

SPECIAL ISSUE

Kenya Gazette Supplement No. 6 (Nyamira County Bills No. 4)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NYAMIRA COUNTY BILLS, 2023

NAIROBI, 13th June 2023

CONTENT

Bill for Introduction into the County Assembly of Nyamira—

PAGE

The Nyamira County Livestock Bill, 2023 1

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the development and regulation of livestock and livestock products, research and capacity building in the livestock sector and the establishment of livestock agencies.

Part I of the Bill deals with preliminary provisions including the short title, interpretation of the main terms used in the Bill, the application and objects of the Bill. It also provides for the roles of county government in the livestock sector.

Part II of the Bill provides for the establishment animal feeding including the registration and licensing of livestock breeders, designation of recording regions, registration of breeding animals, the rights of animal breeders, the Attachment of identification code on animals, the Offences relating to animal identification, Import and export of animals and genetic material, licensing of Reproductive and Genetics Technology Service Centers and regulations on breeding.

Part III of the Bill provides for the establishment animal food stuff that will primarily focus on Restrictions on importation, manufacture and sale of animal foodstuff, Licensing of animal feed manufacturers, labeling of animal feeds, Deleterious ingredients and Regulations on animal foodstuff

Part IV of the Bill provides for the establishment of the bee keeping and bee products that stipulates the registrations of beekeepers, restrictions on setting up hives, the Hives to be of the prescribed type, the Branding of hives, Disposal of bees, honeycombs, hives etc and the Importation of bees.

Part V of the Bill provides for the establishment of Miscellaneous provisions including the General penalty and Regulations.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 6th June, 2023.

JOSIAH MANG'ERA,
Chairperson, Committee on Agriculture Livestock Fisheries.

- (j) the powers and duties of compliance officers of the livestock Development Officers and other persons appointed to exercise powers and perform duties under the livestock sector;
- (m) imposition of levies, fees or charges for purposes of this Act;
- (n) the licensing of animal feeds service providers;
- (o) mechanisms for coordination of the livestock sector between national and county governments;
- (p) the forms of application, and of licenses, marks, registers and all documents to be used for the purpose of this Act;
- (q) the examination, inspection, analysis and testing of livestock products, inputs, equipment and how the samples of such products or inputs may be taken.

THE NYAMIRA COUNTY LIVESTOCK BILL, 2023

ARRANGEMENT OF CLAUSES

PART 1 — PRELIMINARY

- 1—Short title
- 2—Interpretation
- 3—Objects of this Act
- 4—Guiding principles
- 5—Application
- 6—Roles of the national government in the livestock sector.
- 7—Roles of county governments

PART II—ANIMAL BREEDING

- 8—Registration and licensing of livestock breeders.
- 9—Designation of recording regions.
- 10—Registration of breeding animals.
- 11—Rights of animal breeders.
- 12—Attachment of identification code on animals
- 13—Offences relating to animal identification.
- 14—Import and export of animals and genetic material.
- 15—Licensing of Reproductive and Genetics Technology Service Centers.
- 16—Regulations on breeding.

PART III—ANIMAL FOODSTUFF

- 17—Restrictions on importation, manufacture and sale of animal foodstuff.
- 18—Licensing of animal feed manufacturers.
- 19—Labeling of animal feeds.
- 20—Deleterious ingredients.
- 21—Regulations on animal foodstuff

PART IV—BEEKEEPING AND BEE PRODUCTS

- 22—Registrations of beekeepers.
- 23—Restrictions on setting up hives.
- 24—Hives to be of the prescribed type.

25—Branding of hives.

26—Disposal of bees, honeycombs, hives etc.

27—Importation of bees.

PART V—MISCELLANEOUS PROVISIONS

28—General penalty.

29—Regulations.

(2) The County Executive Committee Member may prohibit entrance, seize, stop movement, destroy or otherwise dispose of the bees, as the County Executive Committee Member deems appropriate in order to prevent the dissemination of any bees that would adversely affect the beekeeping industry in the county.

(3) A person who contravenes subsection (1) commits an offence.

