to be unsafe for human consumption.
- (3) Conformity of a food to specific provisions applicable to that food shall not bar the Director-General or County Director from taking appropriate measures to impose restrictions on its being marketed or distributed, or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

11. Slaughterhouses and food processing plants

- (1) All slaughterhouses shall be constructed, maintained and operated according to standards prescribed in the regulations under this Act.
- (2) All plants processing foods of animal origin shall be constructed, maintained and operated according to standards prescribed in the regulations under this Act.
- (3) Any animal intended for consumption by the public shall be slaughtered in an slaughterhouse.

12. Responsibilities of a slaughterhouse owner

- (1) Slaughterhouses may be constructed, equipped, operated and owned by an individual or an entity.
- (2) No person shall be permitted to present animals for slaughter in a slaughterhouse without the authority of the owner of the slaughterhouse.
- (3) It shall be the responsibility of a slaughterhouse owner to: -
 - (a) maintain prescribed hygiene standards in his slaughterhouse;
 - (b) ascertain the ownership of all animals slaughtered in his slaughterhouse;
 - (c) provide necessary documents and avail for inspection any documents the inspecting officer may require to ascertain origin or any inspection findings;
 - (d) keep records of the origin of animals slaughtered in his slaughterhouse and all events in the slaughterhouse including results of inspection and any tests thereof; and
 - (e) ensure adherence to relevant provisions of the Animal Welfare and Protection Act

13. Storage and sale of slaughterhouse products

- (1) Every slaughterhouse shall maintain a separate and distinct place, with the necessary requisite facilities as prescribed in the regulations, for storage and wholesale of meat and meat products.
- (2) Any person moving a consignment of meat or meat product of whatever quantity from the storage in subsection (1) shall bear a Certificate of Transport, unless, the meat or meat product is for own consumption.

14. Safe food

- (1) Any food that fully complies with the provisions of this Act shall be deemed to be safe for human consumption.
- (2) The Director-General shall put in place, and update as appropriate, a system for monitoring residues including veterinary medicines, veterinary pesticides and veterinary chemicals in food.

15. Unsafe food

- (1) Food shall be considered to be unsafe if it is established to be:
 - (a) injurious to health; or
 - (b) unfit for human consumption.
- (2) Conditions of use of the food by the consumer and at each stage of production, processing, storage and distribution shall be considered in determining the safety of food.
- (3) Determination of the injurious effects of food to health shall consider: -
 - (a) the probable immediate, short-term or long-term effects of the food on the health of a person consuming it or on the health of subsequent generations;
 - (b) the probable cumulative toxic effects; and
 - (c) the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.
- (4) Determination of whether or not any food is unacceptable for human consumption shall consider evidence of: -
 - (a) food-borne infections;
 - (b) food-borne intoxications;
 - (c) food contaminants whether by extraneous matter or through putrefaction, deterioration or decay and
 - (d) any other substance that may be injurious to health.

16. Food safety and quality standards

- (1) The Director-General shall, in collaboration with the Kenya Bureau of Standards and other relevant statutory bodies, determine food safety standards in Kenya.

- (2) In determining food safety standards in subsection (1), the Director-General shall consider: -
- (a) provisions of relevant international protocols, treaties and agreements ratified by Kenya;
 - (b) requirements of local and international food trade;
 - (c) cultural norms and preferences of Kenyans;
 - (d) religious preferences; and
 - (e) any other food safety concerns that consumers or traders may raise from time to time whether scientific or non-scientific.

17. Accountability for food safety

- (1) The Director-General shall implement an accountability system for food safety control and administration in regard to food import and export.
- (2) The County Director shall implement an accountability system of food safety supervision and administration in his county.

18. Dissemination of food safety information

The Director-General and County Director shall: -

- (a) disseminate food safety laws, regulations and standards to Food Business Operators and consumers;
- (b) strengthen food safety publicity and education;
- (c) disseminate food safety knowledge; and
- (d) enhance consumer self-protection capacity from unsafe food.

19. Right to report food safety violations and seek information

Any person or entity may: -

- (a) report food safety violations to the Director-General, County Director or any established consumer organization; and
- (b) seek and obtain food safety information from the Director-General or County Director.

