

SPECIAL ISSUE

Kakamega County Gazette Supplement No. 18 (Acts No. 2)



REPUBLIC OF KENYA

**KAKAMEGA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

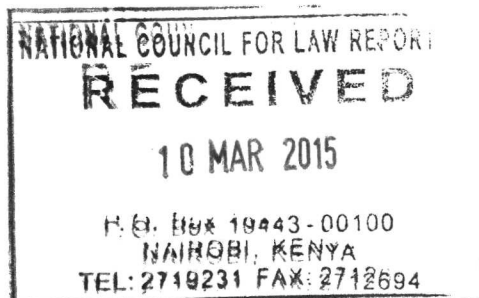
NAIROBI, 6th June, 2014

CONTENT

Act—

PAGE

The Kakamega County Abattoirs Act, 2014 43



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

THE KAKAMEGA COUNTY ABATTOIRS ACT, 2014**No. 2 of 2014***Date of Assent: 6th June, 2014**Date of Commencement: 25th August, 2014***ARRANGEMENT OF SECTIONS****PART I—PRELIMINARY***Section*

- 1— Short title.
- 2— Interpretation.

PART II—ADMINISTRATION

- 3— Appointment of meat inspectors.
- 4— Requirements for registering an abattoir.
- 5— Abattoirs to be approved.
- 6— Exemptions.
- 7— Obstruction of officer.
- 8— Application for certificate of approval.
- 9— Certificate of approval to relate to single abattoir.
- 10— Director.
- 11— Duties of meat inspector.

**PART II—REGISTRATION AND LICENSING OF MEAT
EXPORT PROCESSING ESTABLISHMENTS**

- 12— Registration and licensing of meat export processing establishments.
- 13 — Application for a licence.
- 14 — Illegal manufacture, processing etc.
- 15 — Issue of licences.
- 16 — Application for renewal of a licence.
- 17 — Conditions of a licence.
- 18 — Revocation, alteration or suspension of a licence.
- 19 — Surrender of licence.
- 20 — Appeals.

PART III—REQUIREMENTS OF ABATTOIRS

- 21— Inspection of animals.
- 22— Use of container for viscera.
- 23— Meat inspection.
- 24— Destruction of unfit meat.
- 25— Register of animals slaughtered.
- 26— Notice to remedy defaults.
- 27— Condemnation of soiled meat.
- 28— Human diseases.
- 29— Disposal of unclaimed animals.
- 30— Dogs, etc. prohibited.
- 31— Exclusion of children.
- 32— Smoking prohibited.
- 33— Alcohol prohibited.
- 34— Restrictions of removal of animal.

PART IV—GENERAL PROVISIONS

- 35— Protection from personal liability.
- 36— General penalty and offences.
- 37— Regulations.

THE KAKAMEGA COUNTY ABATTOIRS ACT, 2014

AN ACT of the County Assembly of Kakamega to provide for a regulatory and enforcement framework, and take other measures necessary from the viewpoint of public health in order to ensure the proper management of abattoirs and slaughter and dressing of livestock for human consumption, and to make provision for veterinary and hygiene controls in such abattoirs, and for connected purposes

ENACTED by the County Assembly of Kakamega as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Kakamega County Abattoirs Act, 2014. Short title.

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

“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 agriculture following an application made to the director under section;

“county executive” means the county executive committee member responsible for matters relating to agriculture;

“department” means the county department responsible for matters relating to veterinary health and services;

“director” means the county director in charge of matters relating to veterinary health;

“dressing area” includes an area where removal of hides and internal organs of animals slaughtered is done;

“meat” means the flesh of any animal of the bovine, ovine, caprine or porcine species;

“meat inspector” means any person appointed to inspect meat or products of animal origin by the county executive member under the provisions of section of this Act;

“executive member” means the county executive member responsible for matter relating to agriculture, fisheries and livestock;

“officer” includes director, veterinary, county officer;

“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; and

“veterinary officer” means a veterinarian employed in the service of the County Government.

PART II—ADMINISTRATION

3. (1) The County Public Service Board may, on such terms and conditions, and in consultation with the county executive member, appoint any person as a director, meat inspector or veterinarian officer or county officer for purposes of this Act.

Appointment of
county veterinary
inspectors.

(2) For purposes of subsection (1), the county executive may, by regulations, prescribe the qualifications for different categories of inspectors or veterinarians or county officer.

4. (1) No application for a certificate for an abattoir shall be approved by the department unless and until the director is satisfied that the said abattoir complies with the requirements of spelt out in the 1st schedule.

Requirements for
registration of abattoir

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

Abattoirs to be
approved..

