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THE HOMA BAY COUNTY ABATTOIRS BILL, 2016

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THE HOMA BAY COUNTY ABATTOIRS BILL, 2015**A Bill for**

AN ACT of the County Assembly of Homa-Bay to strengthen the legal and regulatory framework for the management of abattoirs, protecting human health, controlling livestock and zoonotic diseases, increasing efficiency and effectiveness of service delivery, quality assurance and post slaughter handling of animal products and improving access and standards for local and international markets

ENACTED by the Homa-Bay County Assembly as follows—

PART I—PRELIMINARY**Short Title and Commencement**

1. This Act may be cited as the 'Homa Bay County Abattoirs Act, 2015 and shall come into force on the fourteenth day after gazettment.

Interpretation.

2. In this part, except where the context otherwise requires....

"Abattoir" means any place used for the slaughter of animals for human Consumption;

"Approved abattoir" means an abattoir in respect of which a certificate of approval has been issued by the director of livestock following an application made to the director under section 6;

"County executive committee member" means the County Executive Committee Member responsible for matters relating to agriculture, livestock and fisheries;

"Director" means the county director responsible for matters relating livestock and veterinary services

"Dressing area" includes an area where removal of hides and internal organs of animals slaughtered are done;

'Liarage' means a facility within the abattoir where animals meant for slaughter are rested before slaughter;

"Meat" means the flesh of any animal of the bovine, ovine, caprine or porcine species; means animal flesh that is to be or intended to be used for

human consumption; whether fresh, chilled or frozen or otherwise processed by any means whatsoever or included in any article of food for human consumption;

“Meat inspector” means a person who is trained in matters to do with quality and appointed to inspect meat or products of animal origin by the County Executive Committee Member under the provision of section of this Act;

“Officer” means any person employed by the county government with technical expertise in livestock and /or veterinary matters;

“Slaughter house/abattoir” means a building in which animals are killed and prepared for market and /or human consumption;

“Stock breeder” means the owner of any animal who takes or causes it to be taken to an abattoir with the intention of having it slaughtered so that its flesh may be used for human consumption;

“Veterinary officer” means a person holding a degree in veterinary medicine and employed in the service of the Homa Bay County government.

Overriding Objectives of this Act

3. The overriding objectives of the Act include; protecting human health, controlling livestock and zoonotic diseases, increasing efficiency and effectiveness of service delivery, strengthening legal and regulatory framework, quality assurance and post slaughter handling of animal products and improving access and standards for local and international markets.

PART II—ADMINISTRATION

Appointment of meat Inspectors

4. The County Executive Committee Member through a gazette notice may, on such terms and conditions as prescribed by this Act, appoint a meat inspector.

Requirements for registration of abattoir

5. (1) No application for a certificate for an abattoir shall be approved by the director unless and until the director is satisfied that the said abattoir complies with the requirements of subsection below 2 and of sections 22 to 30 inclusive
(2) In the case of every approved abattoir—

- (a) The premises shall be enclosed on all sides with a wall of permanent or semi-permanent materials, the interior of which shall be smooth, imperishable, waterproof, unbreakable and non-corrodible;
- (b) All corners of the interior of the premises shall be so construed as to be concave or convex to facilitate cleaning;

- (c) The roof shall be of permanent material and there shall be no space between roof and walls;
- (d) The floors shall be made of permanent, waterproof, non-slip materials and drained by means of gutters covered by removable gratings and provided with an adequate slope;
- (e) All drainage from the premises shall be led underground for a distance of at least one hundred meters and the effluents disposed off in such a manner as not to cause nuisance by reason of the breeding of flies or other insects and so as to prevent access by any person or animal;
- (f) The premises shall be adequately lighted by windows or open spaces separated from the outside by fly-proof screens. If opening glass windows are provided, the space must be separated from the outside by fly-proof screens;
- (g) Artificial lighting of such type and intensity as not to modify or distort colors shall be provided in any areas which are inaccessible to daylight and shall be adequate for all work to be performed therein;
- (h) Adequate ventilation shall be provided and any spaces leading to the outside will be protected by fly-proof screens. If at ground level, these shall also be rat-proof; and
- (i) Entry for animals shall be regulated in such a way that no live animal can enter the dressing area until it has been killed, washed and bled.

