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KIRINYAGA COUNTY ACTS, 2015

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**KIRINYAGA COUNTY LIVESTOCK SALES YARD ACT, 2015
NO. 5A of 2015**

Date of Assent: 4th December, 2015

Date of Commencement: 11th December, 2015

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KIRINYAGA COUNTY LIVESTOCK SALES YARD ACT, 2015
AN ACT of the County Assembly of Kirinyaga to provide for the establishment and control of livestock sales yards and for connected purposes

ENACTED by the County Assembly of Kirinyaga as follows —

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Kirinyaga County Livestock Sales Yard Act, 2015 and shall come into operation upon publication in the *Gazette*.

Interpretation.

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

“auctioneer” means any person who conducts an auction by announcing the lots and controlling the bidding;

“calf” means any bovine animal under twelve weeks of age;

“livestock” means all domestic animals including cattle, goats, sheep, camels, donkeys, pigs, rabbits and poultry;

“Department” means the county department responsible for livestock;

“Executive” Committee Member” means the executive committee member responsible for livestock;

“livestock sales yard” means any place where livestock is assembled and inspected for sale;

“unfit livestock” includes an infirm, diseased, ill and injured animal.

PART II—ADMINISTRATION

Application for a license

3. (1) A person shall not hold, operate, or manage a livestock sales yard in the County without a valid license.

(2) The application for a license shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3) A license shall set out the following particulars—

(a) the name of the operator of the livestock sales yard;

- (b) the location of the establishment of premises;
- (c) the type or kinds of livestock to be handled, sold or exchanged;
- (d) a description of the facilities to be used in conducting such a livestock sales yard;
- (e) the designation of the accredited veterinarian who will supervise such livestock sales yard; and
- (f) such other information as the Executive Committee Member may reasonably require.

(4) The license issued in sub clause (1) shall be valid for one calendar year.

Records and Documents

4. Each operator of a livestock sales yard shall keep the following records for each lot of livestock consigned to or sold through a livestock sales yard—

- (a) the name and address of the consignor;
- (b) a description of the livestock, which includes the kind, the numbers, approximate age, the sex, and any marks, brands or other distinguishing or identifying marks;
- (c) the method by which the livestock was delivered to the livestock sales yard and, in the case of livestock delivered by motor vehicle registration number;
- (d) the name and address of the purchaser of such livestock;
- (e) The price for which the livestock was sold or exchanged and the commission or other fees charged by the livestock sales yard; and
- (f) any health certificates.

Animal Inspector and other officers

5. The County Public Service Board may designate any qualified person to be an animal inspector for purposes of this Act and such other officers as may be necessary for the proper implementation of this Act.

Powers and Duties of animal inspectors

6. (1) The Inspector shall—

- (a) ensure that livestock sales yards conform to the requirements of this Act;
 - (b) enforce the rules to protect animals during transportation; and
 - (c) ensure that the health and safety measures prescribed in this Act are complied with.
- (2) The Inspectors shall have the power to—
- (a) recommend the issuance of licenses upon inspection of the sale yards;
 - (b) enter and inspect any livestock sales yard for the purpose of ensuring compliance with this Act;
 - (c) seize and confiscate any documents suspected to be forged or fraudulently obtained;
 - (d) seize and confiscate any sick, stolen and abandoned animals;
 - (e) refer any sick animals as recommended by a Veterinarian;
 - (f) return any stolen or abandoned livestock to their owners with the consent of the court;
 - (g) close any livestock sales yard which does not comply with the standards set out under this Act or any other Act.

PART III—WELFARE OF LIVESTOCK IN LIVESTOCK SALES YARDS**Unfit livestock**

7. No person shall permit an unfit animal to be exposed for sale in a livestock sales yard.

Protection of livestock from injury or unnecessary suffering

8. (1) No person shall cause or permit any injury or unnecessary suffering to an animal in a livestock sales yard

(2) Without prejudice to the generality of sub-section (1), the operator of a livestock sales yard shall ensure that no injury or unnecessary suffering to an animal is caused by

- (a) food or water;
- (b) the animal being exposed to adverse weather;
- (c) inadequate ventilation being available for the animal;
- (d) the animal being hit or poked by any instrument or any other thing;
- (e) the animal being dragged along the ground;
- (f) the animal being suspended off the ground by the head, neck, ears, horns, legs, feet, tail, fleece or wing; or
- (g) any other cause.

Control of livestock

9. (1) No person shall use excessive force to control any livestock in a livestock sales yard.

(2) Without prejudice to subsection (1), no person shall use in a livestock sales yard-

- (a) any instrument which is capable of inflicting an electric shock to control any livestock;
- (b) any stick, goad or other instrument or thing to hit or prod any calf; or
- (c) any stick other than a flat slap stick or a slap marker, non-electric goad or other instrument or thing to hit or prod pigs.

(3) No person shall drive or lead any animal over any ground or floor, the nature or condition of which is likely to cause the livestock to slip or fall.

Penning and Caging of livestock

10. (1) It shall be the duty of a livestock sales yard operator to ensure that no animal is kept in a pen, cage or hutch which is unsuitable for the size and species of that animal.

