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KWALE COUNTY ACTS, 2016

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No. 8 of 2016

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KWALE COUNTY ANIMAL DISEASE CONTROL ACT, 2016

AN ACT of Kwale County Assembly to provide for the prevention and control of disease affecting animals; and for connected purposes.

ENACTED by the County Assembly of Kwale as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Kwale County Animal Disease Control Act, 2016.

Interpretation

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

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

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

“contagious” means communicable by close contact or inoculation;

“County Executive Member” means the County Executive Committee Member responsible for matters related to Livestock and veterinary services;

“director” means the person appointed by the county executive member as the director for the purpose of this Act;

“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);

“game Animal” means any species or the young or egg thereof, but does not include a human being or any animal which is commonly considered to be a domestic animal or the young or egg thereof as per Wildlife Conservation and Management Act 2013;

“hide” means the untanned skin of livestock;

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

“infectious” means communicable in any manner;

“infectious or contagious disease” these are diseases highly transmittable through air borne or contact with infected material, includes tuberculosis, Foot and Mouth Disease, brucellosis, Contagious Caprine PleuroPneumonia, Contagious Bovine PleuroPneumonia or any other disease that the County Executive committee Member declares to be an infectious or contagious disease for the purpose of this Act;

“livestock” means cattle, poultry, sheep, goat, donkeys, rabbits, pigs, horses and game and includes other animals designated by the regulations as livestock for the purposes of all or part of this Act or the regulations;

“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;

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

“slaughter house” means a building or place where livestock are slaughtered or held for slaughter.

Objective

3. The object of this Act is to prevent the introduction and spread of infectious and contagious diseases among animals in the Kwale County.

PART II—ADMINISTRATION

Appointment of County Veterinarian

4. (1) The County Executive Committee Member may appoint a qualified County Veterinarian and such other officers as may be necessary for implementation of this Act.

(2) The County Veterinarian shall be appointed amongst the veterinarians employed by the County Government.

Appointment of animal disease inspectors

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

Powers of animal inspectors

6. (1) An inspector may in the performance of a duty enter into any land, structure, premises, vehicle or vessel holding or ferrying animals.

- (a) inspect any animal and subject it to any test for any disease-
- (b) order an animal or animals to be collected, detained or isolated; and
- (c) perform any other function or exercise such other power as may be conferred under this Act or other law.

PART III—CONTROL OF DISEASE SPREAD

Notice and Precautions

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

- (a) promptly notify the nearest inspector;
- (b) keep the animal separate from other animals not diseased until an inspector determines that the animal is free from any communicable disease; and
- (c) not dispose of the animal when it dies, and preserve such carcass until investigation by a veterinary officer is done to determine the cause of death.

(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.

- (3) The inspection services shall be free of charge.

Inspector to notify owner

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

(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 County Executive Member that there is danger of the disease being communicated through other animals on the farm or other place where the diseased animal is found or kept, the County Executive Member may authorize an inspector to quarantine the farm or other place for a period and subject to any conditions authorized by regulation.

(4) The County Executive Member shall ensure the inspectors are properly facilitated for better conduction of their work.

(5) An inspector who charges for inspection services commits an offence.

Diseased animals to be kept apart by owner

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 contagious or infection, the owner or person shall not, without written permission signed by an inspector—

(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.

Quarantine

10. 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.

Premises to be disinfected

11. Land, water and premises where disease 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 Member.

Permission to move animal exposed to disease

12. (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 from an inspector.

Duty to report any infectious or contagious disease

13. (1) A person with knowledge or notice that an animal is affected with any infectious or contagious disease, or has reacted to any infectious or contagious disease shall immediately report the knowledge or notice to the nearest inspector.

(2) If the sample has been taken by a person other than an inspector, shall promptly forward the samples taken and properly labelled, to a laboratory designated by an inspector.

Identification tags

14. (1) Animals before being subjected to a test shall be suitably ear tagged or identified to the satisfaction of an inspector.