PART V — MISCELLANEOUS PROVISIONS

General penalty

28. A person who commits an offence under this Act for which no specific penalty is prescribed shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

Regulations

29. (1) The County Executive Committee Member may, in consultation with the Livestock Development Officers, make regulations generally for the better carrying out of the purposes and provisions of this Act. (2) Without prejudice to the generality of the foregoing, the County Executive Committee Member may, in Consultation with the Cabinet Secretary make regulations providing for—

- (a) the declaration of particular animals to be livestock for purposes of this Act;
- (b) the declaration of particular products to be livestock products;
- (c) the regulation of livestock inputs and products;
- (d) the marketing of livestock and livestock products
- (e) the standards of animal husbandry in respect to the livestock sector;
- (f) mechanisms of supporting development in the livestock sector including mobilizing investment;
- (g) the provision of credit, farm inputs and other incentives to livestock and livestock products;
- (i) standards for production of livestock and livestock inputs;
- (j) the production, processing, distribution, regulation and marketing of bee and bee products;
- (k) standards for the establishment of strategic livestock feed reserves;

- (b) order the beekeeper to remove the hive to a site approved by county executive committee member.

Hives to be of the prescribed type

24. (1) A beekeeper shall not keep bees in a hive of any other kind other than such as is prescribed.

(2) Where bees are kept in a hive other than such as is prescribed, the County Executive Committee Member may, by notice in writing, direct the beekeeper to transfer the bees to a hive of the prescribed kind, within the time specified in the notice.

Branding of hives

25. (1) Every hive owned by a beekeeper shall be branded with a registered brand.

(2) An application for a registered brand shall be made to the County Executive Committee Member in the prescribed manner and shall be accompanied by the prescribed fee.

(3) The County Executive Committee Member shall issue a certificate of registration for such brand in the prescribed form.

Disposal of bees, honeycombs, hives etc

26. (1) Where dead colonies of bees, honeycombs or hives are exposed in such manner that they are accessible to bees, or where colonies of bees are abandoned or not regularly and properly attended, the County Executive Committee Member may require the beekeeper to dispose of such colonies, honeycombs or hives in the manner and period prescribed in regulations.

(2) If the beekeeper fails to dispose of such colonies, honeycombs or hives as required, the County Executive Committee Member may dispose of them and the beekeeper shall pay any expenses incurred in disposing of them.

Importation of bees

27. (1) A person shall not import bees unless the person has obtained—

- (a) an import permit issued by the County Executive Committee Member; and
- (b) a certificate of inspection signed by an authorized apiary inspector of the country from which the bees originated stating that the bees are free of contagious disease and meet the requirements prescribed in regulations.

THE NYAMIRA COUNTY LIVESTOCK BILL, 2023

A Bill for

AN ACT of the County Assembly of Nyamira to provide for the development of the livestock sector and the regulation of livestock inputs and livestock products; capacity building in the livestock sector and for connected purposes

ENACTED by the County Assembly of Nyamira as follows—

PART I — PRELIMINARY

Short title

1. This act may be cited as the Nyamira County Livestock Act, 2023.

Interpretation

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

“Animal” means any domestic or wild animal, and includes a bird, bee, fish or other aquatic animal;

“Animal foodstuff” means –

- (a) any –
 - (i) substance obtained by a process of crushing, gristing or grinding or by the addition to any substance or the removal therefrom of any ingredient; or
 - (ii) condimental foodstuff or mineral substance which possesses or is alleged to possess nutritive properties; or
 - (iii) substance of animal origin, which is intended or offered for the feeding of livestock, domestic animals or poultry; or

(b) any stock lick or substance which can be and is used as a stock lick, whether or not it possesses medicinal properties, but does not include straw, chaff, underground hay, silage, cereal in the grain or any substance which has been crushed, gristed or ground for a farmer in accordance with his directions for his own use, unless the Cabinet Secretary declares, by notice in the Gazette, such substance to be animal foodstuff under section 97;

“animal genetic resource” means animal species that is used or may be used for the production of food and agriculture, and the populations within each of them;

“animal science” includes the disciplines of animal production, range management or veterinary medicine;

“County Executive Committee Member” means the Executive Committee member for the time being in charge of Livestock & Fisheries Development

“Cabinet Secretary” the Cabinet Secretary in charge of the State department of Livestock Development

“Livestock” means any domestic animal that is ruminant or non-ruminant

“Livestock Development Officer” means the County Director of Veterinary Services and/or the County Director of Livestock Production.

Objects of this Act

3. The objects of this act are to —

- (a) regulate and coordinate the development of the livestock sector;
- (b) provide mechanisms for the realization of the County food and nutrition security and food safety;
- (c) co-ordinate the provision of incentives to livestock farmers;
- (d) regulate the production, manufacturing and utilization of livestock inputs and livestock products;
- (e) regulate the marketing of livestock inputs and livestock products and
- (f) set standards for livestock development.

