

SPECIAL ISSUE

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**LAIKIPIA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

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CONTENT

Bill for Introduction into the Laikipia County Assembly—

PAGE

The Laikipia County Livestock Disease Control Bill, 2016 1

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

**THE LAIKIPIA COUNTY LIVESTOCK DISEASE
CONTROL BILL, 2016**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Purpose of the Act.

PART II—ADMINISTRATION

- 4—Establishment of Veterinary Services Unit.
- 5—Functions of the Unit.
- 6—Veterinary officers.
- 7—Chief veterinary officer.
- 8—Livestock Disease Control Fund.
- 9—Administration of the Fund.

PART III—DISEASE CONTROL

- 10—Powers of the Chief Veterinary Officer.
- 11—Orders.
- 12—Disease surveillance and prevention.
- 13—Notification of diseases.
- 14—Declaration of an area to be disease infected area.
- 15—Restrictions in an area infected with a notifiable disease.
- 16—Isolation of infected livestock.
- 17—Prohibition on processing or sale of livestock product infected with notifiable disease.
- 18—Disinfection.
- 19—Destruction or disposal of livestock or livestock product.
- 20—Disease free area.
- 21—Veterinary services.
- 22—Center for Disease Control and Diagnostic services.

PART IV—ENFORCEMENT

23—Veterinary officers as authorized officers.

24—Power of a veterinary officer.

25—Obstruction.

PART V—GENERAL PROVISIONS

26—Regulations.

Schedule – Notifiable Diseases.

**THE LAIKIPIA COUNTY LIVESTOCK DISEASE
CONTROL BILL, 2016**

A Bill for

**AN ACT of the County of Assembly of Laikipia to
provide for prevention and control of livestock
diseases and for connected purposes**

ENACTED by the County Assembly of Laikipia, as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Laikipia County Short title.
Livestock Disease Control Act, 2016.

2. In this Act, unless the context otherwise requires— Interpretation.

“chief veterinary officer” means the chief veterinary
officer appointed under section 7;

“Department” means the county department
responsible for livestock as established by the County
Executive Committee;

“disease” means any infectious or contagious disease,
or any condition to which any livestock is subject, that is
declared from time to time to be a disease under this Act;

“Executive Member” means the County Executive
Committee Member responsible for livestock;

“livestock” means animals kept in a farm or domestic
state including—

- (a) poultry;
 - (b) fish kept in an aquarium or fish farm;
 - (c) bees;
- but does not include pets.

“livestock product” include—

- (a) the carcass or any portion of a carcass of any
livestock;
- (b) the meat, blood, hide, skin, wool, hair, horns,
feathers, antlers, feet or offal of livestock;
- (c) the fat, milk, whey, cream, butter, cheese, eggs and
other food or foodstuffs derived from livestock;

- (d) honey, beeswax, honeycomb or any other product of bees;
- (e) semen, ova or embryos of livestock; or
- (f) the secretions, excretions, manure and other wastes of livestock;

“notifiable animal disease” means a disease that must be notified under section 13 and classified under the Schedule;

“Fund” means the Livestock Disease Control Fund established under section 8;

“the Unit” means the Veterinary Services Unit established under section 4;

“Veterinary officer” means a veterinary surgeon or a veterinary para-professional registered under the Veterinary Surgeons and Veterinary Para-Professionals Act, 2012.

3. The purpose of this Act is to provide for the implementation of section 1 (d) of Part 2 of the Fourth Schedule to the Constitution in order to— Purpose of the Act.

- (a) protect public health by preventing and controlling diseases transmissible from livestock to humans;
- (b) promote development of livestock market by preventing and controlling livestock diseases;
- (c) provide for eradication of livestock diseases exotic in the county; and
- (d) promote animal welfare.

PART II—ADMINISTRATION

4. There is established a Unit in the Department to be known as the Veterinary Services Unit. Establishment of Veterinary Services.

5. The Unit shall, under the specific directions of the livestock director upon general direction of the Executive Member be responsible for— Functions of the Unit.