(2) The ear tagging of an animal shall be done on the farmer's farm and shall be free of charge.

Retest

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

Consumption of milk from infected animal

16. (1) Milk from an animal isolated under section 9 shall not be consumed nor sold for human consumption.

(2) A person shall not sell, or offer for sale, milk from an animal in quarantine.

Vaccination of animals

17. (1) The County government will from time to time carry out vaccinations against any of the infectious or contagious disease

(2) During vaccinations as under (1) above, owner of animal required for vaccination must present them for vaccination when required to do so for the purpose of this Act.

(3) The owner of animal may be required to pay for vaccination as per regulations under this Act.

Movement of livestock

18. (1) For the sake of disease control, no person will be allowed to move livestock into, within and out of the County without the valid movement document required under this Act

(2) A person moving animals into the County shall obtain a no objection permit before moving the animals.

Notification of Infected areas

19. Whenever a veterinary officer or an inspector has reason to believe that any animal is infected with a infectious or contagious disease or has been exposed to such infection in any area, shall notify the Director, who may declare that area to be an area infected by a infectious or contagious disease.

Movement of infected Animals outside Restricted areas

20. Any person who moves an infected animal or which has been with an animal so infected, outside a restricted area shall be guilty of an offence

Movement permit

21. (1) Movement permit shall be given by the veterinarian in charge on full payment of stipulated fee under the County Finance Act, and after inspection of the animals shows beyond reasonable doubt that the animals are fit to move.

(2) For animals moving out of the County, the person requesting movement permit must produce a no objection from the area animals are moving to.

(3) The person issuing the permit shall state in writing on the permit;—

- (a) the number and description of animals to be moved;
- (b) the route by which the animals are to travel;
- (c) the period for which the permit holds;
- (d) the place to which the animals may be moved;
- (e) the method by which the animals may be moved; and
- (f) such other particulars as the County Veterinary Director Officer may from time to time direct.

Permit holder Responsible for Breach of Rules

22. (1) Where a person to whom a permit for the movement of any animal has been issued places such animal in the charge of any other person for the purposes of the movement—

- (a) he shall give the permit to such other person who shall carry it during the movement: and
- (b) if such other person is guilty of an offence under these Rules in respect of that movement, the person to whom the permit is issued shall be guilty of the like offence

Permit to be produced on demand

23. The person in charge of an animal which is being moved under a permit shall, on demand being made by an issuer of permits or police officer or any law enforcement officer produce the permit, to the issuer of permits or police officer or any law enforcement officer and if he fails to produce the permit, he shall be guilty of an offence and the issuer of permits or police officer or law enforcement officer may without warrant detain him in custody.

PART IV—GENERAL PROVISIONS

Offence and penalty

24. (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 Act; or
- (c) fails to comply with this Act or regulations, or a lawful order of an inspector, commits an offence and is liable on conviction to imprisonment for a term not exceeding two months or to a penalty not exceeding five thousand shillings.

(2) 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.

(3) On proof to its satisfaction that the animal has shown a positive reaction to a infectious or contagious disease 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.

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

County Executive Member to inquire into alleged outbreak of disease

25. (1) The Director may direct an inspector or suitable person—

- (a) to examine an alleged outbreak of disease;
- (b) to cause scientific investigation to be made to determine the nature and source of the outbreak as considered necessary; and
- (c) if the investigation shows reasonable ground for so doing, to take those measures for suppression or limitation of the outbreak as provided under this Act.

Certificate of inspector as evidence

26. (1) A certificate 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 Act, proof of the matter certified, in the absence of evidence.

Offence to inject any substance to prevent reaction

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.

General Penalty

28. A person who contravenes any provision of this Act which is expressly stated to be an offence but for which no other penalty is prescribed commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding one month.

Power to make Regulations

29.(1) The County Executive Member may make Regulations generally for the purpose of carrying out t this Act.

(2) Such regulations may provide for—

- (a) any fees or charges required under this Act; and
- (b) the general implementation of this Act.