

SPECIAL ISSUE

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KERICHO COUNTY ACTS, 2017

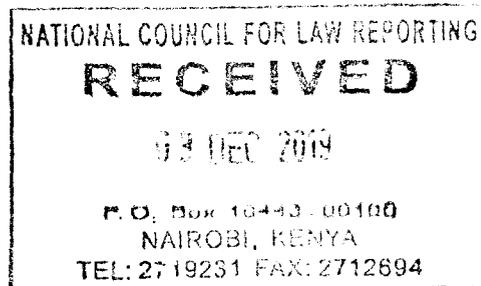
NAIROBI, 8th June, 2017

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**THE KERICHO COUNTY AGRICULTURAL
DEVELOPMENT FUND ACT, 2017
No. 3 of 2017**

Date of Assent: 24 May, 2017

Date of Commencement : 8th June, 2017

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**THE KERICHO COUNTY ANIMAL DISEASE
CONTROL ACT, 2017**

**AN ACT of the County Assembly of Kericho to provide
for matters relating to the diseases of animals and
for connected purposes**

ENACTED by the County Assembly of Kericho as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kericho County Animal Disease Control Act, 2017 and shall come into operation on such date as the Governor may by notice in the *Gazette* appoint. Short title and commencement.

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

“County Executive Committee Member” means the person who is the County Executive Committee Member and for the time being in charge of the Department running Veterinary services in the County and appointed by the Governor;

“administrative officer” includes a veterinary officer;

“animal disease” means any disease of an animal and includes a notifiable disease;

“animals” means mammals, birds, reptiles, bees and life stages of fish, molluscs, crustaceans and amphibians whether originating from aquaculture establishments or removed from the wild and released to the environment, for human consumption or for ornamental purposes;

“Director” means the Director of County Veterinary Services;

“infected area” means any area declared by the Director to be an area infected by a notifiable disease;

“inspector” means a person appointed an inspector for the purposes of this Act by or under section 3;

“notifiable disease” includes cattle plague (rinderpest), anthrax, contagious bovine pleuro-pneumonia, tuberculosis, East Coast fever, epizootic or ulcerative lymphangitis, rabies, foot-and-mouth disease, sheep-pox, scab, swine-fever, swine erysipelas, glanders, farcy, surra, trypanosomiasis, heartwater, mange (scabies) in horses and

mules, bacillary white diarrhoea and pullorum disease, fowl pest, lumpy skin disease, paratuberculosis (Johnes disease), atrophic rhinitis and scrapie and any other contagious or infectious disease of animals .The CEC Member may, on advice of the director , by notice in the Gazette, declare to be a notifiable disease for the purposes of this Act:

Provided that the County Executive Committee Member may, by notice in the Gazette, omit from this definition the name of any notifiable disease included therein;

“stock” includes camels, cattle, sheep, goats, horses, mules, donkeys, swine, birds and bees;

“this Act”includes any rules made thereunder;

“veterinary officer” means a veterinary officer in the employment of the County Government or the Director.

3. (1) The Director may appoint such qualified ^{Inspectors.} persons, or such fit category of persons, to be inspectors as may be necessary for the purposes of this Act.

(2) Every livestock officer, senior assistant veterinary officer and assistant veterinary officer in the employment of the County Government shall be an inspector for the purposes of this Act.

4. (1) A person having in his possession or charge an ^{Animals affected with notifiable Disease.} animal infected with a notifiable disease or suspected of being infected with a notifiable disease shall—

(a) keep such animal tied up or enclosed in a boma or other enclosed place and kept separate from other animals not so infected or suspected of being infected; and

(b) forthwith give notice of that fact to the nearest administrative officer or inspector;

and for the purposes of this subsection any animal lawfully on a farm with the agreement of the owner or occupier shall be deemed to be in the possession or charge of the owner or occupier of such farm.

(2) Any veterinary surgeon who has reason to believe or suspect that any notifiable disease exists on any farm or in any area shall, notwithstanding subsection (1), forthwith give notice of that fact to the nearest administrative officer or inspector.

(3) Any administrative officer or inspector to whom notice is given under subsection (1) or subsection (2) may require the person having the animal or animals in question in his possession or charge to submit to him within a period of not more than twenty-four hours such specimens from such animal or animals or, if such animal dies, from its carcass as may be reasonably required for the purpose of ascertaining the existence and nature of the notifiable disease.

(4) An administrative officer or inspector shall, on being satisfied of the existence or suspected existence of a notifiable disease within his sub-county, forthwith cause all owners or occupiers of farms and owners of stock in the neighbourhood to be notified of the outbreak, and shall further inform the most senior veterinary officer in the adjoining sub-county.

(5) Any person who contravenes any of the provisions of subsection (1) or subsection (2) shall be guilty of an offence.

(6) Any person who fails to comply with a requirement made under subsection (3) shall be guilty of an offence.

5. The Director may, by notice in the County Gazette -

Power to declare areas infected.

