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TAITA TAVETA COUNTY BILLS, 2020

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CONTENT

Bill for Introduction into the County Assembly of Taita Taveta—

PAGE

The Taita Taveta County Abattoir Bill, 2020 1

THE TAITA TAVETA COUNTY ABATTOIRS BILL, 2020

ARRANGEMENT OF CLAUSES

Clause

PART I— PRELIMINARY

- 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**

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

PART III— REQUIREMENTS OF ABATTOIRS

- 20—Electricity.
- 21—Water supply.
- 22—Layout.
- 23—Equipment.

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- 24—Separate room for washing of internal organs.
 - 25—Cold storage.
 - 26—Stand by facilities.
 - 27—Steriliser.
 - 28—Provision of animal enclosures.
 - 29—Provision of transport.
 - 30—Provision of clothing.
 - 31—Personal hygiene.
 - 32—Cattle to be rested before slaughter.
 - 33—Slaughtering of pigs.
 - 34—Notification of slaughter.
 - 35—Inspection of animals.
 - 36—Use of container for viscera.
 - 37—Meat inspection.
 - 38—Destruction of unfit meat.
 - 39—Register of animals slaughtered.
 - 40—Notice to remedy defaults.
 - 41—Condemnation of soiled meat.
 - 42—Human diseases.
 - 43—Disposal of unclaimed animals.
 - 44—Dogs, etc. prohibited.
 - 45—Exclusion of children.
 - 46—Smoking prohibited.
 - 47—Alcohol prohibited.
 - 48—Restrictions of removal of animal.

PART IV— GENERAL PROVISIONS

- 49—Protection from personal liability.
- 50—General penalty and offences.
- 51—Regulations.

THE TAITA TAVETA COUNTY ABATTOIRS BILL, 2020

A Bill for

AN ACT of the County Assembly of Taita Taveta to provide for institutional framework for the establishment, operations and regulation of slaughterhouses within the county and for matters incidental thereto or connected purposes

ENACTED by the County Assembly of Taita Taveta, as follows—

PART I— PRELIMINARY

Short title

1. This Act may be cited as the Taita Taveta County Abattoirs Act, 2020.

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 agriculture following an application made to the director under section;

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

“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

Appointment of meat inspectors

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

(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.

Requirements for registration of an abattoir

4. (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 (2) and of sections 11 to 21 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 constructed as to be concave or convex to facilitate cleaning;
- (c) the roof shall be of semi-permanent or permanent material and there shall be no space between roof and walls;
- (d) the floors shall be 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 metres and then disposed of 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 colours 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 spaces shall also be rat-proof; and
- (i) entry for animals shall be regulated in such a way that no animal can enter the dressing area until it has been killed, washed and bled.

Abattoirs to be approved

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.

(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 every day during which the offence continues.

Exemptions

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

- (a) who is a small meat producer;
- (b) sells insufficient meat to permit their economic transportation to approved abattoirs; or
- ~~(c)~~ (c) 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 2 years or to both.

Obstruction of officer

6. 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.

Application for certificate of approval

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

(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 director.

Certificate of approval to relate to single abattoir

8. (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.

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

Director

9. (1) The director shall be responsible for 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.

(2) The director may, in writing, designate official veterinaries, meat inspectors and other officers to carry out any function under this Act.

(3) The director may require any person working in an abattoir to undergo a medical examination and furnish a valid medical certificate.

Duties of meat inspector

10. (1) 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.

(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 the veterinary officer.

PART III— REGISTRATION AND LICENSING OF MEAT EXPORT PROCESSING ESTABLISHMENTS.

Registration and licensing of meat export processing establishments

11. (1) Despite any other provisions of this Act, no person shall maintain or operate a meat export processing establishment unless it is registered and licensed in accordance with this Act.

(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 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 a license

12. (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 the prescribed fee.

(2) The director 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 director to be sufficient and inform the applicant in writing the reasons;

- (c) cancel, vary or suspend any licence if in the finding of the director, the licence is found to have contravened the Act or regulations made under the Act for the operation of the processing establishment.

Illegal manufacture, processing etc

13. (1) A person who—

- (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 million shillings, or to an imprisonment term not exceeding five 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, 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.

Issue of licences

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

(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 director 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.

Application for renewal of a licence

15. An application for the renewal of a licence under this Act shall be made to the director 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 director.

Conditions of a licence

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

(2) The director 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.

Revocation, alteration or suspension of licence

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

- (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.

Surrender of licence

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

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

Appeals

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

- (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.

PART IV— REQUIREMENTS OF ABATTOIRS

Lighting

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

Water supply

21. (1) Every approved abattoir must have water quantity. (2) Every approved abattoir shall include washing and dressing rooms with running water, with at least 1 sink, 1 shower and 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 and soap or detergent for the washing of hands together with a hose connection.

Layout

22. The layout of every approved abattoir shall be such 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 1 continuous operation without touching or contaminating each other.

Equipment

23. 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

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

Cold storage

25. (1) There shall be sufficient cold storage space provided on the premises of each approved abattoir for the maximum number of animals which can be slaughtered in 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 4°C or fall below 0°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

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

Steriliser

27. An approved abattoir shall be provided with a steriliser 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 sterilised daily at the end of operations by placing them in the said steriliser for at least 10 minutes.

Provision of animal enclosures

28. (1) An approved abattoir shall have an enclosure of sufficient size to accommodate the maximum number of animals that can be slaughtered

in 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 4 animals. The floors of such pens shall be of concrete.

Provision of transport

29. 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

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

Personal hygiene

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

Cattle to be rested before slaughter

32. (1) Cattle must be detained in an animal enclosure provided in accordance with section 20 for a minimum period of 24 hours before slaughter.

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

Slaughtering of pigs

33. Pigs and other animals may only be slaughtered on the same 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

34. 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

35. (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 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.

Use of container for viscera

36. (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.

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

Meat inspection

37. (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 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.

Destruction of unfit meat

38. 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 animals slaughtered

39. 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 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.

Notice to remedy defaults

40. (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.

(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 3 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:

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

(4) 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

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

(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.

Human diseases

42. (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.

(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 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 or 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.

Disposal of unclaimed animals, etc.

43. (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 such sale less the amount of any expenses incurred in respect of such animal.

Dogs, etc. prohibited

44. 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.

Exclusion of children

45. 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.

Smoking prohibited

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

Alcohol prohibited

47. A person commits an offence if—

- (a) enters;
- (b) remains in an abattoir while intoxicated; or
- (c) brings any alcohol into an abattoir.

Restrictions of removal of animal

48. 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.

PART V— GENERAL PROVISIONS

Protection from personal liability

49. 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.

General penalty and offences

50. 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

Regulations

51. The County Executive Committee Member may make regulations on any matter necessary for the carrying out of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The Taita Taveta Abattoirs Bill, 2020 has been designed to streamline the construction of Both Public and Private Abattoirs as well as ensure that the activities of Abattoirs within the County are regulated with an aim of ensuring that health security of Residents of the Taita Taveta, security of livestock slaughtered within Taita Taveta County as well as health of livestock within and outside Taita Taveta County is guaranteed.

The Bill, if passed into law is not going to cause expenditure of more resources in its implementation as it is meant to operate within the development plans of the County and is likely to attract revenue from licensing of abattoirs and efficiency of public abattoirs.

JUSTIN JUMA MWAMBA,
Chairperson, Agriculture and Livestock Committee.