[Constitution (Article 35)]

PART IV – FEED SAFETY REQUIREMENTS

20. Marketing, use or distribution of feeds

- (1) Feed shall not be marketed, distributed or fed to any food animal if it is deemed to be unsafe.
- (2) Medicated feeds shall not be used on food animals except under the prescription of a veterinary surgeon and supervision of a veterinary surgeon or veterinary para-professional.

21. Unsafe feed

Feed shall be considered to be unsafe for its intended use if it is established to: -

- (a) have an adverse effect on human or animal health; and
- (b) make the food derived from food-producing animals unsafe for human consumption; and
- (c) have adverse effect on the environment.

22. Safe feed

- (1) Any feed that fully complies with the provisions of this Act shall be deemed to be safe for animal consumption.
- (2) For avoidance of doubt: -
 - (a) feeds or feed ingredients, whether commercial, on-farm produced, pastures, forage crops, swill or drinking water for animals, shall be free from animal and public health hazards;
 - (b) Good Agricultural Practices and Good Manufacturing Practices including hygienic practices shall apply to feeds;
 - (c) Hazard Analysis and Critical Control Point principles shall be implemented to control hazards that may occur in the manufacture, storage, distribution and feeding of feed, feed additives and feed ingredients.
- (3) Conformity of a feed to specific provisions applicable to that feed shall not prevent, the Director-General or County Director from taking appropriate measures to impose restrictions on its being marketed, used or distributed, or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the feed is unsafe.

23. Feed safety standards

- (1) The Director-General shall, in collaboration with the Kenya Bureau of Standards and other relevant statutory bodies set feed safety standards in Kenya.
- (2) In determining feed safety standards in subsection 1, the Director-General shall consider: -
 - (a) provisions of relevant international protocols, treaties and agreements ratified by Kenya;
 - (b) requirements of local and international food trade;
 - (c) animals gazetted as food animals in Kenya; and
 - (d) any other relevant feed safety concerns in terms of human or animal health.

24. Feed safety information

- (1) The Director-General and County Director shall disseminate feed safety knowledge, laws, regulations and standards to Feed Business Operators and animal keepers.
- (2) The Director-General or County Director shall consider, as appropriate, indigenous technical knowledge in animal feeds in collaboration with researchers in animal health and animal feeds.

25. Authorization of feed import or export

The Director-General shall authorize the importation or exportation of animal feeds in accordance with the regulations under this Act.

26. Authorization of feed premises or establishments

The County Director shall inspect and license premises or establishments where feed is produced, processed, stored, sold or distributed in accordance with the regulations under this Act.

PART V – RISK ANALYSIS AND MONITORING

27. Risk analysis from farm to fork

- (1) Risk analysis and monitoring of food safety shall consider all aspects of the food production chain as a continuum from primary production and the production of animal feed up to and including sale or supply of food to the consumer since each element may have a potential impact on food safety.

- (2) All practices, manufacture, storage, transportation and distribution of feed given to food animals, including the production of animals which may be used as feed for fish and other animals and inputs at the level of primary production and their potential effect on the overall safety of food shall be considered in risk analysis.

28. Risk assessment

- (1) Risk assessment shall be undertaken in an independent, objective and transparent manner and shall be based on the available scientific evidence.
- (2) The risk assessment results concerning food or feed safety shall be the scientific evidence for the implementation of supervision and administration of food safety at the national or county government level and may be used in the formulation of food or feed safety standards or amendments thereof.

29. Risk management

Risk management shall take into account: -

- (a) the results of risk assessment;
- (b) considerations of the precautionary principle; and
- (c) other factors legitimate to the matter under consideration.

30. Risk communication

The Director-General, in consultation with the County Director, and in consideration of available expert opinion, shall communicate risk management measures as shall be appropriate under each circumstance.

31. Precautionary principle

- (1) The Director-General or County Director may adopt provisional risk management measures necessary to ensure protection of human, animal or environmental health, pending further scientific information for a more comprehensive risk assessment, in specific circumstances where, following an assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists.
- (2) Measures adopted on the basis of subsection 1 shall be proportionate and no more restrictive of trade than is required to achieve the high level of health protection, regard being accorded to technical and economic feasibility and other factors regarded as legitimate in the matter under consideration.

- (3) The measures in subsection 1 shall be reviewed within a reasonable period of time depending on the nature of the identified risk to life or health and the type of scientific information needed to clarify the scientific uncertainty and conduct a more comprehensive risk assessment.

32. Emerging risks

The Director-General or County Director shall establish monitoring mechanisms for systematically searching for, collecting, collating and analysing information and data with a view to identifying emerging risks in food and feed safety.

33. Risk monitoring

- (1) The Director-General shall establish a risk monitoring system for food safety, food-borne diseases, food contamination and other harmful factors in food.
- (2) The Director-General and County Director shall implement national risk monitoring plans for food safety.
- (3) Notwithstanding the provisions of subsection 2, the County Director may formulate and implement county-specific risk monitoring plans in regard to prevailing risks in the county.

PART VI – RAPID ALERTS, EMERGENCIES AND CRISIS MANAGEMENT

34. Rapid alerts

- (1) The Director-General or County Director shall put in place a rapid alert system to monitor food safety events and risks.
- (2) The Director-General or County Director shall receive and analyze rapid alert messages with a view to taking immediate action as necessary.
- (3) The Director-General and County Directors shall share information regarding the existence of serious risk, whether direct or indirect, to human, animal or environmental health arising from food or feed through the rapid alert system.

35. Emergencies

- (1) In the event of food or feed emergencies that pose a serious risk to human health, animal health or the environment, the Director-General or County

Director shall adopt one or more of the following measures depending on the seriousness of the situation: -

- (a) suspension of marketing or distribution or use of the food or feed in question;
 - (b) prescribing special conditions for consideration of the food or feed in question;
 - (c) suspension of import or export of the food or feed in question;
 - (d) any other interim measure as appropriate.
- (2) The measures referred to in subsection (1), shall be confirmed, amended, revoked or extended in accordance with the relevant regulations under this Act.

36. Crisis management

The Director-General, shall develop a food or feed crisis management plan in consultation with stakeholders in the animal resource industry, specifying: -

- (a) situations involving direct or indirect risks to human health, animal health or the environment arising from food and feed which are not likely to be prevented, eliminated or reduced to an acceptable level by provisions already in place; and
- (b) the practical procedures necessary to manage the crisis, including the principles of transparency to be applied and a communication plan.

37. Crisis rapid response team

- (1) The Director-General or County Director may, in the event of a food or feed safety crisis, form a crisis rapid response team.
- (2) The crisis rapid response team: -
- (a) shall be responsible for collecting and evaluating all relevant information and identifying the options available to prevent, eliminate or reduce to an acceptable level, the risk to human health, animal health or the environment as effectively and as rapidly as possible;
 - (b) may request the assistance of any public or private person or entity whose expertise it deems necessary to manage the crisis effectively; and
 - (c) shall keep the public informed of the risks involved and the measures taken or under consideration.

- (3) Investigations of food or feed safety incidents shall be performed on the basis of fact and science so as to accurately ascertain the nature and cause of the crisis and determine the liabilities if any.
- (4) No individual, organization or entity shall impede or interfere with the investigation of food or feed safety crisis.

PART VII – TRADE IN IMPORT AND EXPORT OF FOOD AND FEEDS

38. Food and feed trade

Kenya shall respect the principle of free trade in safe feed and safe wholesome food in a non-discriminatory manner, under fair and ethical trading practices.

39. Food or feed import

- (1) Any food or feed imported into the country shall satisfy the requirements of this Act and other relevant written laws.
- (2) Any importer of food of animal origin or animal feeds or feed ingredient, additive or premix shall register with the Director-General.
- (3) An importer of foods of animal origin, animal feed, feed ingredient, additive or premix shall provide a storage facility for the commodity meeting the prescribed requirements
- (4) A storage facility contemplated in subsection 3 shall be licenced by the Director-General before the importer is registered to import.
- (5) For avoidance of doubt: -
 - (a) no food shall be imported into the country if it is deemed to be injurious to human health or is unfit for human consumption;
 - (b) no feed shall be imported into Kenya if it is deemed to be injurious to animal health or the environment;
 - (c) imported food or feed shall be verified at the port of entry;
 - (d) imported food or feed shall be accompanied by all documentation as required;

- (e) any person who imports food or feed shall keep records of any imported food or feed and any processing or distribution thereof;
- (f) whenever necessary, food or feed may be quarantined at the port of entry for safety investigations; and
- (g) the importer shall bear the cost of any tests carried out on imported food or feeds to ascertain safety thereof.