- (a) preventing, controlling and eradicating livestock diseases;
- (b) surveillance and monitoring of livestock diseases;
- (c) carrying out inspections of livestock and livestock products;

- (d) ensuring that animal products for human consumption are safe and suitable for human consumption;
- (e) providing laboratory and diagnostic services on livestock and livestock products;
- (f) regulating and controlling the movement of livestock to, from and within the county;
- (g) providing extension services related to livestock disease control;
- (h) subject to the national policy and standards, regulate the sale, distributorship and use of livestock medicine and drugs or any food substance provided for livestock consumption that has implication on animal health;
- (i) building the capacity of livestock farmers and other stakeholders in the livestock sub sector in preventing, monitoring and controlling livestock diseases;
- (j) advising the Executive Member on appropriate policy and legislative measures to be adopted in livestock disease control;
- (k) ensuring and facilitating adoption and compliance with quality, health and safety standards related to animal health and animal welfare in the livestock industry;
- (l) promoting the development of livestock industry;
- (m) monitoring and evaluating the implementation of this Act; and
- (n) carrying out any other functions in furtherance to the realization of the purpose of the Act.

6. (1) The County Public Service Board shall appoint such veterinary officers as shall be necessary for the purposes of implementing this Act. Veterinary Officers.

(2) A person shall not be appointed as a veterinary officer under subsection (1) unless the person meets the conditions provided under the Veterinary Surgeons and Veterinary Para-Professionals Act, 2012.

7. (1) There shall be the County Chief Veterinary Officer. Chief Veterinary Officer.

(2) The office of the Chief Veterinary Officer shall be an office in the public service.

(3) A person shall not be appointed as the Chief Veterinary Officer unless the person possesses a degree in veterinary medicine and is in compliance with the requirements of the Veterinary Surgeons and Veterinary Para-Professionals Act, Cap. 366.

(4) The Chief Veterinary Officer shall be the head of the Unit.

8. (1) There is established a Fund to be known as the Livestock Disease Control Fund.

Livestock Disease
Control Fund.

(2) The Livestock Control Fund shall consist of—

- (a) such monies as may be appropriated by the County Assembly;
- (b) monies received or payable under section 21 and 22; and
- (c) such monies received as grants or donations from any lawful source.

(3) The Fund shall be utilized for defraying any capital or recurrent expenditure related to—

- (a) provision of veterinary services under this Act;
- (b) the operations of the Center for Disease Control and Diagnostic Services; and
- (c) preventing and controlling notifiable diseases under this Act.

9. (1) The Fund shall be administered by the Chief officer for the time being responsible for livestock.

Administration of
the Fund.

(2) The chief officer shall—

- (a) supervise and control the administration of the Fund;
- (b) the accounting officer of the Fund;
- (c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;
- (d) impose conditions or restrictions on the use of any expenditure arising from the Fund;

- (e) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (f) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2003 and in such details as the County Treasury may from time to time direct;
- (g) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law; and
- (h) designate such staff as may be necessary to assist in the management of the Fund.

PART III—DISEASE CONTROL

10. (1) The Chief Veterinary Officer shall have powers in addition to any other power specifically assigned under this Act to—

Powers of the Chief Veterinary Officer.

- (a) make orders under section 11;
- (b) regulate and control the movement of livestock from, into and within the county;
- (c) impose conditions in respect to prevention and control of livestock diseases; and
- (d) generally adopt measures intended to prevent, monitor or control a livestock disease under this Act.

(2) The Chief Veterinary Officer may, by an instrument in writing, delegate all or any of the powers conferred under this Act to any county veterinary officer appointed under this Act.

(3) The powers of the chief veterinary described under subsection (1) shall be exercised in accordance with the prescribed guidelines.

11. (1) The Chief Veterinary Officer may advise the state director of Veterinary services, to make orders by notice in the Gazette—

Orders.

- (a) declaring any contagious or infectious disease or any condition to which any livestock is subject to be a livestock disease for the purposes of this Act;
- (b) declaring the occurrence of an outbreak of a livestock or a notifiable disease;
- (c) declaring any area in the county to be an area infected by a notifiable disease;
- (d) declaring the whole of the county or an area within the county to be an area for the control of a livestock disease and specifying the requirements that are to operate within the area;
- (e) prohibiting or restricting entry into the county of any livestock, livestock product, fodder or fittings from such places, during such periods and under such circumstances as may appear to the Chief Veterinary Officer to be necessary or expedient for the purposes of preventing the entry into the county of any disease; and
- (f) declaring any such infected area to be free from a notifiable disease.