Approval of abattoirs

6. (1) No person shall construct an abattoir from which meat is to be sold or processed for consumption unless a certificate of approval granted by the director is in force in respect for such abattoir.

(2) A person who contravenes provision of subsection 1 commits an offence and liable upon conviction to a fine not exceeding one million shillings or to an imprisonment for a term not exceeding three years or both.

Approval for operation and maintenance of abattoirs

7. (1) No person shall operate or maintain an abattoir from which meat is sold or processed for consumption unless a certificate of approval granted by the director is in force in respect for such abattoir.

(2) A person who contravenes the provision of subsection 1 commits an offence and liable upon conviction to—

- (a) A fine not exceeding one million shillings or to a imprisonment for a term not exceeding three years or both;
- (b) In case of a subsequent offence, to a fine of five thousand shillings every day during the period for which the offence continues.

Obstruction of officer

8. A person who wilfully disobeys or obstructs or hinders or knowingly makes any false or misleading statements either orally or in writing to an officer carrying out functions under this Act or regulations made herein under commits an offence and liable upon conviction to a fine not exceeding one million shillings or to an imprisonment for a term not exceeding six months or both.

Application for a license

9. (1) An application for a license shall be made in a prescribed form in duplicate.

(2) The application for a license of an abattoir shall be endorsed by the sub county veterinary officer who shall forward two copies to the director. In case of export slaughter houses, a third copy shall be forwarded to the national director of veterinary services.

License relating to a single abattoir

10. (1) a license shall relate only to the abattoir premises described in the application for such license submitted in accordance with section 9.

(2) A change in the ownership or management of an approved abattoir shall be notified within fourteen (14) days to the director.

Powers of the director

11. The director shall be responsible for:

- (a) The control and inspection of slaughter and processing of livestock ensuring that any person operating an abattoir observes the appropriate hygiene requirements in the abattoir.
- (b) The director may, in writing, designate official veterinarians, meat inspectors and other officers to carry out any function under this Act.
- (c) The director may require any person working in abattoir to undergo a medical examination and furnish a valid medical certificate.

Qualification and duties of a meat inspector

12. (1) The meat inspector shall have the following qualifications: at least a two (2) year certificate course in animal health from an institution recognized by the Kenya Veterinary Board and six month training in meat inspection from government meat training institute or a veterinary officer.

(2) The meat inspector shall brand or stamp with the official stamp mark of the director in such places and in such ways as they deem advisable or necessary all carcasses, meat, offal submitted for examination and passed as healthy and fit for human consumption.

(3) A person shall not, other than authorized officer, stamp brand or mark or attach to or impress on any meat or offal with any official stamp or mark similar marking.

(4) A person shall not attach to or impress on any meat or offal any forged stamp or mark intended or liable to deceive the public or induce the belief that such meat or offal has been inspected and approved by regulations or slaughtered at the abattoir.

(5) All carcasses declared fit for human consumption shall be graded and stamped by a meat inspector or veterinary officer, according to the standards prescribed by the veterinary officer.

(6) A person who contravenes the provisions of subsections 2,3, and 4 commits an offence and liable upon conviction to a fine not exceeding one million shillings or to an imprisonment for a term not exceeding three years or both.

PART III—REGISTRATION AND LICENCING OF MEAT EXPORT PROCESSING ESTABLISHMENTS

Registration and licensing of meat for export

13. (1) Notwithstanding the provisions of this Act, no person shall maintain or operate a meat export processing establishment unless its processing establishment is registered and licensed in accordance with this Act and any other relevant regulation.

(2) For the purpose of this part, processing establishment means any establishment in which any part of the carcass of any animal is used for the preparation of or manufacture for sale of products.

(3) A person who contravenes sub section (1) commits an offence and upon conviction is liable to a fine not exceeding five million or to an imprisonment term of five years or both.

Application for an export license

14. (1) An application for a license under this part shall be in writing to the director and in the prescribed form and shall be accompanied by such fee as may be prescribed under regulations.

(2) The director may, in accordance with the export requirements after consultation with the veterinary officer—

- (a) Issue a processing establishment license, in accordance with this Act
- (b) Refuse to issue the license on any ground which may appear to the director to be and inform the applicant in writing the reasons;
- (c) Cancel, vary or suspend any license if in the finding of the director, the license is found to have contravened the Act or regulations made under the Act for the operation of the processing establishment.

Illegal manufacture and processing of meat

15. A person who—

- (1) Manufactures or prepares or processes any part of animal carcass for sale in contravention part of the provisions of this part;
- (2) Buys, sells, offers for sale, transport or has possession of any meat which to the persons knowledge or belief—

- (a) Has been manufactured or prepared otherwise in accordance with this part, commits an offence and liable upon conviction to a fine not exceeding five million shillings, or to an imprisonment term not exceeding five years or both.

(3) Any person in possession or control of meat for which the person is unable to account to the satisfaction of person authorized under this Act, shall be deemed to have manufactured, prepared or processed the meat for sale otherwise than in accordance with this Act until the contrary is proved.

(4) If a person is convicted of an offence under this part, the court shall order that any illegally manufactured, processed or prepared meat and any vehicle, vessel or other conveyance in relation to whom an offence has been committed be forfeited to the county government, unless in the case of vehicle, vessel or any other conveyance, the court sees good reason to be recorded in writing, not to do so.

Issuance of license

16. (1) The director shall issue licenses to applicants subject to such lawful conditions as the director may determine.

(2) Every license shall specify the premises upon which the business specified in the license may be carried on.

(3) There shall be payable for the issue of licenses under this Act such fees as the director, after consultation with the County Executive Committee member, prescribe.

(4) The licensing authority shall, at least thirty days before granting a license under this Act, give notice of the proposed grant in the county gazette and in such other manner as the authority may determine.

(5) The notice referred to in section 4 shall-

- (a) Specify the name other particulars of the person or class of persons to whom the license is to be granted;
- (b) State the purpose for the proposed license and indicate the date such license is proposed to be issued to the successful applicant; and
- (c) Invite objections to the proposed grant of license and direct that such objections be lodged with the director within fourteen (14) days after the date of the notice.

(6) The director may after considering the objections, if any, made under this section, grant the license applied for subject to such terms and conditions as may be specified there in.

(7) The issuance of a license to an applicant under this Act shall not be withheld without reasonable cause

(8) A license issued under this Act shall not be transferable.

(9) The director shall ensure that an up to date register is kept and maintained for all licenses issued pursuant to this part.

Application for renewal of a license

17. An application for the renewal of a license under this Act shall be made to the director not later than the first day of the month in which the current license is due to expire but, despite the foregoing, a late application may be made upon payment of a late application fee as may be prescribed by the director.

Condition of a license

18. (1) A license issued under this Act shall be subject to such conditions as the director may determine and as are specified in the license and to any conditions which may be prescribed.

(2) The director may at any time during the validity of a license—

- (a) Vary the conditions of the license; or
- (b) Impose conditions or further conditions on the License.

Revocations, alteration or suspension of license

19. The licensing authority may at any time revoke a license—

- (a) if in its opinion an offence under this Act in respect of the licensed activity under any other written law, has been committed by the license holder or any employee of the licensed holder; or
- (b) A condition of the license has been contravened or not complied with.

Surrender of license

20. (1) The holder of a license which is revoked shall immediately surrender it to the licensing authority.

(2) A license holder may at any time surrender the license to the licensing authority and the license shall cease to have effect forthwith.

Appeals

21. (1) An applicant for or holder of a license who is aggrieved by a decision of the director on or in respect of the grant, refusal, renewal, variation or revocation or the conditions imposed on the grant, renewal or variation of license may appeal to the County Executive Committee member.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice regarding the decision.

PART IV—REQUIREMENT OF ABATTOIRS

Lighting

22. Every approved abattoir shall be supplied enough lighting at a tension sufficient to provide adequate lighting, heating and cold storage to comply with the requirements of this Act.

Water supply

23. (1) Every approved abattoir must have sufficient water quantity.

(2) Every approved abattoir shall include washing and dressing rooms with running water, with at least 1 sink, 1 shower 1 tub for washing clothes, one of each of these facilities for every six persons employed.