Guiding principles

4. The guiding principles of this Act are –

- (a) effective, efficient and sustainable utilization of the livestock resource base to improve livelihoods, nutrition, food security and economic development;
- (b) promotion of an innovative, commercially oriented and modern livestock sector for global competitiveness through adoption of best practices;
- (c) sustenance of biodiversity and genetic diversity in livestock resources while ensuring sound environmental management for sustainability; and
- (d) returns on investment to livestock producers and commercial focus for livestock enterprise.

Application

5. (1) This Act shall apply to —

- (b) own or possess bees or beekeeping equipment for commercial purposes unless the person is registered under this Act; or
- (c) allow bees to be kept on land owned or occupied by the person unless the land is registered under this Act as the location of an apiary.

(2) A person who intends to be registered as a beekeeper shall apply to the county executive committee member responsible for livestock in the prescribed manner.

(3) The county executive committee member responsible for livestock shall, if satisfied that the applicant meets the requirements of registration prescribed in regulations, register the applicant and issue to the applicant a certificate of registration in the prescribed form.

(4) A certificate of registration issued under this section shall be valid for a period of one year from the date of issue.

(5) A person who becomes a beekeeper only because of the ownership, or the charge, care or possession, of bees—

- (a) kept in a device of an approved kind and;
- (b) used for the purposes of the pollination of crops, Is not required to be registered under this section if the bees and device are disposed of in the prescribed manner within eight weeks after the person becomes a beekeeper in relation to them.

(6) A device used and disposed of in accordance with subsection (5) is not a hive for the purposes of this Act.

(7) A person who contravenes subsection (1) commits an offence.

Restrictions on setting up hives

23. (1) A person shall not place a hive or leave a hive containing bees within thirty metres of a property line separating the land on which the hive is placed or left from land occupied as a dwelling or used for a community center, public park or other place of public assembly or recreation.

(2) A person shall not place a hive or leave a hive containing bees within ten metres of a highway.

(3) Where the county executive committee member responsible for livestock is satisfied that the keeping of bees or a number of beehives in a certain place is a public nuisance or a danger to public health or public safety, the county executive committee member responsible for livestock may—

- (a) declare the premises to be unsuitable for beekeeping; and

Regulations on animal foodstuff

21. (1) The County Executive Committee Member may, in consultation with the Livestock Development Officer, make regulations for the better carrying out of the provisions relating to animal foodstuff.

(2) Without prejudice to the generality of subsection (1), the County Executive Committee Member may make regulations in liaison with KEBS prescribing—

- (a) the standards of composition, efficacy, fineness and purity of animal foodstuff;
- (b) the prohibition of certain substances and the limitation of specified quantities of certain substances in animal foodstuff;
- (c) the records and returns to be kept and furnished by importers, manufacturers and sellers of animal foodstuff;
- (d) certain substances to be animal foodstuff;
- (e) the requirements as to the proper storage of animal foodstuff;
- (f) the manner of packaging, branding, labeling, marking and sealing of animal foodstuff;
- (g) the manner in which declarations made at the time of sale shall be made and the manner in which animal foodstuff shall be exposed for sale;
- (h) any declaration or warranty which may be required to be made or given in prescribed cases, the effect of any declaration made by the seller of animal foodstuff, and the existence and effect of any Implied or written warranty concerning animal foodstuff;
- (i) the methods for sterilization of bones and other substances derived from an animal carcass for manufacturing animal foodstuff; and
- (j) the manner in which samples of any substance or animal foodstuff shall be drawn for analysis and in which such samples shall be certified and analyzed and the manner in which their analysis shall be reported.

PART IV — BEEKEEPING AND BEE PRODUCTS**Registration of beekeepers**

22. (1) A person shall not—

- (a) keep bees for commercial purposes except in an apiary registered under this Act;

- (a) livestock;
 - (b) livestock inputs and livestock products;
 - (c) the delivery of services within the livestock sector; and
 - (d) value chain actors in the livestock sector.
- (2) This Act shall not apply to—
- (a) the regulation of veterinary practice including veterinary medicines;
 - (b) the regulation of the dairy industry; or
 - (c) livestock enterprises whose products are solely for own farm consumption and not for sale or use by a third party.

Roles of the national government in the livestock sector

6. (1) Subject to Article 186 of the Constitution and the Fourth Schedule to the Constitution, the roles of the national government and the county governments with regard to the livestock sector shall be as set out in the First Schedule.