- (a) declare any area to be an area infected by notifiable disease;
- (b) extend, diminish or otherwise alter the limit of an area declared to be an infected area;
- (c) declare any such infected area to be free from notifiable disease; and
- (d) for the purpose of preventing notifiable disease prohibit the movement of animals from one county, sub-county, place or area to any other county, sub-county, place or area.

6. (1) The following provisions shall, in the absence of other provisions made by rules under this Act, apply to all infected areas—

Provisions affecting infected areas.

- (a) no stock shall be moved from or into any infected area or from place to place within such area without the written permission of the Director, or of any person authorized in writing by the Director to give such permission;

(b) no animal shall be moved from any such area unless previously disinfected and treated in the manner directed by the Director or by any person so authorized in writing by him;

(c) all stock in any such area shall be herded as far as possible from any public road, and shall not graze on any road reserve;

(d) the Director or any person so authorized in writing by him may require the owner or person in charge of any animal or animals within any such area to isolate such animal or animals from other animals within the infected area or to remove such animal or animals from such area;

(e) no person shall leave any such area without having complied with such reasonable precautions for preventing the spread of notifiable disease as may be required by the veterinary officer or inspector in charge of the area; and

(f) the carcasses of all animals infected with notifiable disease shall be disposed of in accordance with any general or specific instructions issued by a veterinary officer or an inspector.

(g) the County Executive Committee member shall make rules as pertain emerging livestock rearing

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

7. (1) The Director may by notice in the County Gazette, prohibit for such time as he thinks necessary, or regulate, the importation or the exportation of all animals or any specified kinds of animals, or of carcasses, meat, hides, skins, hair, wool, litter, dung, live viruses capable of setting up infections in animals, sera, vaccines and other biological or chemical products intended to be used for the control of animal disease or fodder, from any specified county, port or territory.

Power to prohibit importation of animals.

(2) Any person who contravenes the provisions of any notice issued under subsection (1) shall be guilty of an offence.

8. The Governor may make rules for the better carrying out of this Act, and in particular, but without prejudice to the

Rules.

generality of the foregoing power, such rules may provide for—

- (a) the prevention of the introduction of and the prevention and control of, notifiable diseases, including the licensing of animal producers;
- (b) the isolation, inoculation, removal and slaughter of animals infected by or suspected to be infected by any notifiable disease, or exposed to or likely to be exposed to any such disease;
- (c) the burial or destruction of carcasses;
- (d) prescribing ports and places for the importation or exportation of animals;
- (e) prohibiting or regulating the movement of animals;
- (f) Prescribing quarantine for imported animals or animals infected by notifiable disease or animals suspected of being infected by, or having been in contact with any animals infected by notifiable disease;
- (g) prescribing conditions under which animals may be imported or exported;
- (h) prescribing—
 - (i) the disinfection of buildings and places wherein animals infected by any notifiable disease have been stalled or kept;
 - (ii) the cleansing and disinfection of public markets, private auction or sale yards, railway premises, lairages, railway vans, trucks, carriages, motor vehicles, aircraft, boats or lighters wherein any stock have been placed, kept or carried;
 - (iii) the disinfection of animals which have been in contact with animals infected by notifiable disease or which have been in an infected area;
 - (iv) the disinfection of persons and their clothing coming into contact with or employed about animals infected by notifiable disease or suspected of being so infected or being in an infected place; and
 - (v) prescribing standards for locally manufactured biological and chemical products used for the

control of disease and prohibiting the manufacture of any such product.

9. The Director or any person so authorized by him in writing may cause to be slaughtered any animal infected or suspected of being infected with any notifiable disease or any animal which has been in contact with an animal infected by notifiable disease or has been otherwise exposed to the infection or contagion of notifiable disease

Slaughter of infected animals.

10. Where an animal has been slaughtered under this Act, its carcass shall belong to the County Government and shall be buried or sold or otherwise disposed of under such conditions as a veterinary officer thinks fit, and any proceeds of sale shall be paid into the County Revenue Fund.

Disposal of carcasses of slaughtered animals.

11. (1) No action shall lie against the County Government and or any public officer, or any officer, for any act done in good faith under this Act or for any act done in good faith in connection with the diagnosis, control, prevention or treatment of notifiable diseases of animals (including the preparation of biological products), and no compensation shall be payable to any person for any act done under this Act unless CEC Member otherwise directs:

Indemnity and payment of compensation.

Provided that subject to section 12, compensation for animals slaughtered under this Act shall be paid to the owner as follows—

- (a) where the animal was infected by a notifiable disease, the value before it became so infected; and
- (b) where the animal was not so infected but was suspected of being so infected, the value of the animal immediately before it was slaughtered.

(2) For the purposes of subsection (1), the value of any animal shall be determined in accordance with rules prescribed under this Act, and the costs and expenses of any such valuation shall be determined, borne and payable as therein provided.

12. Compensation in respect of any animal slaughtered under this Act may be wholly or partially withheld where the owner or person in charge of the animal has been guilty of any breach of the provisions of this Act, and no compensation shall be paid in respect of any animal

Compensation may be withheld.

slaughtered if such animal was infected with disease when imported or became infected before it was passed by the inspecting officer at the place of entry, or if such animal has been imported in breach of this Act.

