

SPECIAL ISSUE

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REPUBLIC OF KENYA

**TRANS NZOIA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

NAIROBI, 5th April, 2016

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**THE TRANS NZOIA COUNTY ANIMAL DISEASE
CONTROL BILL, 2016**

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**THE TRANS NZOIA COUNTY ANIMAL DISEASE
CONTROL BILL, 2016**

A Bill for

**AN ACT of the County Assembly of Trans Nzoia to
provide for the prevention and control of diseases
affecting animals**

ENACTED by the County Assembly of Trans Nzoia as
follows—

PART I—PRELIMINARY

1. This Bill may be cited as the Trans Nzoia County
Animal Disease Control Bill, 2016

Short title

2. In this Bill, unless the context otherwise requires—

Interpretation

“animal” includes all stock, ruminating animals, dogs,
cats, rabbits, captive wild animals and any other animal
which the County Executive Member may, by notice in the
Gazette, declare to be an animal to which this Bill shall
apply;

“auctioneer” means any person who conducts an
auction by announcing the lots and controlling the bidding
at a livestock sale yard;

‘birds’ includes all fowl, poultry, turkey, chicken,
geese, ducks, guinea-fowl, pea-fowl, pigeons, pheasants,
parrots, ostriches and all captive wild birds, and the eggs of
all such birds;

“cattle” includes bulls, cows, oxen, heifers and calves;

“contagious” means communicable by close contact or
inoculation;

“dipping” means the complete immersion of cattle in a
dip tank containing effective tick-destroying agent;

“director” means the county director of veterinary
services;

“diseased” means infected with an infectious or
contagious disease;

“executive member” means executive member for the
time being responsible for veterinary services;

“farmer” means a person—

- (a) who is principally occupied in producing agricultural products on a farm that is adequate in all respects for the feeding and keeping of the number of livestock on it at any time, and
- (b) whose transactions in livestock are restricted to those that arise solely from the person's occupation described in paragraph (a);

“flayer” means a person licenced to remove a hide or skin from a slaughtered livestock;

“game” means game animal or game bird as defined in this Bill as that which is being raised for agricultural purposes under a license issued under that Act;

“hide” means the outer covering of a mature or fully grown cattle, camel, horse, donkey and other large wild animals;

“hide/skin dealer” means a person who buys or sells hides/skins or possesses hides/skins for sale;

“infectious” means communicable in any manner;

“infectious or contagious disease” includes contagious caprine pleuro-pneumonia, contagious bovine pleuro-pneumonia, east cost fever, foot and mouth disease, tuberculosis, brucellosis, swine plague, caseous lymphadenitis, equine encephalomyelitis, foot rot in sheep, distemper in canines and any disease or endoparasite or ectoparasite that the Executive Member declares to be an infectious or contagious disease for the purpose of this Bill but in line with national and international treaties;

“livestock” means all domestic animals including cattle, goats, sheep, pigs, donkeys, rabbits, camels, horses and poultry and includes other animals designated by the regulations as livestock for the purposes of all or part of this Bill;

“livestock dealer” includes a person who, whether on the person's own behalf or as agent for another, and whether on a commission basis or otherwise—

- (a) buys or offers to buy livestock, or
- (b) sells or offers to sell, or possesses for sale any livestock or livestock carcasses or portions;

“meat” means the whole or part of a carcass of livestock but does not include the hide;

“operator” means a person, group of persons or organization engaged in the business of operating public sales;

“public sale” means a sale or offering for sale of livestock at

(a) a public sale yard, or

(b) another place designated by the Executive Member;

“public sale yard” means a place of business where livestock are sold, offered for sale or kept for sale;

‘skin’ means the outer covering of sheep, camel, donkey, goat, pig, rabbit, cattle;

“slaughter” means the killing of livestock for any purpose and includes the butchering and dressing of a carcass;

“slaughterhouse” means a building or place where livestock are slaughtered or held for slaughter,

3. The object and purpose of this Bill is to prevent the introduction, spread and control of infectious and contagious diseases among animals, hatcheries and birds in Trans Nzoia County.

Object and Purpose
of the Bill

PART II—ADMINISTRATION

4. The County Public Service Board may appoint a qualified county veterinarian and such other officers as may be necessary for implementation of this Bill.

County Veterinarian.

5. (1) There may be appointed qualified county animal disease inspectors and such other officers as may be necessary for implementation of this Bill.

Appointment of
animal disease
inspectors.

(2) The executive member may designate persons as inspectors for the purposes of this Bill.

(3) Every livestock officer or veterinary officer shall be an inspector for the purposes of this Bill

(4) A designation under subsection (2) may be in general terms or for a particular case or time.