(2) Without prejudice to the generality of sub section (1), the County Executive Committee Member shall facilitate the development of the livestock sector through –

- (a) the provision of affordable and safe inputs in the livestock sector;
- (b) the establishment of strategic livestock feed reserves;
- (c) facilitating market access to livestock and livestock products;
- (d) ensuring the integrity of livestock products;
- (e) building the capacity of farmer associations, value chain actors and livestock-based cooperatives.
- (f) the development and implementation of national/County breeding and conservation programmes for locally adapted livestock breeds;
- (g) developing and continuously updating livestock data repository for research and policy formulation;
- (h) developing strategies, plans and programmes for the conservation and sustainable use of livestock feed resources;
- (i) establishing mechanisms for the collection, processing and dissemination of livestock data including conducting surveys and census in liaison with KENBS;

- (j) carrying out emergency preparedness and disaster mitigation in the livestock sector.
- (3) The county executive committee member may—
 - (a) mobilize resources and provide incentives including grants to farmer associations and value chain actors;
 - (b) link small scale livestock farmers with off takers, postharvest storage providers, processors, livestock farmer associations and small and medium enterprises;
 - (c) encourage registration of livestock farmers and
 - (d) establish mechanisms for engaging and supporting the private sector within the livestock sector, as appropriate.

Roles of county governments

- 7. The county executive committee member shall—
 - (a) provide livestock extension services along the entire livestock value chain;
 - (b) facilitate access to affordable credit and livestock insurance;
 - (c) in collaboration with the national government, enforce standards and regulations on livestock inputs and livestock products;
 - (d) implement standards on pasture, water management and conservation of natural resources;
 - (e) construct markets and value addition infrastructure for livestock and livestock products;
 - (f) monitor compliance with standards on the design and construction of animal structures within the county;
 - (g) collect and collate county specific livestock data and submit the data to the national government and
 - (h) in collaboration with the national government, put in place emergency measures to mitigate disasters affecting livestock.

PART II—ANIMAL BREEDING

Registration and licensing of livestock breeders

- 8. (1) A person shall not engage in commercial livestock breeding unless that person—
 - (a) is registered under this Act, and
 - (b) holds a valid license to operate as such

the application meets the requirements set out in the regulations, issue the applicant with a license to manufacture animal foodstuffs for sale.

(5) A license under this section shall take effect from the date of issue and shall be valid for a period of twelve months from the date indicated on the license.

(6) Where any animal foodstuff is manufactured or imported under a license issued under this Act, the County Executive Committee Member shall upon establishing that the animal foodstuff meets all the requirements and procedures prescribed in this Act and regulations—

- (a) declare the animal foodstuff to be an approved animal feed; and
- (b) assign a serial number in respect of such approved animal feed.

(7) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding twelve months, or both.

Labeling of animal feeds

19. (1) Any container in which an approved animal foodstuff is sold shall be printed or labeled with the information prescribed in regulations.

(2) A person shall not alter the print or the label affixed on the container in which an approved animal foodstuff is sold unless an application is made to the County Executive Committee Member of such intended alteration and the County Executive Committee Member approves the alteration.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Deleterious ingredients

20. (1) A person who sells animal foodstuffs containing deleterious ingredients commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

(2) A substance shall be deemed to be deleterious ingredient if the substance—

- (a) is prohibited by regulations and is present in animal foodstuffs; or
- (b) is present in animal foodstuffs in excess of the limit that is prescribed by regulations.

- (g) Registration of breeding organizations, licensing of breeding and their breeding stock;
- (h) Procedure for import and export of breeding materials;
- (i) Procedure for coordination with other agencies in respect to genetic materials;
- (j) Certificates of parentage; and
- (k) Marketing of breeding materials. (l) Castration of Bulls not suitable for Breeding

PART III—ANIMAL FOODSTUFFS

Restrictions on importation, manufacture and sale of animal foodstuff.

17. (1) A person shall not import, manufacture, compound, mix or sell any animal foodstuff other than a substance that the County Executive Committee Member may order or declare to be an approved animal foodstuff.

(2) A person shall not import, manufacture, compound, mix or sell any animal feedstuff that don't conform to the standards or specifications prescribed in this Act or regulations.

(3) A person who contravenes subsections (1) or (2) commits an offence and is liable, on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding twelve months or both.

(4) Nothing in this section shall render illegal the addition of condiments, growth stimulants, essential food factors or pharmaceutical preparations for the control of disease to animal foodstuffs in accordance to the written law.

Licensing of animal feed manufacturers

18. (1) A person shall not manufacture any animal foodstuff for sale except under the authority of a valid license Issued by the County Executive Committee Member.

(2) A person desirous of manufacturing animal foodstuff for sale may apply to the County Executive Committee Member for the license.

(3) An application for a license to manufacture animal foodstuffs for sale shall be in the prescribed form and shall be accompanied with the prescribed fees.