(2) An order made under subsection (1) (d) may —

- (a) prohibit a person from transporting, selling or handling livestock, livestock products or fittings within or from the declared area; and
- (b) impose requirements to be complied with in relation to the testing, transportation, sale or handling of livestock, livestock products or fittings within the declared area.

(3) A person who contravenes an order made under this section commits an offence and shall be liable to a fine not exceeding one hundred thousand or to imprisonment for a term not exceeding three months or to both.

12. (1) The Chief Veterinary Officer shall, based on consultations with the state director of veterinary services establish measures for surveillance and prevention of notifiable disease.

Disease
Surveillance and
Prevention.

(2) In establishing measures described under subsection (1), the Chief Veterinary Officer—

- (a) may direct that mass vaccination of the livestock that may be prone to infection with a notifiable disease;
- (b) may require an owner or a person in charge of a livestock to provide such information as may be necessary for implementing this section;
- (c) shall continuously monitor the livestock health;
- (d) shall consult and co-ordinate with owners or persons in charge of livestock; and
- (e) shall carry out education and awareness creation among owners or persons in charge of livestock.

13. (1) A person, who being the owner or in control or in charge of a livestock and knows or suspects the livestock is infected with a notifiable disease, shall notify a veterinary officer as soon as practicable.

Notification of Diseases.

(2) A veterinary officer who has reason to believe or suspect that any notifiable disease exist on any farm or in any area shall notify the veterinary in charge of the area or the Chief Veterinary Officer as soon as it is practicable.

(3) A person who handles a livestock product which the person knows or suspects that it is infected with a notifiable disease, shall notify the veterinary officer as soon as it is practicable.

(4) The diseases notifiable under this section shall be as prescribed under the Schedule.

(5) A veterinary officer to whom a notice is given under this section may —

- (a) enter the farm of the premises in order to ascertain the occurrence of the disease and may take specimens from any livestock suspected to be infected with a notifiable disease; or
- (b) require the owner of the livestock or the person in charge of the livestock to submit such specimens to the veterinary officer within the stipulated time.

(6) The veterinary officer shall, upon receiving the specimens under subsection (5) cause the specimen to be tested and analyzed in order to establish presence of a notifiable disease in the livestock.

(7) The veterinary officer shall, upon ascertaining the presence of a notifiable disease in the livestock —

- (a) notify the owner or the person in charge of the livestock and all the persons in the local area about the occurrence of a notifiable disease in the livestock in the area;
- (b) notify the Chief Veterinary Officer who shall then notify the state Director of veterinary services;
- (c) notify the person in charge of veterinary services in the neighbouring sub county and county where applicable; and
- (d) collect specimens from other livestock in the areas where the notifiable disease has been noted and carry out tests to establish if the livestock is also infected with a notifiable disease.

(8) A person who contravenes subsection (1), (2) and (3) commits an offence and shall be liable to a fine not exceeding twenty thousand shillings and to imprisonment for a term not exceeding one month or to both.

14. Where a notifiable disease is detected under Section 13 to be widespread in an area, the Chief Veterinary Officer may request the state Director of veterinary services to declare by an order, the area to be an area infected with the notifiable disease as provided under section 12.

Declaration of an area to be Disease infected area.

15. (1) Where an area has been declared to be infected with a notifiable disease —

Restrictions in an area infected with a notifiable disease.

- (a) the Chief Veterinary Officer shall direct the manner of controlling and managing the disease outbreak in accordance with the prescribed guidelines; and
- (b) no livestock or livestock product shall be moved from, into the area without the written authorization by the Chief Veterinary Officer and in accordance with the conditions stipulated by the Chief Veterinary Officer.

(2) A person who fails to comply with the directives of the Chief Veterinary Officer under this section commits an offence and shall be liable to a fine not exceeding twenty thousand shillings and to imprisonment for a term not exceeding one month or to both.

16. (1) A person, being the owner or in control or in charge of a livestock or livestock product which the owner knows or suspects to be infected with a notifiable disease shall—

- (a) at all times keep the livestock isolated in a restricted or enclosed area where the livestock does not interact with any other non infected livestock; or
- (b) comply with the directives issued by the livestock officer regarding containment, treatment or disposal of the livestock as the case may be.

(2) A person who fails to comply with the requirements of this section commits an offence and shall be liable to a fine not exceeding twenty thousand shillings and to imprisonment for a term not exceeding one month or to both.

17. (1) A person shall not process, manufacture sell, expose for sale, supply or provide any livestock product that is infected with a notifiable disease.