40. Food or feed export

- (1) Any exporter of food of animal origin or animal feed shall register with the Director-General.
- (2) Food or feed exported from the country to another country shall comply with the relevant requirements of the importing country as established by that country's laws, regulations, standards, codes of practice and other legal and administrative procedures.

41. Food or feed imports in transit

- (1) Food or feed imports in transit through the country shall be transported on the authorization of the Director-General.
- (2) Whenever it is necessary to store food in transit in the country, the Director-General shall: -
 - (a) monitor such storage;
 - (b) take stock of the quantities of food or feed stored; and
 - (c) ascertain that all stored food or feed eventually transits the country.
- (3) Food or feed in transit shall not be diverted for sale, consumption, repackaging, reconstitution or use in the country.

PART VIII – TRADE IMPORT AND EXPORT OF NON-FOOD ANIMAL PRODUCTS

42. Inspection of non-food animal products

- (1) Non-food animal products including hides, skins, wool, feathers, hooves, horns, scales and shells shall undergo veterinary inspection for purposes of public health and animal health.

- (2) The Director-General shall be responsible for veterinary inspection of non-food animal products for export or import.
- (3) The County Director shall be responsible for veterinary inspection of non-food animal products for use in the country.
- (4) Non-food animal products shall undergo veterinary inspection at any stage of production, curing, preservation, storage, transportation, processing, marketing and trade. For avoidance of doubt, establishments that shall undergo veterinary inspection include:
 - (a) premises for curing, preservation or storage of non-food animal products;
 - (b) establishments dealing with unprocessed hides, skins, wool, hair, bristles, feathers and other non-food animal products; and
 - (c) establishments destined for the processing of non-food animal products including tanneries.

43. Registration of buyers or sellers

- (1) Any person who trades in animal skins, hides, wool, feathers, hooves, horns, scales, shells or other such products of animals shall be registered by the County Director.
- (2) The Cabinet Secretary shall prescribe the conditions and any other relevant matter regarding registration of buyers or sellers of animal skins, hides, feathers, hooves, horns, scales, shells or other such products of animals in the regulations under this Act.

44. Permit to export or import animal skins and similar articles

- (1) No person shall export or import any animal skin, hide, wool, feather, hoof, horn shell or other such products of animals without a valid veterinary health certificate from the Director-General.
- (2) The Cabinet Secretary shall prescribe the conditions and any other relevant matter attached to certification of export or import of animal skins, hides, feathers, hooves, horns, shells or other such products of animals in the regulations under this Act.

45. Registration of premises

- (1) No premises shall be used for the purpose of trade in hides, skins, leather, horns, hooves, feathers, shells and other such products of animals unless the premises have been approved as suitable for that purpose by the County Director, who, if he so approves, shall issue to the owner or occupier a registration certificate in respect of the premises.
- (2) The County Director may: -
 - (a) refuse to approve premises if the premises are unsuitable for the purpose, or the owner or occupier or the persons employed therein are not capable of satisfactorily preparing hides, skins, leather and other such products of animals in the prescribed manner;
 - (b) cancel or suspend the registration certificate in respect of registered premises if the hides, skins other such products of animals are not being prepared therein in a manner which, in his opinion, is satisfactory.
- (3) A certificate of registration issued under this section shall be in the prescribed form.
- (4) A registration certificate issued under this section shall, unless earlier cancelled or suspended, remain in force for a period of twelve months starting from the date it is issued.

46. Registration certificate

No person shall store any hides, skins, leather or other such products of animals except in the premises to which the registration certificate refers.

PART IX – VETERINARY CERTIFICATION OF FOOD, FEEDS AND NON-FOOD ANIMAL PRODUCTS

47. International, county and inter-county trade

- (1) Veterinary health certification of international, county and inter-county trade in food shall comply with animal health, animal welfare and food safety standards.
- (2) Veterinary certification of international, county and inter-county trade in feeds shall comply with animal health and feed safety standards.

- (3) Veterinary certification of international, county and inter-county trade in non-food animal products shall comply with animal health and animal welfare standards.

48. Responsibilities in veterinary certification

- (1) The Director-General shall bear the responsibility for veterinary certification of food, feeds and non-food animal products for international trade.
- (2) The County Directors shall bear the responsibility for veterinary certification of food, feeds and non-food animal products traded within their counties and from their counties to the other counties.