6. (1) An inspector in the performance of a duty may

Function and powers
of animal inspectors

- (a) enter into any land, structure, premises, vehicle or vessel holding or ferrying animals;
- (b) inspect any animal and subject it to any test for any disease;
- (c) order any animals to be collected, detained or isolated; and
- (d) perform any other function or exercise such other power as may be conferred under this Bill or other law.

7. (1) A person in possession or in charge of an animal that appears to be diseased shall —

Notice and
Precautions

- (a) promptly notify the nearest inspector;
- (b) not dispose of the animal; and
- (c) avoid presenting the animal for dipping at a communal dip or watering at a communal watering point.
- (d) keep the animal separate from other animals not diseased until an inspector determines that the animal is free from any communicable disease.

(2) On receipt of a notice under subsection (1) (a), an inspector shall promptly inspect the animal, and if the disease appears to exist, the inspector shall give the person in possession or in charge of the animal the necessary instructions.

8. (1) If it appears to an inspector that an animal is diseased, the inspector—

Inspector to notify
owner

- (a) shall at once notify the owner or person in charge of the animal; and
- (b) may order that the owner or person keep the animal safely in quarantine where it will not be brought into contact with or be in danger of transmitting the disease to other animals until the case is fully disposed of under this Bill, or for periods as may be authorized by regulation.

(2) Subsection (1) (b) does not apply if the owner of

the diseased animal consents in writing to the destruction of the diseased animal, in which event the inspector shall cause the diseased animal to be destroyed at once.

(3) If it appears to the inspector that there is danger of the disease being transmitted through other animals on the farm or other place where the diseased animal is found or kept, the inspector may quarantine the farm or other place for a period and subject to any conditions authorized by regulation or until the disease is managed.

9. (1) After the owner or person in charge of an animal has received notice from an inspector that the animal is diseased or has been subject to contagion or infection, the owner or person shall not, without written permission signed by an inspector—

Diseased animals to
be kept apart by
owner

- (a) permit or cause the animal to be turned out, transported, driven or led through or kept in a place where it may be brought into contact with or be in danger of transmitting disease to other animals; or
- (b) dispose of it.

(2) Despite subsection (1), the permission of the inspector may be given by sending it by electronic means to an address provided by the owner or person.

10. (1) An inspector may at once seize and detain a diseased animal and until notice is given to the owner, cause the animal to be kept at the expense of the owner in a place where it will not be brought into contact with or be in danger of transmitting the disease to other animals.

Quarantine

(2) Where an inspector has reason to believe that an infectious or contagious disease exists on farms in a sub-county, he shall forthwith notify adjoining farms, sub-counties and neighbouring counties and the director of the suspected outbreak and impose quarantine measures which are to be complied with the infected areas with an aim of preventing the disease spread to other animals elsewhere.

11. All livestock owners are prohibited from grazing alongside roads and keeping livestock in urban centers as a disease prevention measure.

Prohibition of
roadside grazing

12. On application by the livestock keeper to the director, the veterinary inspector may exempt the

Exemption from
livestock keeping

prohibition under section 11 at his discretion after examination of the stock keeping facility.

13. (1) All cattle will routinely be vaccinated against foot and mouth disease and lumpy skin disease by a vaccine approved the director of veterinary services and immunity shall be maintained by repeated vaccinations.

Livestock
vaccination

(2) All cattle, sheep and goats shall be vaccinated against rift valley fever and anthrax upon anticipation or suspicion of an outbreak.

(3) All livestock owners shall be responsible for bearing the cost of immunizing their livestock

14. Land, water and premises where disease (foot and mouth disease, anthrax, rift valley fever, Newcastle and gumboro) exists shall be thoroughly cleansed and disinfected and alterations shall be made as ordered by the inspector, by and at the expense of the owner or occupier, in a manner satisfactory to the inspector, subject to an appeal to the executive member.

Premises to be
disinfected

15. (1) If an owner or person in charge of an animal knows that the animal has been kept in the same stable, pasture or other place with a diseased animal or otherwise exposed to an infectious or contagious disease, the owner or person shall not turn out, lead, drive or transport the animal or permit the animal to be turned out, led, driven or transported in, on or through a place, road or highway without first notifying and obtaining written permission (movement permit) from an inspector.

Permission to move
animal exposed to
disease

16. 1) All cattle shall be kept clean from tick infestation by spraying or submersion in a dip tank containing an effective tick destroying agent or by hand dressing. The cost shall be borne by the owner.

Cattle cleansing

17. (1) A person who suspects that an animal is infected with tuberculosis or brucellosis shall immediately report to the nearest inspector for appropriate action.

Duty to report
tuberculosis or
brucellosis

(2) The inspector shall ensure that samples are collected and promptly forwarded to the laboratory for confirmatory diagnosis.

18. Animals before being subjected to a tuberculin test or to a brucellosis test shall be suitably ear tagged or

Identification tags

identified to the satisfaction of an inspector.

19. The owner or person in charge of an animal that has been subjected to a test for brucellosis or tuberculosis and designated by an inspector for retest shall isolate the animal as directed by the inspector.

Retest

20. (1) Milk or meat from an animal isolated under section 10 shall not be sold for human consumption in accordance with the Public Health Act.

Prohibition of milk
or meat of isolated or
quarantined animal
Cap 242

(2) A person shall not sell, or offer for sale, milk from an animal in quarantine in accordance with the Public Health Act.

PART III—GENERAL

21. (1) Unless the person is licensed under this Bill to do so and is bonded if required under the regulations, a person shall not carry on business as—

Licenses required

- (a) an auctioneer;
- (b) a hide/skin dealer;
- (c) a livestock dealer; or
- (d) an operator.

(2) A person shall not maintain or operate a public sale yard unless licensed under this Bill to do so and bonded if required under the regulations.

(3) A person shall not slaughter livestock for food for animals or for human consumption unless the person is licensed under this Bill to operate a slaughterhouse and is bonded if required under the regulations.

22. (1) A person who—

Offence and penalty

- (a) refuses entry to an inspector authorized under section 6, or impedes or obstructs an inspector in the performance of the inspector's duty under this Bill;
- (b) breaks, or causes to be broken, a quarantine or isolation imposed under this Bill; or
- (c) fails to present livestock for vaccination
- (d) carries out roadside grazing, keeps livestock in urban centers or fails to control cattle ticks infestation,

- (e) fails to comply with this Bill or a regulation or a lawful order of an inspector,

commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a penalty not exceeding two hundred and fifty thousand shillings or both.

- (2) A person who—

- (a) slaughters livestock, without a license to operate a slaughterhouse or slaughters for sale livestock in a place other than a slaughterhouse;
- (b) maintains or operates a public sale yard without a license under this Bill;
- (c) carries on business as an auctioneer, a hide/skin dealer, a livestock dealer or an operator, without a license; or
- (d) removes the hide or skin from livestock, unless the person is the owner or a person authorized by the owner or is a licensed flayer or an inspector.

commits an offence and on conviction shall be liable to imprisonment for a period not exceeding two years or to a fine not exceeding five hundred thousand or both.

(3) If a person has been convicted of the offence of impeding or obstructing an inspector in making a test under this Bill, the Court may, in addition to any other penalty, direct that the person immediately produce the animal for testing by an inspector at the place the court directs.

(4) On proof to its satisfaction that the animal has shown a positive reaction to a brucellosis test, the court may order, in addition to any other penalty, that the animal be disposed of for immediate slaughter as directed by an inspector, in which case no compensation is payable to the owner of the animal.

(5) If a person fails to comply with a direction of the court, the person is liable as for a second offence under this section and punishable accordingly for contempt of court.

23. (1) A license may be suspended or cancelled, or its renewal refused, if the licensee—

- (a) knowingly gave false information on an application for the license; or

Suspension,
cancellation or
refusal
to renew licenses.

- (b) contravened this Bill or the regulations, or a term or condition of the license.

(2) Notice of the suspension or cancellation of a license shall be served personally on the licensee or sent by registered mail to the licensee's last known address.

(3) A notice sent by registered mail to the licensee's last known address is conclusively deemed to be served on the person to whom it is addressed on

- (a) the 14th day after the notice was deposited with the post office; or
- (b) the date on which the notice was actually received by the person, whether by mail or otherwise, whichever is earlier.

(4) A suspension or cancellation of a license, or a refusal to grant or renew a license, may be appealed in the manner and within the time established under the regulations and, on appeal, the appellate body established under the regulations may

- (a) make an order confirming, reversing or varying the order, decision or determination under appeal;
- (b) refer the matter back with or without directions to the body that made the order, decision or determination under appeal; or
- (c) make another order it considers appropriate in the circumstances.

24. The executive member may request a report from the county director of veterinary service on

- (a) Suspected outbreak of a disease;
- (b) The source of outbreak and the extent of spread; or
- (c) Necessary measures including quarantine and vaccination to be taken to suppress the spread and control of the disease.

County Executive

Member to inquire
into alleged outbreak
of disease

25. A certificate to be signed by an inspector stating

- (a) that an animal is diseased; or
- (b) the facts or the result of a test for disease or vaccination or other treatment of an animal, is for the purposes of this Bill, proof of the matter

Certificate of
inspector

as evidence

certified, in the absence of evidence to the contrary at a hearing or before a court, without proof of the inspector's signature or appointment.

26. A person who injects any substance into an animal for the purpose of preventing reaction to the application of a test for disease, for each animal so treated, commits an offence under this Bill and is liable for a fine not exceeding fifty thousand shillings or a minimum of six months imprisonment or both.

Offence to inject
tuberculin to prevent
reaction

27. (1) The executive member may make regulations—

Power to make
Regulations.

- (a) prescribing the manner in which any animal which is required to be isolated under this Bill shall be isolated and cared for and treated in isolation;
- (b) prescribing the manner in which any infectious or contaminated animal shall be cared for, treated, disinfected, destroyed or disposed; and
- (c) prescribing any matter which is required or permitted to be prescribed in terms of this Bill.

FIRST SCHEDULE—DISEASES OF ANIMAL

1. Actinobacillosis
2. Actinomycosis
3. African Swine Fever
4. African Horse Sickness
5. Anaplasmosis
6. Anthrax
7. Aujeszky's Disease
8. Avian Encephalomyelitis
9. Avian Infectious Bronchitis
10. Avian Leucoses Complex
11. Avian Infectious Laryngotracheitis
12. Babesiosis
13. Black Quarter
14. Blue Tongue
15. Botulism
16. Bovine Malignant Catarrh
17. Brucellosis (Bovine, Ovine, Caprine and Porcine)
18. Canine Distemper
19. Caseous Lymphadenitis
20. Contagious agalactia
21. Contagious Bovine Pleuropneumonia
22. Coccidiosis
23. Contagious Pustular Dermatitis
24. Contagious Caprine Pleuropneumonia
25. Contagious Epivaginitis
26. Contagious Ophthalmia
27. Chronic Respiratory Disease
28. Cysticercosis (Bovine and Porcine)

29. Dourine
30. Duck Plague (Duck Virus Enteritis)
31. Duck Virus Hepatitis
32. East Coast Fever
33. Echinococcosis
34. Enterotoxaemia
35. Enzootic Abortion of Sheep
36. Enzootic Pneumonias of Pigs
37. Equine Encephalomyelitis
38. Fascioliasis
39. Equine Infectious Anemia
40. Farcy (Bovine)
41. Foot and Mouth Disease
42. Foot Rot
43. Fowl Cholera
44. Fowl Plague
45. Fowl Typhoid
46. Glanders
47. Gumboro Disease
48. Hemorrhagic Septicemia
49. Heart Water
50. Hog Cholera
51. Infectious Bovine Rhinotracheitis
52. Infectious Coryza
53. Influenza and Para-influenza of Animals
54. Johne's disease
55. Lumpy Skin Disease
56. Lymphangitis (Ulcerative and Epizootic)
57. Marek's Disease

58. Melioidosis
59. Mucosal Disease Complex (Bovine Virus Diarrhea)
60. Myxomatosis
61. Nairobi Sheep Disease
62. Newcastle Disease
63. Peste Des Petits Ruminant of Sheep and Goat
64. Pox Disease of all Species of Animals
65. Psittacosis and Ornithosis
66. Q-fever
67. Rabies
68. Rift Valley Fever
69. Rinderpest
70. Salmonella Infections (*S. abortus equi*, *S. abortus ovis* and *S. pullorum*)
71. Scrapie
72. Strangles
73. Streptothricosis
74. Swine Erysipelas
75. Swine Vibrionic Dysentery
76. Teschen Disease
77. Trichinosis
78. Trichomonas Foecus Infection
79. Tuberculosis (Bovine and Avian)
80. Vesicular Stomatitis.

SECOND SCHEDULE

Veterinary Movement Loading Permit Permission is hereby granted to-

Mr/Mrs/Miss.....

Address.....

to load for transporting trade animals as per the details given below-

Trade animal licence (Annual/Temp.) No

Rail wagon No.

Motor vehicle No

Ocean vessel

Aircraft ft. No.

A

From..... To

Route to be followed.....

Date of start of journey

Date of issue:

Official stamp:

.....

Signature Authorised Officer

Signature

MEMORANDUM OF OBJECTS AND REASONS

Firstly this Bill aims at providing a framework for implementing Part 2 of the Fourth Schedule of the Constitution on matters related to animal disease control in Trans Nzoia County. The main aim being to provide for matters relating to disease of animals within the County.

Dated the 24th February, 2016

HON. JOHN LIKOVELE,
Chairperson,
Agriculture, Environment and Natural Resources Committee.

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