(4) The County Executive Committee Member shall upon receipt of an application made under this section, consider the application and where

(2) An application for registration or licensing under this section shall be made in the manner prescribed in regulations

(3) A livestock breeder shall file such returns on animal identity, pedigree and performance as may be prescribed in regulations

(4) A registered livestock breeder shall not use the premises, facility, machinery, plant article or thing specified in the registration certificate and license to conduct any business other than livestock breeding unless that other business is related to livestock breeding and the County Executive Committee Member has granted permission in writing thereof.

(5) The County Executive Committee Member may, on the advice of the County Livestock Development Officer, cancel a certificate of registration or a license in a manner prescribed in the regulations.

(6) A person who contravenes subsection (1), (3) or (4) commits an offense.

Designation of recording regions

9. (1) The County Executive Committee Member may, by notice in the Gazette, designate a sub-county as a recording center, for purposes of animal identification and registration under this Act.

(2) The County Executive Committee Member shall assign to each sub county designated as a recording center, a recording code for purpose of identification, and registration of breeding animals in that county.

(3) The recording referred in subsection (2) may consist of a combination of letters and numbers as the County Executive Committee Member may consider appropriate on the advice of the Livestock Development Officer.

Registration of breeding animals

10. (1) Every livestock breeder shall identify and register his breeding cattle in accordance with this section.

(2) A livestock breeder who intends to register a breeding animal shall apply for registration from the County Executive Committee Member in the manner prescribed in the regulations.

(3) The County Executive Committee Member shall, if satisfied that the application is made in accordance with this Act and the regulations and that no other person has registered the same animal identification, register the animal identification in the same of the applicant, record the registration in the register and issue a certificate of registration to the applicant.

(4) The County Executive Committee Member may, in accordance with the regulations impose on the registration or renewal of registration of an animal identification under subsection (1).

(5) The County Executive Committee Member may cancel the registration of an animal identification in the manner prescribed in the regulations.

(6) The ownership of any animal identification or the right to use it in relation to a particular animal may be assigned in the manner prescribed in the regulations.

Rights of animal breeders

11. A livestock breeder has the right to—

- (a) Own any intellectual property that may arise from his breeding activities without fear of its appropriation; and
- (b) May recognize as a creator of breeds and custodian of his animal genetic resources for business, food and agriculture.

Attachment of identification code on animals

12. An identification code shall be attached on every breeding animal for purposes of identification of that animal that may be attached by—

- (a) In the case of an animal intended for local commercial purposes-
 - (i) An ear tag that may be plastic or metal;
 - (ii) Iron branding;
 - (iii) Tattoo;
 - (iv) Ear notching;
 - (v) Freeze branding;
 - (vi) Sketching; or
 - (vii) Electronic devices which include transponders and implanted devices; and
- (b) In the case of an animal intended for transport—
 - (i) Tattoo; or
 - (ii) Photographs, which photographs will comprise photographs of both sides of the animal and of the head thereof.

Offences relating to animal identification

13. A person who—

- (a) removes, alters, defaces or obliterates an animal identification without the consent of the owner of the animal identification or, where the animal identification has been assigned, the assignee of the animal identification entitled to its use and possession; or
- (b) brands or directs, aids or assists in branding of any animal any signs, symbols or characters other than those made and registered in accordance with this act
- (c) avails an unregistered bull for breeding to other farmers commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment to a term not exceeding six months, or both.

Import and export of animals and genetic material

14. A person who intends to import or export any live animal, semen or other genetic material shall obtain authorization from the County Executive Committee Member on the advice of the Livestock Development Officer and on obtaining the authorization in writing the person shall subsequently obtain the necessary permits from the relevant authorities.

Licensing of Reproductive and Genetics Technology Service Centers.

15. A person who intends to establish a reproductive and genetics technology service center shall apply to the County Executive Committee Member for registration in the manner prescribed in the regulations, where the services to be offered do not fall under the scope of veterinary practice.

Regulations on breeding

16. (1) The County Executive Committee Member may, in consultation with the County Directors of Livestock Production and Veterinary Services make regulations for the better carrying out of the provisions relating to breeding

(2) Without prejudice to the generality of subsection (1), the County Executive Committee Member may make regulations prescribing—

- (a) Pedigree, performance testing and estimation of breeding value;
- (b) Mechanism for improved breeding;
- (c) The multiplication of breeding materials;
- (d) Genetic evaluation;
- (e) The maintenance of herd-books, stud-books, flock-books and animal breeding register
- (f) The issuing of pedigree certificates;