13. (1) The Director or any administrative officer or inspector may enter any land, building, shed, place, carriage, van, truck, motor vehicle, aircraft, boat, or lighter containing or carrying, or having been used for the purpose of containing or carrying—

Power to search for infected animals.

- (a) animals, and may examine the same and any animals found therein for the purpose of ascertaining whether any such animal is infected by a notifiable disease or for the purpose of ascertaining whether the provisions of this Act in respect of the cleansing and disinfection of such building, shed, place, carriage, van, truck, motor vehicle, aircraft, boat or lighter have been properly carried out; and
- (b) meat, carcasses, hides or any article manufactured from the product of any animal, and may examine the same for evidence of notifiable disease or for the purpose of ascertaining whether the provisions of this Act in respect of the cleansing and disinfection of such building, shed, place, carriage, van, truck, motor vehicle, aircraft, boat or lighter have been properly carried out.

(2) Whenever such an inspection is carried out under this section, the owner or occupier of the aforesaid land, building, shed, place, carriage, van, truck, motor vehicle, aircraft, boat or lighter shall render such reasonable assistance as may be required of him by the officer carrying out the inspection; and any owner or occupier who refuses or fails to render such reasonable assistance as may be so required of him shall be guilty of an offence.

14. (1) The County Executive Committee Member may prescribe—

Power to prescribe Fees.

- (a) fees and payments for drugs and vaccines supplied by the Director;
- (b) fees for the examination of animals carried out under this Act;

(c) fees and payments for feeding and stalling of animals detained in quarantine; and

(d) fees and payments in connexion with any services rendered under this Act;

(2) Any fees or payments due or payable under this section shall be a civil debt due to the County Government and may be sued for and recovered with costs by and in the name of the CEC Member.

15. (1) The Director may prohibit the use of any vaccine or drug for the treatment of animal disease in the County. Power to prohibit use of vaccine or drug.

(2) Any person who knowingly supplies, sells, purchases, obtains or uses any vaccine or drug for the treatment of animal diseases, the use of which has been prohibited by the Director, shall be guilty of an offence

16. The Director or a person authorized by him in writing, an administrative officer, an inspector or a police officer may, without warrant, stop, detain and search any person whom he believes with reasonable cause to be guilty of an offence under this Act, and if the name and address of such person is not known to the officer stopping and detaining him, and if he fails to give his name and address to the satisfaction of such officer, such officer may without warrant arrest him. Power to search and detain suspects.

17. Any person who obstructs or impedes, or assists in obstructing or impeding, the Director or a person authorized by him in writing, an administrative officer, an inspector or a police officer in the execution of his duty under this Act shall be guilty of an offence, and may be arrested without warrant by such officer. Obstruction of persons exercising their duties.

18. Any person arrested under this Act shall be taken without any unnecessary delay before a magistrate, and shall not be detained without a warrant longer than is necessary for this purpose. Arrested person to be taken before Magistrate without delay.

19. Any person who is guilty of an offence under this Act shall be liable to imprisonment for a term not exceeding twenty four months or to a fine not exceeding Kenya shillings fifty thousand or both. Penalties.

20. (1) An administrative officer, an inspector or a police officer may seize an animal in respect of which he has reason to suspect that an offence under this Act is being committed or has been committed, and may remove such animal to any pound, enclosure or other place selected by a veterinary officer or inspector and there detain such animal subject to the orders of a magistrate.

Animals in respect of which offence committed may be seized.

(2) Whenever any animal has been seized and detained under subsection (1), the officer making such seizure shall without unnecessary delay report the same to a magistrate having jurisdiction within the sub-county in which the animal has been seized.

21. (1) Whenever any person has been convicted of an offence under this Act, the court convicting that person may in addition to or in lieu of imposing any other punishment authorized by law order that any animal, or all or any of the animals, in respect of which such offence has been committed shall be forfeited.

Animals may be seized.

(2) Whenever it is reported to a magistrate that any animal has been seized and detained under this section but that the person who is alleged to have committed an offence or breach in respect of such animal is unknown or cannot be found, the magistrate may, if satisfied by evidence on oath that there is reason to believe that an offence under this Act has been committed in respect of such animal and that the owner is unknown or cannot be found, order that such animal be forfeited.

(3) A magistrate, whenever he is satisfied that there is reason to believe that an offence has been committed in respect of an animal seized and detained under section 20, may order that the owner of such animal shall pay to the County Government such sum as he considers reasonable to cover the expenses connected with the removal of the animal to the place of detention and the keep of the animal during such detention, and that unless such sum is paid within a reasonable time to be specified in such order the animal shall be forfeited.

22. (1) Where any animal is forfeited under section 21, it shall be slaughtered, sold or otherwise dealt with as the court directs.

Disposal of forfeited Animal.

(2) Where any forfeited animal or the carcass thereof is ordered to be sold, the court may direct that the proceeds of sale or any portion thereof shall be paid to any person appearing to be the owner of the animal; and where no such direction is given the proceeds of sale shall be paid into the County Revenue Fund.