Prohibition on processing or sale of livestock product infected with notifiable disease.

(2) An owner of a livestock or a livestock vendor or a vendor of livestock products shall maintain an inventory of sales or sources of the livestock or livestock products that the person or vendor sells or purchases including the appropriate information as may be prescribed.

(3) A person who contravenes this section commits an offence and shall be liable to a fine of twenty thousand shillings or to imprisonment for a term not exceeding two months or to both.

18. The Chief Veterinary Officer may order for—

Disinfection.

- (a) the disinfection of buildings and any place where a livestock that is infected with a notifiable disease is kept;
- (b) the cleansing and disinfection of public markets, private auction or livestock sale yards, any motor vehicles or any conveyance used for transport of livestock infected with notifiable disease;
- (c) the disinfection of any livestock which has been in contact with animals infected with notifiable disease or which has been in an infected area; and

- (d) the disinfection of any person who has come into contact with a livestock that is infected with a notifiable disease.

19. (1) Where a veterinary officer is of the opinion that an infected livestock should be destroyed for the purposes of controlling the outbreak of a notifiable disease under this Act, the veterinary officer may order that the livestock or livestock product be destroyed or disposed of in accordance with the prescribed guidelines.

Destruction or
Disposal of
Livestock or
Livestock Product.

(2) The veterinary officer shall, before ordering the destruction or disposal of a livestock or livestock product notify the owner or the person in charge of the livestock or livestock product of the intention to destroy the livestock or livestock product.

(3) Where the owner or the person in charge of the livestock cannot be traced or located for the purposes of issuing a notification under subsection (2), the veterinary officer shall subject to the approval by the Chief Veterinary Officer, destroy or dispose the livestock or livestock product.

(4) Where a livestock or a livestock product has been disposed under subsection (2) by the way of sale, the proceeds of such sale shall be paid to the owner of such livestock or livestock products subject to deductions that may be related to costs associated to such sale or disposal.

(5) Where a livestock or a livestock product has been disposed under subsection (3) by the way of sale, the proceeds of such sale shall be paid to the Fund responsible.

20. (1) Subject to the approval by the County Executive Committee, the Executive Member may request the Cabinet Secretary responsible for veterinary services to establish and declare an area to be a disease free area for the purposes of promoting attainment of national and international animal health standards and livestock product safety.

Disease free Area

(2) The Executive Member while implementing subsection (1) shall act wholly in compliance with the advice advanced by the Cabinet Secretary responsible for veterinary services to—

- (a) prescribe the measures to be adopted in maintaining and regulating an area as a disease free area in accordance with the national and international standards;
- (b) consult and collaborate with livestock owners in the area and the national government agencies responsible for livestock disease control and livestock product health;
- (c) facilitate livestock owners to comply with the prescribed measures under paragraph (a); and
- (d) allocate, subject to the approval by the county assembly such monies as may be required for the purposes of maintaining a disease free zone.

(3) A person who contravenes with the measures and regulations prescribed under subsection (2) (a) commits an offence and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.

21. (1) The Unit shall provide veterinary Services to livestock owners in preventing or controlling livestock diseases. Veterinary Services.

(2) The Unit may levy such user charges or fees for providing the veterinary services under this Act as may be prescribed.

(3) Where there is an outbreak of a notifiable disease, the Unit shall not levy any charges to livestock owners for providing veterinary services for the purposes of controlling the outbreak.

22. (1) The Executive Member shall establish a Center for Disease Control and Diagnostic Services for the purposes of implementing this Act. Centre for Disease Control and Diagnostic Services.

(2) The Executive Member shall follow wholly existing national veterinary guidelines, other relevant rules and regulations to—

- (a) establish partnership and collaboration with national or international diagnostic or laboratory service providers for the purposes of implementing this section;

- (b) establish the Center established under subsection (1) as a livestock disease research center; and
 - (c) facilitate the certification and accreditation of the Center by the relevant national certifying and accrediting Authorities and where appropriate by the relevant international certification and accrediting bodies.
- (3) The Center may levy such user charges or fees for providing diagnostic services as may be prescribed.

PART IV—ENFORCEMENT

23. (1) A veterinary officer appointed under this Act shall be an authorized officer for the purposes of enforcing this Act.

Veterinary Officers
as Authorized
Officers.