(3) The dressing area and bleeding area of every approved abattoir shall be provided with a sink, soap or detergent for the washing of hands together with a hose connection.

Layout

24. The layout of every approved abattoir shall be such that; transport for carcasses in the suspended position is provided in such length and arrangement that the total number of animals to be slaughtered in 1 day can be dressed in one continuous operation without touching or contaminating each other.

Equipment

25. All equipment used in an approved abattoir shall be of non-degenerating metal or plastic and shall include—

- (a) Easily washable metal or plastic wheeled containers for the removal of stomachs and intestines of slaughtered animals;
- (b) Hooks, trays and tables to permit the inspection of offal and heads; and
- (c) Equipment for holding, cutting, scrapping, hoisting of carcasses or their parts.

Separate room for washing of internal organs

26. A separate room shall be designated within a county abattoir for the washing of internal organs of slaughtered animals.

Cold storage

27. (1) There shall be sufficient cold storage spaces provided on the premises of each approved abattoir for the maximum number of animals which can be slaughtered 1 day.

(2) The temperature envisioned in subsection (1) must be Shown by a thermometer and regulated in such a way that it cannot exceed 4⁰ c or fall below 0⁰ c.

(3) There shall also be provided adequate hanging racks for cold storage of offal so that pieces can be hung separately without touching each other.

Stand-by facilities

28. Where circumstances require an approved abattoir shall be provided with stand-by facilities as will ensure that in any emergency the cold storage chamber is maintained at its correct temperature.

Sterilizer

29. An approved abattoir shall be provided with a Sterilizer in which water can be boiled at a temperature of 100 °c and in which knives and other tools coming into contact with carcasses can be sterilized daily at the end of operation by placing them in the said sterilizer for at least ten (10) minutes.

Provision of animal enclosures

30. (1) An approved abattoir shall have an enclosure of sufficient size to accommodate the maximum number of animals that can be slaughtered in one (1) day and to enable such animals to have proper rest and watering while awaiting slaughter.

(2) This enclosure shall be so subdivided into separate pens so that no pen holds more than four (4) animals.

Provision of transport

31. A person who undertakes to provide or secure the provision of transport in an abattoir, such transport must enable the abattoir to transport carcasses of meat and ensure that meat is not contaminated.

Provision of clothing

32. White clean overalls, feet coverings and hats or other suitable head coverings shall be made available for all staff at the beginning of every working day.

Personal hygiene

33. Every person working in an abattoir shall wear clean clothes and wash his hands before and after handling meat.

Resting of animals before slaughter

34. (1) Cattle must be detained in an enclosure provided in accordance with section 30 for minimum period of twenty four (24) hours slaughter.

(2) During the period referred to in subsection 1, the cattle shall be provided with water only and no solid foodstuffs be given to them.

Slaughtering of pigs

35. Pigs and other animals may only be slaughtered in designated areas on the day if the pigs are slaughtered after the other animals, and on all occasions following the slaughter of pigs the whole dressing and bleeding area shall be thoroughly washed down before any other species of animal is slaughtered.

Notification of slaughter

36. No owner of an approved abattoir may on any day when he intends to slaughter carry out such operations in the abattoir without having first notified, or caused to be notified, a meat inspector of his intention to do so.

Inspection of animals

37. (1) Every animal intended for slaughter shall be inspected before slaughter by a meat inspector.

(2) Any animal found upon inspection to be unhealthy shall be separated from others awaiting slaughter.

(3) Any animal suspected by a meat inspector to be suffering from any contagious disease shall be:

- (a) Quarantined at a designated area within the holding area of the abattoir for further observation; or
- (b) Stunned and destroyed in a kiln provided at the abattoir facility.

Use of container for viscera

38. (1) An adequate number of wheeled containers shall be provided so that stomachs and intestines together with their contents can be lowered from the carcass into viscera containers moved to one side without contaminating the floor.

(2) The viscera containers and their contents shall be identifiable with the carcasses.

Meat inspection

39. (1) Meat shall be inspected by either a meat inspector or veterinary officer at the abattoir at the time of slaughter for the purpose of ascertaining whether it is fit for human consumption. The whole carcass together with all the offal, head, feet and hide shall be presented for inspection and be identified with the animal previously notified as intended for slaughter in accordance with section 37.

(2) In the event of any abnormal cutting or removal of parts before inspection the whole carcass may be seized and destroyed by the meat inspector after written notice to the owner or his/her agent in charge of the abattoir of his/her intention to do so, stating reasons.

(3) All abattoirs approved under this Act shall be liable to inspection anytime by a meat inspector or veterinary officer who may issue instructions to ensure that the provisions of this Act are carried out.

Destruction of unfit meat

40. A meat inspector may, after giving written notice of his reasons for so doing to the owner of an abattoir or his agent, declare meat to be unfit for human consumption. Such meat shall be destroyed by burning or such other suitable means of disposal as soon as possible after the written notice has been received by the owner of the abattoir or his agent.

Register of slaughtered animals

41. (1) The owner or the agent of the owner in charge of any approved abattoir shall keep on the premises a register of animals presented for slaughter showing—

- (a) Origin of the animal;
- (b) Species of animals;
- (c) Date of arrival;
- (d) Date of slaughter;
- (e) Sex and age of the animal;
- (f) Weight of the carcass;
- (g) Grade of the carcass; and
- (h) Other relevant particulars of the animal.

(2) Record of the register shall be on a monthly basis transmitted to the director/inspector/veterinary officer.

Notice to remedy

42. (1) If upon inspection of any approved abattoir a meat inspector or veterinary officer finds that the premises, the equipment installed or the operations carried out in the abattoir fail to comply with the provisions of this Act, they shall serve on the owner or his/her agent responsible for the operation of the approved abattoir a written notice specifying all alterations or improvements to the abattoir necessary to ensure that the premises, equipment and operations comply with the provision of this Act.

(2) Such notifications shall specify the period of time which the owner shall be given for the purpose of effecting the said alterations or Improvements,

provided that such period shall not exceed three (3) months from the date of the notification being received by owner or his/her agent.

(3) Should the specified period be exceeded, the licensing authority shall suspend the license of the premise under provision of section 19 until that time as the required alterations or improvements have been completed to the satisfaction of the veterinary officer.

(4) Such closures shall be without prejudice to the institution of proceedings against the owner of the abattoir under the provision of this Act.

(5) It shall always be open to the holder of the certificate to show cause why such order should not be made.

Condemnation of soiled meat

43. (1) All meat, fat or offal which became soiled by the content of the alimentary tract shall be condemned as unfit for human consumption.

(2) Despite subsection (1) where, in the opinion of an authorized veterinary officer or any other meat inspector, the soiling may be removed by cutting away the soiled portions, the authorized veterinary officer or inspector may authorize this to be done and any remaining meat, fat or offal shall be deemed to be fit for human consumption.

(3) A person shall not cut, remove or attempt to conceal any disease or injured part.

Human diseases

44. (1) A person who knowingly suffers from any notifiable infectious or contagious disease, or is knowingly exposed to infection from any such diseases within twelve (12) hours immediately before assuming duty shall not engage in the slaughter of animals, dressing of carcasses or handling or conveyance of meat intended for human consumption.

(2) No employer shall permit any person in their employment who suffers from or who has been exposed to infection to be so engaged unless he has obtained the prior written permission of medical officer

(3) The veterinary officer/ meat inspector shall—

(a) Undertake to ensure that all employees of abattoirs acquire up to date health certificate, signed by Government Medical Officer and renewable every three months, as proof of fitness before getting engaged in the slaughter of animals, dressing of carcasses or handling or conveyance of meat intended for human consumption.

- (b) May require a full medical examination which may include the examination of blood of any person engaged in the in the activities mentioned above whenever he deems it necessary to do so for the purpose of ascertaining whether such person suffers from any disease or condition liable to contaminate the meat, as result of which serious consequences to the health of others may occur; in such case a clean bill of health certificate will be issued if the person is found fit per prescribed standard and;
- (c) Prohibit any such person found to be suffering from disease from engaging in the slaughter of animals, dressing of carcasses or handling or conveyance of meat until the person again is examined and certified by a medical officer to be free from such disease or condition

(4) Any person engaged in work within the abattoir having any cuts or abrasions shall have such injuries covered by a clean waterproof dressing

Disposal of unclaimed animals

45. (1) Any animal in an abattoir which may be unclaimed or as to the ownership of which there is a dispute, and shall, in the case of any such slaughter, dispose of the carcass on behalf of the county government or director

(2) On ascertaining the rightful owner of animal under the subsection (1), the county government shall pay to the owner the proceeds from sale less the amount of any expenses incurred in respect of such animal.

