

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 7 (Trans Nzoia County Bills No. 4)*



REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**TRANS NZOIA COUNTY BILLS, 2018**

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**NAIROBI, 23rd November, 2018**

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P. O. Box 73552 - 00200,  
NAIROBI, KENYA

**THE TRANS NZOIA COUNTY ANIMAL DISEASE CONTROL  
BILL, 2018**

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# THE TRANS NZOIA ANIMAL DISEASE CONTROL BILL 2018

## A Bill for

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

**ENACTED** by the County Assembly of Trans Nzoia as  
follows—

### PART I—PRELIMINARY

1. This Act may be cited as the Trans Nzoia County  
Animal Disease Control Act, 2018. Short title

2. In this Act, 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 Act shall apply;

“auctioneer” means a person who acts as an auctioneer at a sale of livestock by auction at a public sale yard or another place;

“birds” includes all fowl, turkeys, 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;

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

“county public service board” means the Trans Nzoia County Public Service Board;

“contagious” means communicable by close contact or inoculation;

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

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

“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 Act 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 caprinepleuro-pneumonia, contagious bovine pleuro-pneumonia, east coast 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 County Executive Member declares to be an infectious or contagious disease for the purpose of this Act 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 Act;

“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 County Executive Committee 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, goat, pig, rabbit;

“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 of this Act is to prevent the introduction and spread of infectious and contagious diseases among animals, hatcheries and poultry in Trans Nzoia County.

Object

## 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 Act.

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 Act.

Appointment of animal disease inspectors.

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

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

(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;
- (c) avoid presenting the animal for dipping at a communal dip or watering at a communal watering point; and
- (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 Act, 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 (foot and mouth disease, lumpy skin disease and anthrax) exists on farms in a sub-county, he shall forthwith notify the adjoining farms, sub-counties and neighbouring counties and the county director of veterinary services of the suspected outbreak and impose quarantine measures which are to be complied with in the infected areas with an aim of preventing the disease spread to other animals and sub-counties

11. All livestock owners are restricted from grazing

Prohibition of roadside grazing and



alongside roads and keeping livestock (cattle, camels, sheep, goats donkeys, horses,) in urban centers as a disease prevention measure

urban livestock  
keeping

12. On application by the livestock keeper to the county director of veterinary services, the veterinary inspector may exempt the prohibition under rule 11 at his discretion after examination of the stock keeping facilities.

Exemption from  
urban livestock  
keeping

13. All pig producers shall apply for a license and such a license shall be accompanied by a fee. Upon receiving application, an inspector shall inspect the premises in which the applicant proposes to keep the pig. The premises should be pig proof building or buttock. All pigs should be confined and not allowed to roam.

Pig production

14. (1) All cattle will routinely be vaccinated against foot and mouth disease and lumpy skin disease by a vaccine approved by 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 suspicion of an outbreak.

(3) All livestock (cattle, sheep and goats) owners shall be responsible for bearing the cost of immunizing their livestock.

15. 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 county executive committee member.

Premises to be  
disinfected

16. (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 obtaining written permission (movement permit) from an inspector.

Permission to move  
animal exposed to  
disease

17. (1) All cattle shall be kept clean from tick

Cattle cleansing

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.

**18.** (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.

**19.** Animals before being subjected to a tuberculin test or to a brucellosis test shall be suitably ear tagged or identified to the satisfaction of an inspector.

Identification tags

**20.** 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

**21.** (1) Milk from an animal isolated under section 17 shall not be sold for human consumption in accordance with the Public Health Act (Cap 242).

Prohibition of  
milk/meat  
consumption from  
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 Public Health Act (Cap 242).

### PART III—GENERAL

**22.** (1) Unless the person is licensed under this Act 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 Act 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.

**23. (1) A person who—**

- (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 Act;
- (b) breaks, or causes to be broken, a quarantine or isolation imposed under this Bill;
- (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) keeps pigs without a license or continues to keep pigs after his/her license has been revoked by the County Director of Veterinary services; or
- (f) 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) slaughters livestock intended for public consumption without presenting the animals/carcass for inspection by a qualified meat inspector;
- (c) maintains or operates a public sale yard without a license under this Act;
- (d) carries on business as an auctioneer, a hide/skin dealer, a livestock dealer or an operator, without a license; or
- (e) 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.
- (f) 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 Act, 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.

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

Suspension,  
cancellation or refusal  
to renew licenses.

- (a) knowingly gave false information on an application for the license; or
- (b) contravened this Act 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.

**25.** The county executive committee member may request a report from the county director of veterinary service on—

County Executive  
Committee  
Member to inquire  
into alleged outbreak  
of disease

- (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.

**26.** A certificate purporting to be signed by an inspector stating—

Certificate of  
inspector as evidence

- (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,
- (c) is for the purposes of this Act, proof of the matter 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.

**27.** 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 Act.

Offence to inject  
tuberculin to prevent  
reaction

**FIRST SCHEDULE—DISEASES OF ANIMALS**

1. Actinomycosis
2. African horse sickness
3. African swine fever
4. Avian mycoplasmosis (*M. gallisepticum*)
5. Anthrax
6. Aujeszky's disease
7. Avian chlamydiosis
8. Avian encephalomyelitis
9. Avian infectious bronchitis
10. Avian infectious laryngotracheitis
11. Avian leukosis
12. Avian salmonellosis (excluding B308 and B313)
13. Avian spirochaetosis
14. Avian tuberculosis
15. Benign theileriosis (*T. mutans*)
16. Black quarter
17. Bluetongue
18. Botulism
19. Bovine anaplasmosis
20. Bovine babesiosis
21. Bovine brucellosis
22. Bovine cysticercosis
23. Bovine genital campylobacteriosis
24. Bovine spongiform encephalopathy
25. Bovine tuberculosis
26. Canine distemper
27. Caprine and ovine brucellosis (excluding *B. ovis*)
28. Caprine arthritis/encephalitis
29. Caseous lymphadenitis
30. Coccidiosis
31. Contagious agalactia
32. Contagious bovine pleuropneumonia
33. Contagious caprine. pleuropneumonia
34. Contagious equine metritis
35. Contagious ophthalmia

36. Contagious pustular dermatitis
37. Corridor disease (T.p. lawrencei)
38. Dermatophilosis
39. Distomatosis (Liver Fluke)
40. Duck virus enteritis
41. Duck virus hepatitis
42. East Coast fever
43. Echinococcosis/hydatidosis
44. Enterotoxaemia
45. Enterovirus encephalomyelitis
46. Enzootic abortion of ewes (ovine chlamydiosis)
47. Enzootic bovine leukosis
48. Epizootic lymphangitis
49. Equine infectious anaemia
50. Equine influenza
51. Equine piroplasmosis
52. Equine rhinopneumonitis
53. Equine viral arteritis
54. Filariasis
55. Foot and mouth disease
56. Footrot
57. Fowl cholera
58. Fowl pox
59. Fowl typhoid
60. Glanders)
61. Goat mange
62. Haemorrhagic septicaemia
63. Highly pathogenic avian influenza
64. Horse mange
65. Horse pox
66. Heartwater)
67. Infectious bovine rhinotracheitis / infectious pus
68. Infectious bursal disease (Gumboro disease)
69. Infectious coryza
70. Leishmaniosis
71. Leptospirosis

72. Listeriosis
73. Lumpy skin disease
74. Maedi-visna
75. Malignant catarrhal fever
76. Marek's disease
77. Mastitis
78. Mucosal Disease/Bovine Virus Diarrhoea
79. Newcastle disease
80. Ovine pulmonary adenomatosis
81. Paratuberculosis
82. Peste des petits ruminants
83. Q- fever
84. Rabies
85. Rift Valley fever
86. Rinderpest
87. Salmonellosis ( *S. abortusequi*, *S. arbutus*
88. Scrapie
89. Sheep pox and goat pox
90. Strangles
91. streptothricosis
92. Swine erysipelas
93. Swine vesicular disease
94. Toxoplasmosis
95. Trichinellosis
96. Trichomonosis
97. Trypanosomosis (tsetse-transmitted)
98. Vesicular stomatitis



## SECOND SCHEDULE

### NO OBJECTION FOR MOVEMENT OF LIVESTOCK.

There is No Objection to Dr. /Mr. /Mrs. /Ms. ....

Identity card No. / License No. .... Address .....

Moving (No.) ..... heads of ..... from  
.....in the county of .....to  
.....in Trans Nzoia County provided that the  
following conditions are fulfilled.

1. The animal(s) is/are free from infectious and/or contagious disease(s)  
and that no Quarantine is in force upon the farm/area of origin.
2. The animals are rendered tick free before movement.
3. The animal(s) should be vaccinated against the following diseases:
  - i. FMD Type "A", "O", SAT I& SAT II not less than 21 days  
before movement.
  - ii. Lumpy Skin Disease.
  - iii. BQ/Anthrax.
  - iv. ....
  - v. ....
  - vi. ....
4. The movement complies with the appropriate DVS circular  
governing livestock movement.
5. The animals are accompanied by a valid movement permit.
6. Animals are by .....
7. Purpose of movement .....

#### NOTE:

This No. Objection is valid from \_\_\_\_\_ to \_\_\_\_\_

Movement should be between 6:00a.m to 6:00p.m.

This is not a movement permit and is subject to cancellation should a  
disease situation warrant it

**VETERINARY MOVEMENT PERMIT**  
**PERMIT TO MOVE CATTLE/ SHEEP/ GOAT/ PIGS**

**CHETI CHA KUSAFIRISHA**  
**NG'OMBE/KONDOO//MBUZI/NGURUWE**

*This permit is issued subject to cancellation*

*Cheti hiki kimepeanwa na kinawezakufutiliwa mbali*

Permission is hereby given to

Ruhusaimpeanwakwa.....

To move ..... heads of  
 Kuhamisha .....kundi la.....

From ..... in the District of  
 Kutoka.....Wilayamwa.....

to ..... in the District of  
 mpaka.....ndaniyaWilayaya.....

This permit is valid ..... days  
 Chetihikikinatumikakwasiku.....

Routes  
 Njia.....

Special condition  
 Mashartimaalum.....

Date  
 Tarehe .....

Signature.....

Designation.....

Station.....

MR NO.....Date.....

**GPK(LP)5183-100m-12/2014**

## CERTIFICATE OF TRANSPORT

Issued in accordance with regulation 8 of Meat control(Transport of meat)  
Regulations

Permission is hereby granted to transport the meat described below:-

.....  
.....  
.....

From.....to.....

Owner of the meat.....of .....

No. of carriers' permit.....Registration No. of the carrier.....

Name of the person responsible for consigning meat.....

Name of driver.....

Name of attendants.....

Date and time of departure.....

Official stamp

Fee Khs.....

1. (1) The county executive committee member may make  
regulations—

- (a) prescribing the manner in which any animal which is required to be isolated under this Act 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 Act.

**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 prevention of the introduction and spread of animal diseases in the county.

PART II of the Bill provides for administrative mechanisms. It provides for the establishment of the county veterinarian as well as other officers charged with the responsibility of preventing, controlling and eradicating livestock diseases and surveillance of livestock diseases. It further provides for functions and powers of animal inspectors, quarantine of diseased animals as well as prohibition of road side grazing and exemptions on urban livestock keeping. It also provides for livestock vaccination, permission to move animals, cattle cleansing, disinfection of premises and prohibition of consumption of milk or meat consumption from isolated or quarantined animals.

PART III of the Bill provides for general provisions. It deals with licensing, offences prescribed, penalties, inquiry by the County Executive Committee Member as to alleged outbreaks of animal diseases. It further provides for certificates of inspection and finally provides for general provisions specifically the powers of the Executive Member to make Regulations.

**ELKANA KAGUNDA,**  
*Chairperson Agriculture Committee.*