(2) The Executive Member shall issue a certificate of appointment to every person appointed as a veterinary officer for the purposes of enforcing this Act.

24. (1) A veterinary officer may —

Power of Veterinary
Officer.

- (a) at any reasonable time, enter and search or inspect any farm, premises, motor vehicle or any conveyance or carriage used for transporting livestock or livestock product for the purposes of implementing this Act;
 - (b) examine and take any specimen of any livestock or livestock product which the veterinary officer has reasonable grounds to believe that it may be infected with a notifiable disease;
 - (c) require the owner of a livestock or livestock product to provide any relevant information for the purposes of implementing this Act;
 - (d) carry out any tests and analysis on a specimen taken under paragraph (b) provided that such tests and analysis shall be conducted by a certified laboratory; and
 - (e) issue any directive as may be required under this Act.
- (2) The veterinary officer shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises or place described under subsection (1) (a), the certificate issued to the officer under section 23.

25. A person who obstructs or impedes or assists in obstructing or impeding officers appointed under this Act while executing any duty under this Act commits an offence and shall be liable to a fine of twenty thousand shillings or to an imprisonment for a term not exceeding one month.

Obstruction.

PART V—GENERAL PROVISIONS

26. (1) The Executive Member may generally initiate, Regulations to be made by the relevant organs of the national government for the better carrying out of the objects of this Act.

Regulations

(2) Notwithstanding the generality of subsection (1), the Executive Member may make Regulations—

- (a) prescribing matters related to the administration of the Fund;
- (b) prescribing the exercise of the powers of the chief veterinary officer;
- (c) prescribing the manner of destruction or disposal of infected livestock or livestock product;
- (d) prescribing the guidelines for controlling and managing the disease outbreak;
- (e) prescribing measures for maintaining or regulating a disease free area;
- (f) prescribing fees; and
- (g) prescribing the certificate of appointment.

SCHEDULE (S. 13)

Notifiable Diseases

1. Anthrax.
2. Atrophic rhinitis and scrapie.
3. Avian Encephalomyelitis (Epidemic Tremor).
4. Bacillary white diarrhea and pullorum disease.
5. Cattle plague (rinderpest).
6. Contagious bovine pleuro-pneumonia.
7. East Coast fever.

8. Epizootic ulcerative lymphangitis.
9. Farcy.
10. Foot-and-mouth disease.
11. Fowl pest.
12. Glanders.
13. Heartwater.
14. Lumpy skin disease.
15. Mange (scabies) in horses and mules.
16. Mucosal Disease Virus Diarrhoea Complex.
17. Paratuberculosis (Johne's disease).
18. Psittacosis or Ornithosis.
19. Rabies.
20. Scab.
21. Sheep-pox.
22. Surra.
23. Swine erysipelas.
24. Swine-fever.
25. Trypanosomiasis.
26. Tuberculosis.

MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill seeks to provide for the implementation of section 1 (d) of Part 2 of the Fourth Schedule to the Constitution on animal disease control.

Secondly, the Bill seeks to provide for a legal and a regulatory framework for the control of livestock diseases.

PART I of the Bill provides for the preliminary matters. It provides for the purpose of the Bill which includes protection of public health by preventing and controlling diseases transmissible from livestock to humans.

PART II of the Bill provides for administrative mechanisms. It provides for the establishment of the veterinary services unit which is charged with the responsibility of preventing, controlling and eradicating livestock diseases, surveillance of livestock diseases and providing laboratory and diagnostic services on livestock and livestock products among others. The Part also provides for the appointment and powers of the chief veterinary officer and other veterinary officers. It also provides for the establishment of the Livestock Disease Control Fund into which monies collectable for provision of veterinary and diagnostic services are paid and expended for the same purposes.

PART III of the Bill provides for disease control. It provides for notification of livestock diseases, the disease surveillance and control, declaration of disease free areas, restrictions in an area infected with a notifiable disease, disinfection of infected livestock, provision of veterinary services and establishment of the Center for Disease Control and Diagnostic services.

PART IV of the Bill provides for the enforcement of the Bill. It provides for the appointment of veterinary officers as authorized officers for the purposes of enforcing the Act.

PART V of the Bill provides for general provisions specifically the powers of the Executive Member to make Regulations.

Dated the 4th February, 2016.

PAUL LESHUEL,
Chairman, Agriculture, Environment and Natural Resources.

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