49. Procedures and documentation for veterinary certification

- (1) The Cabinet Secretary shall prescribe the procedures and documentation for veterinary certification of food, feeds and non-food animal products in the regulations under this Act.
- (2) The procedures and documentation in subsection (1) shall apply throughout the country provided that County Directors may domesticate the documentation by stating the name of the county in documents for veterinary certification.

PART X – INSPECTORS

50. Appointment of inspectors

- (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 County Director, in his county of jurisdiction, may appoint county veterinary surgeons or county veterinary paraprofessionals to be inspectors as may be necessary for the purposes of this Act.

51. Functions of inspectors

Inspectors shall: -

- (a) verify that persons or entities comply with provisions of this Act;
- (b) make recommendations for licensing of processing or storage facilities;
- (c) take or cause to be taken, samples for the purposes of verification of compliance with the requirements of this Act;

- (d) determine whether a person may have contravened provisions this Act;
- (e) provide information for control of animal diseases and public health based on the results of their inspection of food, feeds, food products, feed products or non-food animal products; and
- (f) perform such other functions as shall be assigned to them by the regulations under this Act.

52. Powers inspectors

- (1) In the course of performing his or her functions under this Act, an inspector shall have the following powers: -
- (a) to enter into and search premises where food, feed or non-food animal products are processed or stored;
 - (b) to inspect any conveyance for food, feed or non-food animal products whether such conveyance is a container or carrier;
 - (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 premises or place lawfully entered;
 - (e) to seize and retain any food, feed, food product, feed product or non-food animal product if the inspector knows or has reason to believe that in respect of that food, feed, food product, feed product or non-food animal product, this Act or a direction thereof has been or is being contravened;
 - (f) to place any food, feed, food product, feed product or non-food animal product under quarantine or other place he or she considers appropriate;
 - (g) to dispose of any food, feed, food product, feed product or non-food animal product as appropriate, at the cost of the owner;
 - (h) to control or prevent the movement of food, feed, food product, feed product or non-food animal product as necessary;

- (i) to supervise the return to its origin or destruction, of any food, feed, food product, feed product or non-food animal product that has been imported in contravention of this Act;
- (j) to supervise the destruction, of any food, feed, food product, feed product or non-food animal product that has been presented for sale and is, or may be, infected, contaminated, putrefied or decayed;
- (k) to seize any other thing that appears to indicate that an offence under this Act has been, or is being, committed.

53. Identification of inspectors

An inspector under this Act shall bear a suitable form of identification as shall be determined by the Director-General in case of national government veterinary services and the County Director in case of county government veterinary services.

54. Obstruction of inspectors

A person shall not resist, impede or obstruct: -

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

55. 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.

56. 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 five days after the appellant is notified of the decision;
 - (b) within five 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;
- (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 a competent court of law.
- (4) An appeal contemplated in subsection 3 must be commenced within 10 days after the appellant receives notice of the decision of the Director-General or County Director.

57. 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 XI – FOOD AND FEED BUSINESS OPERATORS

58. Responsibilities of food or feed business operators

Food or feed business operators shall: -

- (a) have the responsibility for food or feed safety in their businesses and shall, at all times, ensure that their food or feed businesses meet regulatory requirements;

- (b) ensure that they are adequately trained and aware of their roles and responsibilities in preventing the introduction into or spread of hazards through food or feeds;
- (c) at all stages of production, processing, storage and distribution within the businesses under their control ensure that foods or feeds satisfy the requirements of this Act which are relevant to their activities and shall verify that such requirements are met; and
- (d) ensure that all workers in their establishments who handle food or feed or are directly involved in food or feed processing are, at all times, sufficiently healthy to perform their tasks without transmitting any diseases.

59. Director-General or County Director to enforce this Act

- (1) The Director-General or County Director shall enforce this Act and monitor and verify that the relevant requirements of this Act are fulfilled by food or feed business operators at all stages of production, processing, storage or distribution of food or feed.
- (2) For the purpose of subsection (1), the Director-General or County Director shall maintain a system of official controls and other activities as appropriate to the circumstances, including public communication on food and feed safety and risk, food and feed safety surveillance and other monitoring activities covering all stages of production, processing, storage and distribution.
- (3) The official controls referred to in subsection (2) shall include audits of good hygiene practices and hazard analysis and critical control point-based procedures;
- (4) Penalties provided for infringement of the relevant provisions of this Act by food or feed business operators shall be effective, proportionate and prohibitive.

60. Monitoring and evaluation of food or feed businesses

- (1) The Director-General and the respective County Directors shall periodically monitor and evaluate food or feed businesses to ascertain their compliance with provisions of this Act.
- (2) A report on the findings of the monitoring and evaluation visits in subsection (1) shall be prepared by the Director-General and circulated in the electronic or

print media including the websites of the ministry, department or directorate responsible for veterinary matters, to enable consumers make informed choices for purposes of safeguarding their health.

61. Traceability

- (1) The traceability of food-producing animals at all stages of production, marketing and transport to slaughterhouses shall be established in accordance with the provisions of the Animal Health Act.
- (2) The traceability of food or feeds and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing, storage and distribution.
- (3) Food and feed business operators shall be expected to identify: -
 - (a) any person who supplies them with food, feed, or a food-producing animal;
or
 - (b) any substance intended to be, or expected to be, incorporated into a food or feed.
- (4) Food and feed business operators shall put in place systems and procedures that allow the information provided in subsections (1) and (2) to be made available to the Director-General or County Director or inspectors on demand.
- (5) Food and feed business operators shall put in place systems and procedures to identify other businesses to which their products have been supplied. This information shall be made available to the Director-General or County Director or inspectors on demand.
- (6) Food or feed which is placed on the market shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information.
- (7) Food or feed business operators shall pass on relevant information necessary to trace a food or feed, and cooperate in the actions taken by producers, processors, manufacturers or the Director-General or County Director in tracing a food or feed.

62. Recall or withdrawal of food or feed

- (1) Whenever a food or feed business operator considers or has reason to believe that a food or feed which he or she has imported, produced, processed, manufactured or distributed is not in compliance with the food or feed safety requirements, he or she shall immediately initiate procedures to withdraw the food or feed in question from the market and inform the Director-General or County Director or inspector thereof.
- (2) Where the food or feed product may have reached the consumers, the food or feed business operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection.
- (3) A food or feed business operator shall immediately inform the Director-General or County Director if he or she considers or has reason to believe that a food or feed which he or she has placed on the market may be injurious to human or animal health.
- (4) A food or feed business operator shall inform the Director-General or County Director of the action taken to prevent risks to the final consumer and shall not prevent or discourage any person from cooperating, in accordance with this Act and legal practice, with the Director-General or County Director, where such action may prevent, reduce or eliminate a risk arising from a food or feed.
- (5) Food or feed business operators shall collaborate with the Director-General or County Director in action taken to avoid or reduce risks posed by a food or feed which they may have supplied.
- (6) An inspector may order a recall or withdrawal of food or feed from the market or at any stage of distribution if the food or feed under consideration does not meet the requirements stipulated under this Act.

PART XII -COLLECTION OF DATA AND REPORTS

63. Collection of data

- (1) The County Director shall collect, collate, analyse and summarize all the data of relevance for the purpose of this Act, particularly data relating to: -

- (a) auditing of farms producing food animals;
 - (b) processing and distribution of food, feeds and non-food animal products;
 - (c) food consumption trends in relation to species of animals or types of food;
 - (d) incidence and prevalence of food-borne infections, infestations and intoxications related to foods of animal origin;
 - (e) food and feed residues;
 - (f) contaminants in food and feeds; and
 - (g) development of and trade in non-food animal products.
- (2) For the purposes of subsection 1, the County Director shall develop viable and effective contacts with: -
- (a) farmer organizations, associations, cooperatives or groups;
 - (b) animal transporters;
 - (c) food, feed and non-food animal product processors;
 - (d) food, feed and non-food animal product distributors;
 - (e) food, feed and non-food animal product traders;
 - (f) consumer representatives;
 - (g) county department responsible for human health; and
 - (h) any other relevant organization, association, group or individual.

64. Reports

- (1) The County Director shall, based on the data collected in sections (60) and (63), prepare monthly, quarterly and annual reports on veterinary public health.
- (2) The formats of reports in subsection (1) and any other reports under this Act shall be prescribed in the regulations.
- (3) Notwithstanding the provisions of subsection (1), it shall be necessary for the County Director to prepare other forms of reports including “real time” reports particularly during incidences of food-borne infections or food-borne intoxications.