(2) Without prejudice to the generality of sub section (1) above it shall be the duty of a livestock sales yard operator to ensure that—

(a) any pen in which any calves or pigs are kept is of sufficient size to enable all the calves or pigs kept in it to lie down at the same time;

(b) any cage or hutch in which any poultry or rabbits are kept—

(i) is of such a design as to enable the poultry to stand in their natural position, or, as the case may be, to enable all the rabbits kept in them to sit upright on all four feet without their ears touching the top of the cage or hutch, and

(ii) has a door which is of sufficient size to enable the poultry or rabbits, as the case may be, to be placed in, and removed from, the cage or hutch without being caused any injury or unnecessary suffering.

(3) Without prejudice to the generality of sub section (1) above, it shall be the duty of a livestock sales yard operator to ensure that, within the livestock sales yard—

(a) when livestock are penned—

(i) those of one species are kept in separate pens from livestock of another species; and

- (ii) they are distributed within the pens, having regard to differences in age and size, so as to avoid unnecessary suffering to them;
- (b) any fractious animal is kept in a separate pen, cage or hutch from other livestock;
- (c) livestock are not kept in pens, cages or hutches which are overcrowded;
- (d) adequate provision is made to prevent livestock—
 - (i) escaping from the livestock sales yard, and
 - (ii) coming into contact with any aggressive or fractious livestock in the livestock sales yard;
- (e) a bull is not kept in the same undivided pen in the livestock sales yard as any other animal except that—
 - (i) bulls which are halter broken may be kept together in the same undivided pen if they are all secured by the head or neck, and
 - (ii) bulls which have been reared together may be kept together in the same undivided pen (without being secured by the head or neck);
- (f) a boar over the age of 6 months is not kept in the same undivided pen as any other animal; and
- (g) livestock with young at foot are not kept in the same undivided pen as any other livestock, except where they originate from the same group of livestock and are of a mutually acceptable disposition.

(4) For the purposes of sub section (3) above, a “fractious animal” is an animal which is likely to cause injury to other livestock.

Feeding and Watering of livestock

11. The operator of a livestock sales yard shall ensure that animals are provided with adequate and suitable food and water at appropriate intervals.

Provision of lighting, bedding and equipment

12. A livestock sales yard shall have—

- (a) adequate;
- (b) an adequate supply of suitable bedding for—
 - (i) any calves, dairy cattle in milk or in calf, goats in milk or in kid, or pigs; and
 - (ii) any lamb, except a lamb which is kept at the foot of its dam, or goat kids in either case under 4 weeks of age.

Restriction on the sale of calves

13. (1) A person shall not bring to a livestock sales yard a calf which is less than seven days old or which has an unhealed navel.

(2) No person shall bring to a livestock sales yard a calf which has been brought to a livestock sales yard on more than one occasion in the previous twenty-eight days.

(3) No person shall bring a calf to a livestock sales yard unless upon arrival he has furnished the livestock sales yard operator with a written declaration signed by the owner of the calf or his agent—

- (a) stating the name and address of the owner of the calf;
- (b) giving details of the identification number of the calf where available;
- (c) stating that the calf has not been brought to a livestock sales yard before, or, as the case may be, has been brought to a livestock sales yard only once during the previous twenty eight days; and

- (d) where the calf has been brought to a livestock sales yard once during the previous twenty eight days, stating the address of that livestock sales yard and the date on which the calf was brought there.

(4) Every declaration furnished to a livestock sales yard operator under sub section (3) above shall be retained by the livestock sales yard operator for a period of six months from the date on which it is furnished to the livestock sales yard operator and the livestock sales yard operator shall, on demand made by an inspector at any reasonable time during that period, produce such declaration and allow a copy of it or an extract from it to be taken.

(5) Where a calf has been sold and before its removal from the livestock sales yard, the livestock sales yard operator shall—

- (a) in the case of a sale by auction, and
- (b) upon request by the purchaser in the case of a sale by private treaty supply to the purchaser of the calf details in writing of—
- (i) the identification of the calf;
 - (ii) the date of the sale of the calf and the address of the livestock sales yard at which it was sold; and
 - (iii) where the calf has been brought to a livestock sales yard once within the previous twenty eight days, the address of that livestock sales yard and the date on which the calf was brought there.

Types of sale

14. (1) Sale of livestock at the livestock sales yard shall be conducted either by—

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- (a) regular sale where the price of livestock shall be determined by the prevailing livestock sales yard price; or
- (b) sale by auction.
- (2) Where any livestock is put up for sale by auction—
 - (a) the date, time and place of every sale shall be advertised in the prescribed manner and such sale shall take place on the date, at the time and at the place so advertised;
 - (b) in lots, each lot shall, unless there is proof to the contrary, be deemed to be the subject of a separate contract of sale.

PART IV—PUBLIC LIVESTOCK SALES YARD

Establishment of public livestock sales yard

15. (1) The Department may establish and operate public livestock sales yards.

(2) In operating the public livestock sales yards the Department shall adhere to the provisions of this Act.

Stalls.

16. (1) The Department may construct stalls in public livestock sales yards.

(2) The stalls in sub section (1) may be rented out to traders as may be guided by the Executive Committee Member from time to time.

PART V—GENERAL PROVISIONS

Regulations.

17. (1) The Executive Committee Member may make Regulations generally for the better carrying out of this Act.

(2) Without prejudice to the generality of subsection (1) the Regulations may—

- (a) provide guidelines for the conduct of sales by public auction in public livestock sales yards;
- (b) provide for licensing fees;
- (c) set charges payable to public livestock sales yards; and
- (d) provide guidelines on the handling of animals in livestock sales yards