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NAIROBI, 17th November, 2014

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THE MANDERA COUNTY ABBATOIRS ACT, 2013
No. 12 of 2014

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

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THE MANDERA COUNTY ABBATOIRS ACT, 2014

AN ACT of the County Assembly of Mandera to provide for the establishment and control of county abattoirs and for connected purposes

ENACTED by the County Assembly of Mandera as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Mandera County Abattoirs Act, 2014.

Short title

2. In this Act, 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 Livestock following an application made to the director under section;

“county executive” means the county executive committee member responsible for livestock and fisheries.

“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 camel species;

“meat inspector” means _veterinary officer, livestock health officer with meat inspection certificate and only where there are gaps qualified health inspectors appointed to inspect meat or products of animal origin by the county public service board under the provision of section of this Act;

“officer” includes director, veterinary officer or any authorized 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;

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“Veterinary officer” means a veterinarian employed in the service of the county government; and

“Director” means a Director appointed by the Public Service Board and responsible for matters related to livestock and fisheries.

PART II— ADMINISTRATION

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

Appointment
of meat
inspectors

(2) For purposes of sub-section (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 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.

Requirements
for
registration of
abattoir

(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.

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 sub-section (1) shall commits an offence and liable upon conviction to—

- (a) a fine not exceeding five hundred thousand shillings or to an imprisonment for a term not exceeding one year or both;
- (b) in the case of a subsequent offence, to a fine of five thousand shillings every day during which the offence continues.

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

Exemptions.

- (a) who is a small meat producer; or
- (b) Sells insufficient meat to permit their economic transportation to approved abattoirs.

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- (2) A person granted an exemption under sub-section (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 sub-section (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.

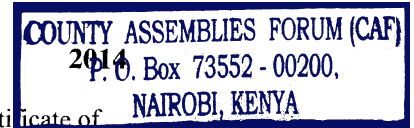
7. A person who willfully disobeys or obstructs or hinders or knowingly makes any false or misleading statements either orally or in writing to an officer engaged in carrying out his duties or functions under this Act or regulations commits an offence

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 (two) copies to the director.



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) The director shall be responsible for—

Director

- (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 may require any person working in an abattoir to undergo a medical examination and furnish a valid medical certificate.

11. (1) The meat inspector shall brand or stamp with the official roller 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.

Duties of meat
inspector

(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 roller 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 director, according to the standards prescribed by the veterinary officer.

PART III— REGISTRATION AND LICENSING OF MEAT EXPORT PROCESSING ESTABLISHMENTS

12. (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.

Registration and
licensing of meat
export processing
establishments

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(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.

13. (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.

Application
for a license

(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.

14. (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,

Illegal
manufacture
and
processing

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.

15. (1) The director shall issue licenses to applicants subject to such lawful conditions as the director may determine. Issue of license

(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, as prescribed by the county assembly.

(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.

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(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 up to 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 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

Application
for renewal of
a licence

17. (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.

Conditions of
a licence

(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 license.

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

Revocation,
alteration or
suspension of
license

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

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

Surrender of
license

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

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

Appeals

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

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

Lighting

21. (1) Every approved abattoir must have water quantity.

Water supply

(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.

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

Layout

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

Equipment

- (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.

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

Separate room
for washing of
internal
organs
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 a day.

(2) The temperature envisioned in sub-section (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.

- 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

Stand-by
facilities

- 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

Steriliser

- 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
transport

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

Provision of
clothing

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

Personal
hygiene

- 33.** (1) Cattle must be detained in an animal enclosure provided in accordance with section 29 for a minimum period of 24 hours before slaughter.

Cattle to be
rested 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

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.

Notification of
slaughter

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

Inspection of
animals

(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.

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.

Use of
container for
viscera.

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

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

Meat
inspection.

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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 (34).

(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.

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 and the destruction of condemned carcass shall be carried out under supervision of an inspector.

Destruction of
unfit meat

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—

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
- other relevant particulars of the animal.

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

Notice to
remedy
defaults

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.

(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 county 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 with the provisions of this Act.

41. (1) All meat, fat or offal which becomes 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 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 diseased or injured part.

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.

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

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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.

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.

Disposal of
unclaimed
animals

(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

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.

Dog, cat and
bird
prohibited

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.

Exclusion of
children

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

Smoking
prohibited

47. A person commits an offence if—

Alcohol
prohibited

(a) enters;

(b) remains in an abattoir while intoxicated; or

(c) brings any alcohol into an abattoir.

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.

Restrictions of
removal of
animal

PART V— GENERAL PROVISIONS

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.

Protection
from personal
liability

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

General
penalty and
offences

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

Regulations