- (4) The County Director shall share all the reports contemplated in this section with the Director-General and County Directors of the neighbouring counties.
- (5) The Director-General shall analyse the reports from the County Directors, prepare and submit feedback to the County Directors as often as necessary.
- (6) The Director-General shall analyze and collate reports from County Directors and prepare country quarterly and annual reports on veterinary public health in accordance with the format prescribed in the regulations under this Act.
- (7) The Director-General shall share reports in subsection (6) with County Directors and relevant Ministries, Departments and Agencies of the national government.

PART XIII – MISCELLANEOUS PROVISIONS

65. Power to make regulations

- (1) The Cabinet Secretary may, make regulations providing for all or any of the purposes, for the administration of this Act or that may be necessary or expedient for carrying out the objects or purposes of this Act, and, without prejudice to the generality of the foregoing, for all or any of the following purposes:-
 - (a) Declaration of food animals;
 - (b) Approval of feeds, feed ingredients and additives;
 - (c) Risk analysis of food and feed safety;
 - (d) Rapid alerts, emergencies and crisis management of food and feed safety;
 - (e) Registration of food or feed business operators; including importers, exporters, manufacturers, storage facility owners and wholesalers;
 - (f) Construction, maintenance and operation of slaughterhouses, food processing establishments; feed manufacturing establishments and non-food animal product processing establishments;
 - (g) providing for the licensing, control and regulation of processing establishments and of premises where foods of animal origin, feeds or non-food animal products are processed;

- (h) food safety requirements including codes of inspection of particular foods of animal origin, and specifying standards, in consultation with the Cabinet Secretary for the time being responsible for health, to be observed in respect of the manufacture of food products, including the name or description, composition, additives or contaminants, labeling and packaging of such products;
 - (i) providing for the inspection of foods of animal origin, feed and non-food animal product establishments and premises, and the taking of samples of inputs used in connection therewith;
 - (j) specifying the standards to be observed in respect of the storage and transportation of foods of animal origin and the transportation of animals intended for slaughter;
 - (k) veterinary certification of food, feeds and non-food animal products;
 - (l) feed safety requirements;
 - (m) development and trade in hides, skins, leather and other such products of animals;
 - (n) for the control of marketing and trade in foods of animal origin, feeds and non-food animal products;
 - (o) food, feed and non-food animal products import and export;
 - (p) for the professional control, supervision and licensing of persons appointed to carry out any inspections in specified areas under the regulations;
 - (q) prescribing documents to be used and fees or levies to be paid in respect of specified services under this Act;
 - (r) for the determination of residues and contaminants acceptable in foods of animal origin and feeds;
 - (s) 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 offenses and penalties.

66. Offences and penalties

Any person who: -

- (a) contravenes or fails to comply with any provision of sections 5, 8, 16, 17, 22, 23, 37, 38, 39, 48, 51, 53 and 56 is guilty of an offence and shall, on first conviction be liable to a fine not exceeding one hundred-thousand shillings or imprisonment for six months or both and on subsequent convictions, a fine not exceeding two hundred thousand shillings or imprisonment for one year or both.
- (b) fails to observe measures in sections 6, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 commits an offence and shall be liable to a fine not exceeding two hundred thousand shillings or imprisonment for a term of one year or both.
- (c) fails to comply with provisions of sections 9, 10, 19, 24, 25, 40, 41, 42, 43, 58, 59, 60, 61, 62 commits an offence and shall, on first conviction, be liable to a fine not exceeding one million shillings or a jail term of ten years or both and on subsequent conviction, a fine of two million shillings or a jail term of twenty years or both.
- (d) contravenes or fails to comply with provisions of sections 11, 12, 15, 63 and 64 is guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or imprisonment for one year or both.
- (e) sells or distributes unsafe food or feed contrary to sections 14 and 20 respectively commits an offence and shall be liable to a fine not exceeding one million shillings or a jail term of ten years or both.
- (f) obstructs an inspector contrary to section 54 is guilty of an offence and shall on conviction, be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term of two years or both.
- (g) contravenes or fails to comply with provisions of section 55 commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or imprisonment for a term of one year or both.

67. Supersession and conflict of laws

- (1) Provisions of this Act supersede any other Act or written law on matters of Veterinary Public Health.

- (2) Provisions of this Act shall prevail over similar provisions made by county governments.

68. Repeal of laws and transitional provisions

- (1) The Meat Control Act, Cap. 356 is hereby repealed.
- (2) Any regulation or legal notice made or anything done under any provision of the Meat Control Act, Cap. 356, 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.