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

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

6. (1) A veterinary officer, with the consent of the department, may grant a written exemption to either a person—

Exemptions.

- (i) who is a small meat producer;
 - (ii) sells insufficient meat to permit their economic transportation to approved abattoirs; or
 - (iii) who in the opinion of a veterinary officer is killing wild and unmanageable meat.
- (2) A person granted an exemption under subsection (1)—
- (a) may sell carcass meat to a buyer granted a permit under subsection (3); and
 - (b) shall abide by any conditions relating to hygiene and other matters that the officer granting the exemption may include in the exemption.
- (3) No person may purchase carcass meat from a person granted an exemption under subsection (1) unless he has been granted a permit in writing by a veterinary officer permitting him to purchase carcass meat from that exempted person or generally from persons granted an exemption under subsection (1).
- (4) A person granted a permit under subsection (3) shall not export from the county carcass meat purchased by authority of the permit.
- (5) Exemptions and permits granted in accordance with this section shall each be for a definite period of time.
- (6) A veterinary officer may at any time revoke an exemption or permit granted under this section; providing the reasons in writing.
- (7) A person who fails to comply with any of the provisions of this section or any condition in an exemption or permit granted in accordance with its provisions commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.

7. A person who willfully disobeys or obstructs or hinders or knowingly makes any false or misleading statements either orally or in writing to an officer engaged in carrying out his duties or functions under this Act or regulations commits an offence, shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.

Obstruction of officer.

8. (1) An application for a certificate of approval shall be made in triplicate and in the prescribed form.

Application for
certificate of approval

(2) The application for a certificate of approval of an abattoir shall be endorsed by the county veterinary officer who shall forward 2 copies to the department.

9. (1) A certificate of approval shall relate only to the abattoir premises described in the application for such certificate submitted in accordance with section 5.

Certificate of approval
to relate to single
abattoir.

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

10. (1) There shall be appointed a Director in-charge of veterinary services who shall be the head of the department in-charge of veterinary services.

Director.

(2). The director so appointed shall either be a veterinarian or a public health expert.

(3). The director shall be responsible for—

- (a) the control and inspection of slaughter and processing of livestock ensuring that any person operating an abattoir observe the appropriate hygiene requirements in the abattoir.
- (b) The director may, in writing, designate official veterinaries, meat inspectors and other officers to carry out any function under this Act.
- (c) The director shall specify the health standards requirement for all persons working in an abattoir including the requirement for routine medical examination by all persons working in an abattoir.

11. (1)(a) The meat inspector shall brand or stamp with the official stamp mark of the department 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.

Duties of meat
inspector.

- (b) The meat inspector shall issue a certificate at the time of inspection to be displayed.
- (c) The inspection certificate be displayed at the butchery/sale point.

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

(3) A person shall not attach to or impress on any meat or offal any forged stamp or mark or any 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.

(4) 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 department.

PART III— REGISTRATION AND LICENSING OF MEAT PROCESSING ESTABLISHMENTS

12. (1) Despite any other provisions of this Act, no person shall maintain or operate a meat-processing establishment unless it is registered and licensed in accordance with this Act and the regulations passed thereto.

Registration and
licensing of meat
processing
establishments.

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

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

13. (1) An application for a license under this part shall be in writing to the department and in the prescribed form and shall be accompanied by the prescribed fee.

Application for a
license.

(2) The department may after consultation with the county 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 department to be sufficient and inform the applicant in writing of the reasons;
- (c) cancel, vary or suspend any licence if in the

finding of the department, the licence is found to have contravened the Act or regulations made under the Act for the operation of the processing establishment.

14. (1) A person who—

Illegal manufacture,
processing etc.

- (a) manufactures or prepares or processes any part of animal carcass for sale in contravention of this Act under this part;
- (b) buys, sells, offers for sale, transport or has possession of any meat which to the person's knowledge or belief—
 - (i) has been manufactured or prepared otherwise than in accordance with this part.

commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings, or to an imprisonment term not exceeding two years or both.

(2) If a person is in possession or has control of meat for which the person is unable to account to the satisfaction of a person authorized under this Act, that person 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.

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

15. (1) The department shall issue licenses to applicants subject to such lawful conditions as it may determine.

Issue of licenses.

(2) Every licence shall specify the premises upon which the business specified in the licence 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, prescribe.

(4) The licensing authority shall, at least thirty days before granting a licence 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 subsection (4) shall—

- (a) specify the name or other particulars of the person or class of persons to whom the licence is to be granted;
- (b) state the purpose for the proposed licence and indicate the date such licence is proposed to be issued to the successful applicant; and
- (c) invite objections to the proposed grant of licence and direct that such objections be lodged with the director within fourteen days next following the date of the notice.