Prohibited animals

46. A person shall NOT bring into the abattoir, or permit to enter or remain there, any dogs, cats, birds, or other animal which feeds on meat shall be prohibited to access the fences off area of the abattoir.

Exclusion of children

47. A person under the age of sixteen (16) years shall not at any time be admitted to part of the abattoir where slaughtering or dressing is taking place unless the inspector authorizes that such a person can enter when under the supervision of an adult.

Prohibition of smoking

48. A person who smokes in any part of the abattoir where animals are slaughtered, inspected or kept commits an offence.

Prohibition of alcohol

49. A person commits an offence if—

- (a) Enters;
- (b) Remains in an abattoir while intoxicated; or
- (c) Brings any alcohol into the abattoir.

Restriction of removal of animal

50. A people shall not remove from the abattoir any animal alive or dead or the carcass of any animal or any meat, offal or any other thing pertaining to any animal without the prior permission of the person in charge of the abattoir.

PART V—GENERAL PROVISIONS**Protection from personal liability**

51. No action or proceedings may be commenced against the county executive member, the director, an agent of the director, county officer designated to the abattoir function for any Act done in good faith in the performance or intended performance of a responsibility or in the exercise or intended exercise of an authorized action under this Act, or for any omission or default in the performance of a responsibility or the exercise of an authorized action in good faith.

General penalty and offences

52. A person who contravenes a provision of this Act where no other penalties are provided commits an offence and liable to a fine not exceeding five hundred thousand shillings or to an imprisonment term of three years or both, and on a subsequent conviction to a fine not exceeding one million shillings or to an imprisonment term of five years or both.

Regulations

53. The county executive may make regulations on any matter necessary for the carrying out of provisions of this Act.

MEMORANDUM OF REASONS & OBJECTS

The Bill has been submitted by the Member of the County Executive Committee responsible for Agriculture, Livestock and Fisheries. The Bill seeks to safeguard human health and improve access to market, through control of livestock and zoonotic diseases and strengthening of legal and regulatory framework regarding the management of abattoirs within the county.

Articles 3, 14 and 51 provide for the powers County Executive Committee Member in the form of appointment of meat inspectors, determining the amount payable to licenses and making regulations on any matter necessary for the carrying out of provisions of this Act.

Articles 9, 14 and 16 summarize the Powers of the director in the form of; control and inspection of slaughter and processing of livestock and ensuring that any person operating an abattoir observes the appropriate hygiene requirements in the abattoir. They also deal with issuance of licenses including Conditions thereof.

The qualifications and duties of the meat inspector are articulated in Article 10 of the act.

Article 4 outlines the requirements for registrations of the abattoir regarding the premises design and construction materials, lighting, ventilation and restriction of entry of animals.

Articles 5, 6, 12, 13, 14, 15 and 16 provides for licensing procedures for both local and export meat which include application for local and export licenses, approval of abattoirs, approval for operation and maintenance of abattoirs, issuance of licenses, illegal manufacture and processing of meat, application for renewal of licenses and condition of a licenses.

Articles 31, 32, 35, 37, 38, 39, deals with matters of quality control of meat for consumption including; personal hygiene, resting of animals before slaughter, inspection of animals, handling of viscera, meat inspection, destruction of unfit meat and register of slaughtered animals.

Article 42 deals with prevention of human disease.

Article 49 and 50 provides for the General provisions including protection from liability and general penalty and offences.

The enactment of the bill shall occasion additional expenditure on training of personnel and improving of abattoirs which shall be provided for by the county government of Homa bay budget estimates.

Dated the 30th August, 2015.

C. O. MBATA,
Chairperson, Agriculture, Livestock and Fisheries Committee.

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