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

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

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

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

16. An application for the renewal of a licence under this Act shall be made to the department not later than the first day of the month of June in which the current licence 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 department.

Application for
renewal of a licence.

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

Conditions of a licence

(2) The department may at any time during the

validity of a licence—

- (a) vary the conditions of the licence; or
- (b) impose conditions or further conditions on the licence.

18. The department may revoke, alter or suspend a licence issued under this Act if in its opinion—

Revocation, alteration or suspension of licence.

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

19. (1) The holder of a licence which is revoked shall immediately surrender it to the licensing Authority.

Surrender of licence.

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

20. (1) An applicant for or holder of a licence who is aggrieved by a decision of the department on or in respect of—

Appeals.

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence, may appeal to the County Executive.

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

(3) The County Executive may either vary, or confirm the decision that is the subject of the appeal within 15 days of the lodging of the appeal.

PART IV — REQUIREMENTS OF ABATTOIRS

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

Inspection of animals.

(b) An animal that is intended to be slaughtered for domestic use shall be inspected at the point of

slaughter.

- (c) A domestic certificate shall be in accordance to (b) above issued upon such inspection at no fee.

(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 removed from the premises of the abattoir and returned at the expense of the owner of the animal to its place of origin pending further examination by the meat inspector. Slaughter and destruction of such an animal may take place at its place of origin depending upon the decision of the meat inspector.

(4) The responsibility of removal of the animal from the abattoir shall rest with the owner of the animal who shall be allowed a period of up to 12 hours in which to effect such removal. In the event of failure to remove the animal within this period the meat inspector may order the removal of the animal at the owner's expense for its immediate destruction.

(5) An animal suspected by an inspector to be suffering from any contagious disease and is removed from the premises of the abattoir and treated as directed by the meat inspector or veterinary officer, such animal may be allowed in the abattoir upon satisfaction by the veterinary officer that the animal is healthy.

22. (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 and moved to one side without contaminating the floor.

Use of container for viscera.

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

23. (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

Meat inspection.

section 26.

(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 agent in-charge of the abattoir of his intention to do so, stating his reasons.

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

24. 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.

Destruction of unfit meat.

25. 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—

Register of animals slaughtered.

- (a) origin of the animal;
- (b) species of animal;
- (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.

26. (1) If upon inspection of any approved abattoir a meat inspector or veterinary officer finds that either 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 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 provisions of this Act.

Notice to remedy defaults.

(2) Such notification 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 months from the date of the notification being received by the owner or his agent.

(3) Should the specified period be exceeded, the county executive may apply to the court for an order that the abattoir be closed until such time as the required alterations or improvements have been completed to the satisfaction of the principal veterinary officer.

(4) Such closure shall be without prejudice to the institution of proceedings against the owner of the abattoir under the provisions of section 35.

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

Provided that Regulations shall specify the general specifications, layout, structure and general conditions to be met and adhered to by all operational abattoirs in the county.

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

Condemnation of
soiled meat.

(2) Despite subsection (1) where, in the opinion of an authorized veterinary or any meat inspector, the soiling may be removed by cutting away the soiled portions, the authorized veterinary or inspector may authorise 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 diseased or injured part.

28. (1) A person who knowingly suffers from any notifiable infectious or contagious disease, or is knowingly exposed to infection from any such disease within 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.

Human diseases.

(2) No employer 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 medical officer shall have the power to examine, which may include the examination of blood of any person engaged in the slaughtering of animals, the dressing of carcasses of handling or conveyance of meat, 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 a result of which serious consequences to the health of others may occur, and may prohibit any such person found to be suffering from being so engaged until the person again has been 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, grazes or abrasions shall have such injuries covered by a clean waterproof dressing.

29. (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 department.

Disposal of unclaimed animals, etc.

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

30. A person shall not bring into the abattoir, or permit to enter or remain there, any dog, cat, bird or other animal which feeds on meat.

Dogs, etc prohibited.

31. A person under the age of 16 years shall not at any time be admitted to any 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.

Exclusion of children.

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

Smoking prohibited.

33. A person commits an offence if they —

Alcohol prohibited.

(a) enter;

(b) remain in an abattoir while intoxicated; or

(c) bring any alcohol into an abattoir.

34. A person 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.

Restrictions of removal of animal.

PART V— GENERAL PROVISIONS

35. No action or proceeding may be commenced against the county executive member, the director, an agent of the director, county officer 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 neglect or default in the performance of a responsibility or the exercise of an authorized action in good faith.

Protection from personal liability.

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

General penalty and offences

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

Regulations.

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA