

**THE LIVESTOCK BILL, 2019**

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## **THE LIVESTOCK BILL, 2019**

### **A Bill for**

**AN ACT** of Parliament to consolidate the laws relating to livestock and livestock products and for connected purposes

**ENACTED** by the Parliament of Kenya, as follows—

### **PART I — PRELIMINARY**

Short title.

**1.** This Act may be cited as the Livestock Act, 2019.

Interpretation.

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

“**animal**” means any domestic or wild animal, and includes a bird, fishbees and other aquatic animals.;

“**animal genetic resource**” includes the germ plasm of an animal or other organism containing useful characteristics of actual or potential value;

“**animal health**” means the general wellbeing of an animal or population of animals with respect to nutrition and presence or absence of infectious or non infectious disease causing agents, chemicals, drugs and residues;

“**animal identification**” means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier;

“**animal product**” means any part or portion of, or product derived from or yielded by any animal, including any such part, portion or product that has been processed.;

“**antigen**” means materials used for the production of vaccines;

“**apiculture**” means the keeping of bees

“**aquatic animal**” means fish, mollusk, crustacean or amphibian originating from an aquaculture establishment;

“**authorized officer**” means an officer appointed under section 71;

“**biological products**” means products such as cells, fluids, tissues and master seed required in the production of vaccines and other products;

“**National Board**” means the National Livestock Regulatory Board established under section 5 ; to be reviewed to include all boards

“**Board of the Council**” means the Board of the Council established under section 45;

“**Board of the Organisation**” means the Board of the organisation established under section 27;

“**Board of Management**” means the Board of management of the Organization established under section 29.

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to livestock;

“**cold chain**” means facilities utilized for maintaining prescribed temperature conditions for vaccines storage and transport;

“**companion animal**” includes a dog, cat, horse or any other animal or bird kept as a pet;

“**draught animal**” means a camel, donkey, horse, mule, ox or any animal that provides draught power;

“**domestic animal**” includes horse, mare, gelding, bull, cow, ox, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, fowl, ostrich, dog, cat, or any emerging livestock, any wild animal, bird or reptile in a state of captivity;

“**emerging livestock**” means nontraditional livestock consisting of animal species and includes quail, ostrich, guinea fowl and a farmed game animal or any other animal that the Cabinet Secretary may by notice in the *Gazette* declare to be an emerging livestock species;

“**former Board**” means the Board of the National Livestock Development and Promotion Service as per .....

**“food safety”** means the state of food of animal origin, intended for human or animal consumption, being free of biological, chemical or physical material harmful to health;

**“Institute”** means the Kenya Veterinary Vaccines Institute established under section 27 of this Act;

**“in-process”** means stages in the vaccine production line where quality assurance is guaranteed;

**“livestock”** means cattle, camel, sheep, goat, pig, poultry, lagomorphs, companion animals, draught animals, bees and includes their young ones and any other animal which the Cabinet secretary may, by notice in the gazette declare to be livestock.

**“livestock enterprise”** means a business venture, or company formed in the livestock industry for purposes of making profit;

**“livestock industry”** means any activity that involves the production, processing, marketing or distribution of livestock and livestock products or services;

**“Livestock infrastructure”** means structures and facilities serving the livestock economy which includes roads, holding grounds, water points, disease free zones and markets;

**“livestock market information system”** means a system that collects, analyses and distributes marketing information on livestock and livestock products;

**“livestock product”** means a carcass or parts of a carcass of livestock, and any product consisting of parts of, or derived from livestock, and includes hides and skins, wool, feather, meat, dairy products, poultry products, hive products and includes any other product from livestock that the Cabinet Secretary may by order in the Gazette, declare to be a livestock product;

**“livestock production”** means the art of managing livestock resources and use of the resources to produce livestock for food, labour and raw material for industry for purposes of achieving social, cultural or economic benefits;

**“livestock resources”** means the entire worth of livestock and livestock products including land, pastures, infrastructure, knowledge, skills and gene pool;

**“livestock industry”** means any activity that involves the production, processing, marketing or distribution of livestock and livestock products or services;

**“Livestock infrastructure”** means structures and facilities serving the livestock economy which includes roads, holding grounds, water points, disease free zones, markets and livestock vehicles;

**“livestock market information system”** means a system that collects, analyses and distributes marketing information on livestock and livestock products;

**“primary producer”** means a person who rears livestock or produces livestock products for sale, but does not include a person rearing livestock or producing livestock products for sale or consumption;

**“processor”** means a person who adds value to a livestock product  
**“producer”** means a person who produces, processes, manufactures, prepares or treats livestock products for sale;

**“public livestock Centre”** means a livestock Centre established under this Act, or such other Centre as the Cabinet Secretary may, by notice in the Gazette, determine;

**“qualified persons”** means persons licensed to practice veterinary medicine under the Veterinary Surgeons and Veterinary para-professionals Act;

**“rangeland”** means a large unimproved or improved open land for keeping, rearing and grazing animals;

**“sanitary”** means the protection from risks arising from biological, chemical or physical agents that may have adverse effects on animal or human health;

**“service provider”** means a person engaged in the provision of technical or support services to the livestock industry;

**“small stock”** includes sheep, goats, rabbits, and poultry;

**“Veterinary Services”** means the governmental and non-governmental organisations that implement animal health and welfare measures and other standards and recommendations in the Terrestrial Code and the OIE Aquatic Animal Health Code in the territory. The Veterinary Services are under the overall control and direction of the Veterinary Authority. Private sector organisations, veterinarians, veterinary paraprofessionals or aquatic animal health professionals are normally accredited or approved by the Veterinary Authority to deliver the delegated functions.

**“Strategic animal feed reserve”** means an animal feed of good quality whose availability in quantities in the domestic market is important for food

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security and its reserve is established through either the provision of finance or the direct provision of the product;

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“trespass” means unauthorized entry into a quarantine area or malicious interference with the property of the Institute.

Objectives.	<p><b>3.</b> The objective of this Act is to —</p> <ul style="list-style-type: none"> <li>(a) consolidate the laws relating to livestock and livestock products;</li> <li>(b) harmonize and strengthen the laws relating to livestock development;</li> <li>(c) enhance the promotion and development of livestock industry;</li> <li>(d) provide for coordinated development of the livestock sector to achieve the realization of the national food and nutrition security, and food safety;</li> <li>(e) provide for the establishment and coordination of the public livestock agencies;</li> <li>(f) facilitate regulation of livestock industry;</li> <li>(g) enhance research for livestock production and development; and</li> <li>(h) facilitate the review, development and strengthening of the livestock strategies and policies relating to livestock development.</li> </ul> <p><b>4.</b> The general principles of this Act are:</p> <ul style="list-style-type: none"> <li>(a) effective, efficient and sustainable utilization of the livestock resource base as a key pillar of improving livelihoods, nutrition, food security and economic development;</li> <li>(b) promotion of innovative, commercially oriented and modern livestock sector for global competitiveness through adoption of best practices;</li> <li>(c) promotion and sustenance of biodiversity and genetic diversity in livestock resources while ensuring sound environmental management for sustainability; and</li> <li>(d) provision of competitive returns to primary producers.</li> </ul>
General principles.	
Cabinet Secretary to oversee livestock sector.	<ul style="list-style-type: none"> <li>(e) (1) The Cabinet Secretary shall oversee the development, promotion, regulation, research and of all aspects of the livestock sector.</li> </ul>

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	(2) Without prejudice to the generality of subsection (1) the Cabinet Secretary shall oversee the development, research and regulation of the livestock sector:-
	<p>(a) in the dairy industry, with regard to-</p> <p>(i) production, processing, distribution and marketing of wholesome milk and milk products;</p> <p>(ii) management of seasonal variations in production and strategic milk reserves; and</p> <p>(iii) Strengthening the relevant agencies.</p>
	<p>(b) in the meat industry, with regard to –</p> <p>(i) production, grading, processing, storage, distribution and marketing of quality meat and meat products for local and external markets;</p> <p>(ii) stocking rates and strategic meat reserves;</p> <p>(iii) strengthening the relevant agencies; and</p> <p>(iv) making appropriate regulatory legislation</p>
	<p>(c) in the hides and skins, leather, wool and fur industry with regard-</p> <p>(i) quality production, management, value addition and improvement of market access of hides and skins, wool, fur, leather and leather products;</p> <p>(ii) strengthening the relevant agencies ; and</p> <p>(iii) Promotion of environmentally friendly production of wool, fur, hides, skins, leather and leather products.</p>
	<p>(d) in the poultry industry, with regard to-</p> <p>(i) production, rearing of poultry, promotion of poultry keeping and production poultry products; and</p> <p>(ii) making appropriate legislation for the poultry industry and establishment of mechanisms for its management.</p>

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	<p>(e) in the pig industry, with regard to-</p> <p>(i) review and implementation of legislation for the pig industry and establishment of mechanisms for its management; and</p> <p>(ii) production, rearing of pigs, processing and marketing of pigs and pig products.</p>
	<p>(f) in the apiculture industry, with regard to-</p> <p>(i) production, processing and marketing of hive products;</p> <p>(ii) making appropriate legislation for the apiculture industry and establishment of mechanisms for its management; and</p> <p>(iii) protection, conservation and development of the indigenous bee species and their habitats</p>
	<p>(g) in the camel industry, with regard to-</p> <p>(i) production, rearing, promotion, marketing and appropriate utilization of camels and camel products; and</p> <p>(ii) appropriate legislation for the camel industry and establishment of mechanisms for its management.</p>
	<p>(h) for draught animals, with regard to-</p> <p>(i) setting standards for rearing and appropriate utilization of draught animals; and</p> <p>(ii) appropriate legislation for the welfare and management of draught animals</p>
	<p>(i) for companion animals, with regard to-</p> <p>(i) setting standards for rearing, commercialization and appropriate utilization of companion animals; and</p> <p>(ii) appropriate legislation, effective protection, and guaranteeing the welfare of companion animals.</p>



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	<p>(j) for emerging livestock, with regard to-</p> <p>(i) identification, classification, gazettelement, production and rearing of emerging livestock; and</p> <p>(ii) appropriate legislation for the management of emerging livestock</p>
	<p>(k) for small stock, with regard to-</p> <p>(i) production, rearing, promoting and marketing of small stock;</p> <p>(ii) formulation of legislation for the improvement and establishment of mechanisms for management of small stock; and</p> <p>(iii) supporting cash value of small stock as a cushion to livelihoods.</p>
	<p>(l) in animal feed industry ,with regard to-</p> <p>(i) setting and enforcing standards for the production and sale of animal feeds;</p> <p>(ii) formulation of legislation for the establishment of mechanisms for management of animal feeds;</p> <p>(iii) establishing and maintaining liaison in the use genetically modified organisms with a view to ensuring feed safety.</p> <p>(iv) production of animal feeds and establishment of strategic livestock feed reserves</p>
	<p>(m) for livestock breeding, with regard to-</p> <p>(i) promotion and regulation of livestock; breeding; conservation, and quality assurance of animal genetic material; and</p> <p>(ii) establishing a national livestock resources gene bank;</p> <p>(iii) conservation of animal genetic resources <i>in-situ</i> in livestock production farms and stations.</p>

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	<p>(n) for marketing, with regard to-</p> <p>(i) the establishment of infrastructure and mechanisms for marketing of livestock and livestock products;</p> <p>(ii) establishment of warehouse receipting for future trading of livestock and livestock products.</p>
	<p>(o) land utilization for livestock, with regard to-</p> <p>(i) the regulation and sustainable use of rangelands resources;</p> <p>(ii) the regulation and management of land carrying capacity;</p> <p>(iii) the establishment of mechanisms for strengthening relevant agencies; and</p> <p>(iv) the establishment of mechanisms for harvesting, storage and access of water for livestock use.</p>
	<p>(p) for animal health, identification and food safety through the relevant health and veterinary laws, with regard to-</p> <p>(i) the regulation for animal health, food safety, animal identification and welfare ;</p> <p>(ii) service delivery in animal health</p>
	<p>(q) for human resource development with regard to-</p> <p>(i) the establishment and strengthening of livestock related training institutions;</p> <p>(ii) the establishment of mechanisms for capacity building in livestock matters;</p>
	<p>(r) for extension services, with regard to improving access, standards, co-ordination, and regulation of extension services.</p>
	<p>(s) for livestock research, with regard to-</p> <p>(i) identification, co-ordination and strengthening of livestock research;</p>

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	<p>(ii) technologies to enhance competitiveness of the livestock industry and mechanisms for identifying livestock innovations for patenting; and</p> <p>(iii) establishing a national institute for livestock research.</p>
	<p>(t) holding grounds, animal genetics conservation farms and veterinary farms with regard to gazetting and protecting for sustainable use.</p>
	<p>(u) for management information systems, with regard to-</p> <p>(i) the establishment of mechanisms for the collection, processing and dissemination of information; and</p> <p>(ii) establishing a national livestock data and information centre.</p>
	<p>(v) quality assurance, with regard to services, inputs processes and products;</p>
	<p>(w) for livestock insurance in regard to creating enabling mechanisms to promote the uptake of livestock insurance;</p>
<p>Declaration of special animal, product or essential input.</p>	<p><b>5.</b> The Cabinet Secretary may, by order in the Gazette, declare an animal, animal product or essential input to be a special animal, animal product or essential input where it is deemed necessary for purposes generally of sale, promotion or fostering such item.</p>
<p>Intergovernmental forum</p>	<p><b>6.</b> The Cabinet Secretary in Consultation with the County Government authorities responsible for livestock shall constitute a regular forum to-</p> <p>(a) monitor the formulation, implementation, and review of livestock policies and laws;</p> <p>(b) take stock of progress achieved in realizing the functions in Section 4.; and</p> <p>(c) collaborate and cooperate on livestock sector developmental matters</p> <p>2. The forum shall be made up of stakeholders in national and county government, private sector, research organizations, development partners and representatives of all value chain actors in the livestock sector.</p>
<p>Intergovernmental cooperation</p>	<p><b>7.</b> (1) The two levels of government will implement the respective functions as provided for in the Fourth Schedule of the Constitution.</p>

	<p>(2) In order to achieve the objects and purposes of this Act, it is the duty of the national and county governments to provide an enabling environment for the development of the livestock sector.</p> <p>(3) The national and county governments shall establish mechanisms to determine and promote the transfer of functions between the two levels of government on mutual agreement to enhance service delivery.</p> <p>(4) The national and county governments will establish structures and organs to facilitate cooperation and collaboration in the implementation of policies and programs.</p>

<b>PART II – ESTABLISHMENT OF THE LIVESTOCK REGULATORY BOARD</b>	
<p>Establishment of the National Livestock Regulatory Board.</p>	<p><b>8.</b> (1) There is established a Board to be known as the Livestock Regulatory Board to regulate the livestock industry in matters related to animal feeds, non sanitary aspects of breeding, quality of inputs for the sector and livestock products marketing..</p> <p>(2) The Board shall comprise —</p> <ul style="list-style-type: none"> <li>(a) a chairperson who shall be an expert in livestock related matters, appointed by the President;</li> <li>(b) the Principal Secretary of the Ministry for the time being responsible for matters related to livestock;</li> <li>(c) the Principal Secretary of the Ministry for the time being responsible for finance;</li> <li>(d) Two County Executive Committee Members responsible for Livestock nominated by the County Government forum;</li> <li>(e) four experts with Bachelor’s degree in animal sciences, veterinary medicine or range management up to master’s level and not being public officers nominated by the Cabinet Secretary.</li> <li>(f) the Chief Executive Officer who shall be the secretary to the Board</li> <li>(g) Heads of Technical Departments from the State Department of Livestock as ex officio members.;</li> </ul> <p>(3) In nominating representatives to the Cabinet Secretary for appointment under this section, the nominating bodies shall observe the principles of gender, equity, regional balance, and have due regard to the principle of equal opportunities for persons with disabilities.</p> <p>(4) The term of office of a member of the Board appointed under paragraph (1) (e) shall be three years and may be renewed for a further final term of three years upon satisfactory performance.</p>

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Experts and consultants.	<b>9.</b> The Board may engage experts or consultants to assist in the discharge of the functions of the Board.
Committees of the Board	<p><b>10.</b> (1) The Board may establish such committees as may be necessary for the performance of its functions.</p> <p>(2) In addition to the general governance committees, the Board will establish thematic committees to address the specific industry sub sectors.</p> <p>(3) A committee is subject to the control of the Board and may be discharged or reconstituted at any time as the Board may deem proper;</p> <p>(4) The Board will co-opt experts into the membership of the specialized thematic committees' persons whose knowledge and skills may be necessary for the performance of its function.</p>
Vacation of office.	<p><b>11.</b> A member of the Board other than an <i>ex officio</i> member shall vacate office if the member —</p> <p>(a) resigns by notice in writing to the Cabinet Secretary;</p> <p>(b) is unable to perform the functions of the office by reason of prolonged physical or mental incapacity;</p> <p>(c) is adjudged bankrupt by a court of competent jurisdiction; or</p> <p>(d) is removed from office by the Cabinet Secretary by notice in writing setting out the reasons for such removal.</p>
Powers of the Board.	<p><b>12.</b> The Board shall have all the powers necessary for the performance of its functions under this Part, and, in particular but without prejudice to the generality of the foregoing the Board may-</p> <p>(a) establish units as it deems necessary for the better carrying out of the provisions of the Part;</p> <p>(b) hire staff on terms and conditions, as it may consider necessary for the efficient operations of the Board and implementation of the provisions of this Part;</p> <p>(c) establish such facilities and systems in furtherance of the object and purpose of this Part;</p> <p>(d) compel the production of any information required for the performance of its functions</p> <p>(e) establish a banking account or special accounts as it may consider necessary;</p> <p>(f) borrow money, mortgage or charge any of its assets with the consent of the Cabinet Secretary;</p> <p>(g) invest its money in approved securities or other income generating activities as the Cabinet Secretary for finance may approve;</p> <p>(h) establish special funds or reserves as it considers necessary or expedient for any purpose contemplated by this part;</p>

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	<ul style="list-style-type: none"> <li>(i) manage and utilize the resources of the Board in accordance with the provisions of this Act and in a manner, which in the opinion of the Board, promote the best interests of the livestock sector.</li> <li>(j) make standing orders providing for the regulation of its meetings, the conduct of its business, and the duties of its officers and other employees.</li> <li>(k) Appoint relevant technical expertise to the Board as it deems necessary</li> <li>(l) Undertake any activity necessary to effectively carry out its functions</li> </ul>
<p>Functions of the National Livestock Regulatory Board.</p>	<p><b>13.</b> (1) The Livestock Regulatory Board shall regulate the livestock industry in matters related to animal feeds, non sanitary aspects of breeding, quality of inputs for the sector and livestock products marketing.</p> <p>(2) Nothing in the provision in 13(1) derogates the statutory function of the Veterinary Services and the Kenya Dairy Board.</p>
	<p>(3) Notwithstanding the provisions in 13(1), the Livestock Regulatory Board shall</p> <ul style="list-style-type: none"> <li>(i) Regulate the manufacture, importation, and sale of animal feedstuff with respect to concentrates, supplements, feed additives and premixes, to ensure compliance with national standards.</li> <li>(ii) Regulate distribution/production and importation of type, species and varieties of pasture and fodder introduced in the country</li> <li>(iii) In collaboration with County governments enforce quality standards for forages baled or ensiled for purposes of sale.</li> <li>(iv) Regulate animal feed industry auxiliary services in animal nutrition advice including feeds analysis for compliance with national standards.</li> <li>(v) Ensure stud identification and registration of breeding animals, performance recording, genetic evaluation, sustainable use and conservation of animal genetic resources.</li> <li>(vi) Control utilization of imported and local animal genetic resources intended for breed improvement.</li> <li>(vii) Regulate design and construction of animal structures and importation of equipment for conformance to set standards.</li> <li>(viii) Regulate production, processing and importation of hive products</li> <li>(ix) Register livestock value chain actors</li> <li>(x) Advise SDL on livestock matters that require capacity building in county governments</li> <li>(xi) Collaborate with other government agencies in regulating livestock related matters</li> </ul> <p>(4) Advise the Cabinet Secretary on regulations for the purposes of this Part.</p>

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Powers to make regulations	<p><b>14.</b> The Cabinet Secretary may, on the advice of the Board, make regulations generally for the better carrying out of the purposes and provisions of this Board, and without prejudice to the generality of the foregoing, may make regulations-</p> <ul style="list-style-type: none"> <li>(a) prescribing the qualifications, powers and duties of Board compliance officers and other persons appointed to exercise powers and perform duties under this Board;</li> <li>(b) imposing levies, fees or charges for purposes of this Board.</li> <li>(c) requiring the registration and certification of producers, breeders, processors and manufacturers for the purposes of this Board.</li> <li>(d) requiring the registration and licensing of animal nutrition service providers including animal feed analysts</li> <li>(e) prescribing the forms of application, and of licenses, marks, registers and all documents to be used for the purpose of this Board;</li> <li>(f) authorizing the examination, inspection, analyzing and testing of livestock products, inputs, equipment and how the samples of such products or inputs may be taken;</li> <li>(g) making provision for receiving complaints on the quality of livestock products or inputs;</li> <li>(h) Prescribe any other matter for the better carrying out of the functions of the object of the Board.</li> </ul>
Conduct of business and affairs of the Board.	<p><b>15.</b> The conduct and regulation of the business and affairs of the Board shall be as provided in the Second Schedule but subject thereto, the Board may regulate its own procedure.</p>
Delegation by the Board.	<p><b>16.</b> The Board may by resolution either generally or in any particular case, delegate to any committee, member, officer or employee the exercise of any of the powers or the performance of any of the functions or duties of the Board.</p>
Remuneration of Board members.	<p><b>17.</b> The members of the Board shall be paid such remuneration and allowances as the Salaries and Remuneration Commission shall advise.</p>
The Chief Executive Officer.	<p><b>18.</b> (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Board through a competitive process.</p>
	<p>(2) The Chief Executive Officer of the Board is responsible for —</p> <ul style="list-style-type: none"> <li>(a) the administration and management of the affairs of the Board;</li> <li>(b) supervision of employees of the Board; and</li> <li>(c) the performance of such other duties as may be assigned by the Board.</li> </ul>

<p>Qualifications of the Chief Executive Officer.</p>	<p><b>19.</b> A person is qualified for appointment as the Chief Executive Officer of the Board if the person —</p> <ul style="list-style-type: none"> <li>(a) is a Kenyan citizen;</li> <li>(b) holds undergraduate degree in veterinary medicine, range management or animal sciences or equivalent from a university recognized in Kenya;</li> <li>(c) holds, at least, a masters degree in veterinary sciences, range management, or animal sciences or equivalent from a university recognized in Kenya;</li> <li>(d) has evidence of training in management</li> <li>(e) has had at least ten years professional experience in the livestock sector five of which at a senior level of management; and</li> <li>(f) meets the requirements of Chapter Six of the Constitution.</li> </ul>
<p>Staff of the Board.</p>	<p><b>20.</b> (1) The Board shall recruit such number of staff as are necessary for the proper and efficient exercise of the functions of the Board. (2) The Chief Executive Officer and the staff of the Board shall be paid such remuneration and allowances as the Salaries and Remuneration Commission shall advise.</p>
<p>Protection from personal liability.</p>	<p><b>21.</b> (1) Nothing done by a member of the Board or by any person working under the instructions of the Board shall, if done in good faith for the purpose of executing the powers, functions or duties of the Board, render such member or officer personally liable for any action, claim or demand.  (2) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury suffered by them, their property, or any of their interests arising directly or indirectly from the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or from any work.</p>
<p>Legal proceedings against the Board. <i>Cap 40.</i></p>	<p><b>22.</b> (1) Proceedings against the Board shall be deemed to be proceedings against the Government and shall be subject to the Government Proceedings Act. (2) Any notice or other processes in respect of legal proceedings under subsection (1) shall be served upon the Chief Executive Officer of the Board.</p>
<p><b>PART III — FINANCIAL PROVISIONS OF THE NATIONAL BOARD</b></p>	
<p>Funds of the Board.</p>	<p><b>23.</b> (1) The funds of the National Board shall consist of—</p>



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	<p>(a) monies allocated by the National Assembly for purposes of the Board</p> <p>(b) any grants, gifts, donations or other endowments given to the Board;</p> <p>(c) such funds as may vest in or accrue to the Board in the performance of its functions or exercise of its powers under this Act or under any other written law.</p> <p>(2) The receipts, earnings or accruals of the National Board and the balances at the close of each financial year shall be paid into the Consolidated Fund</p>
Annual estimates.	<p><b>24.</b> (1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.</p> <p>(2) The annual estimates shall make provision for all the estimated expenditure of the Board for the financial year concerned.</p> <p>(3) The Cabinet Secretary responsible for finance shall present the estimates approved by the Board under sub-section (2) for consideration and approval by National Assembly.</p>
Financial year	<p><b>25.</b> The financial year of the National Board shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.</p>
Accounts and audit.  <i>No. 18 of 2012</i>             <i>No. 12 of 2015.</i>	<p><b>26.</b> (1) The National Board shall cause to be opened and maintained such bank accounts as are necessary for its operations.</p> <p>(2) The National Board shall cause to be kept all proper books and records of account National t of the income, expenditure, assets and liabilities of the Board in accordance with the Public Finance Management Act.</p> <p>(2) Within a period of three months after the end of each financial year, the National Board shall submit to the Auditor-General the accounts of the Board in respect of that year together with—</p> <p>(a) a statement of the income and expenditure of the Board during that year; and</p> <p>(b) a statement of the assets and liabilities of the Board on the last day of that financial year.</p> <p>(3) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act.</p>
Declaration of special animal,	<p><b>27.</b> The Cabinet Secretary may upon consultation with the Board, by notice in the Gazette, declare an animal, animal product or essential input to be</p>

product or essential input.	a special animal, animal product or essential input where it is deemed necessary for purposes generally of sale, promotion or fostering such item.
Establishment of regional offices.	<p>(a) (1) The National Livestock Regulatory Board shall establish regional offices as appropriate to coordinate its functions.</p> <p>(2) The National Livestock Regulatory Board shall —</p> <p>(a) facilitate the effective implementation of this Act in collaboration with county governments;</p> <p>(b) ensure that appropriate capacity building and development is undertaken for purposes of regulating the relevant aspects of the livestock industry in the county; and.</p> <p>(c) advise the county upon request by the county government, on any matter in respect to the relevant livestock sector regulation.</p>
<b>PART IV — ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA VETERINARY VACCINES INSTITUTE</b>	
Interpretation for Part.	<b>28.</b> In this Part, unless the context otherwise requires—
	“ <b>biological products</b> ” means products including cells, fluids, tissues and master seed required in the production of vaccines and other products;
	“ <b>Board</b> ” means the Board of management of the Institute constituted under section 27;
	“ <b>cold chain</b> ” means facilities utilized for maintaining prescribed temperature conditions for vaccines storage and transport;
	“ <b>Institute</b> ” means the Kenya Veterinary Vaccines Institute established under section 26;
	“ <b>media</b> ” means the environment conducive for the growth of microorganisms;
	“ <b>qualified persons</b> ” means persons licensed to practice veterinary medicine under the Veterinary Surgeons and Veterinary para-professionals Act; “ <b>trespass</b> ” means unauthorized entry into a quarantine area or malicious interference with the property of the Institute.

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Establishment of the Institute.	<b>29.</b> (1) There is established an Institute to be known as the Kenya Veterinary Vaccines Institute.
	(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of— (a) suing and being sued; (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; and (c) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may be lawfully done by a body corporate.
	(3) The headquarters of the Institute shall be in Nairobi and the Institute may establish such branches in the counties as far as shall be appropriate for its operations.
Functions of the Institute.	<b>30.</b> The functions of the Institute shall be to— (a) produce safe, efficacious and affordable veterinary vaccines; (b) market and distribute veterinary vaccines, locally and abroad; (c) research, either alone or in collaboration with other research institutions, into new innovations of veterinary vaccines production; (d) develop and produce chemicals, media, reagents and biological products for use in the production of vaccines and other products; (e) maintain strategic vaccines reserve for the country; (f) advise on the suitability and effectiveness of veterinary vaccines; (g) serve as a custodian of master seeds for veterinary vaccines production in the country; (h) apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise the board may determine (i) Offer internship and industrial training for graduates and students in colleges and universities (j) formulate and oversee the overall strategy and approve relevant policies of the Institute (k) safeguard land and other assets for the Institute; (l) advise the Cabinet Secretary on all matters relating to the enforcement of the provisions of this Act; and (m) undertake any other activities necessary for the better carrying out the functions of the Institute.
Management Board of the Institute.	<b>31.</b> (1) The management of the Institute shall be vested in a Board which shall consist of:

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	<ul style="list-style-type: none"> <li>(a) a non-executive chairperson, appointed by the President;</li> <li>(b) the Principal Secretary responsible for Livestock;</li> <li>(c) the Principal Secretary responsible for the National Treasury;</li> <li>(d) the Director of Veterinary Services;</li> <li>(e) the Director of Livestock Production</li> <li>(f) the Director General of the Kenya Agricultural and Livestock Research Organization;</li> <li>(g) County Director of Veterinary Services (CDVS) appointed by the Council of Governors</li> <li>(h) the Chief Executive Officer of the Institute who shall be an ex officio member of the Board and shall have no powers to vote at a meeting of the Board; Two persons appointed by the Cabinet Secretary: one from Kenya Private Sector Alliance and a representative from Kenya Livestock breeder’s organization.</li> </ul>
	<p>(2) In appointing the members of the Board of the Institute under subsection (1) the Cabinet Secretary shall adhere to the principles of gender equity, regional and ethnic balance, and shall have due regard to the principle of equal opportunities for persons with disabilities.</p> <p>(3) The members of the Board of the Institute appointed under subsections (1) (b) to (e) may designate, in writing, a representative to attend and participate in any meeting of the Board on their behalf.</p>
<p>Powers of the Board of the Institute.</p>	<p><b>32.</b> (1) The Board of the Institute shall have all the powers necessary for the proper performance of its functions under this Act and subject to the provisions of this Act, the Board shall have the power to —</p> <ul style="list-style-type: none"> <li>(a) enter into contracts or associations with such other bodies or organizations within or outside Kenya, as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Institute is established;</li> <li>(b) appoint the chief executive officer and the senior management staff of the Institute in accordance with the existing government procedures;</li> <li>(c) source for funds for the Institute;</li> <li>(d) oversee management, control and administration of land and assets of the Institute in such manner and for such purposes as best promotes the purpose for which the Institute is established</li> <li>(e) establish administrative units for the institute</li> <li>(f) request, in writing, any person to furnish the Institute with such information or produce such documents or records as they may consider necessary for the performance of the functions of the Institute</li> </ul>

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	<ul style="list-style-type: none"> <li>(g) receive gifts, grants, donations or endowments made to the Institute and make disbursement therefrom;</li> <li>(h) open such bank accounts as may be necessary for the management of the funds of the Institute into which all moneys received by the Institute shall be paid in the first instance and out of which all payments made by the Institute shall be made;</li> <li>(i) establish a Fund which shall be managed by the Board in accordance with Regulations made under this Act; and</li> <li>(j) invest any funds of the Institute not immediately required for its purposes.</li> </ul>
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Term of office of chairperson and members of the Board of the Institute.	<b>33.</b> The chairperson and members shall hold office for a period of three years, renewable once.
Qualifications for appointment as chairperson and members of the Board of the Institute.	<p><b>34.</b> (1) A person shall be qualified for appointment as the chairperson of the Board of the Institute if the person—</p> <ul style="list-style-type: none"> <li>(a) holds a degree in any discipline related to livestock sector from a university recognized in Kenya;</li> <li>(b) has a distinguished career in a senior management position in either the private or public sector;</li> <li>(c) holds at least ten years’ post-qualification professional experience; and</li> <li>(d) satisfies the requirements of Chapter Six of the Constitution.</li> </ul> <p>(2) A person shall be qualified for appointment as a member of the Board of the Institute under paragraph (1)(h), if that person—</p> <ul style="list-style-type: none"> <li>(a) holds at least a degree from a university recognized in Kenya;</li> <li>(b) has a distinguished career in a senior management position in either the private or public sector;</li> <li>(c) holds at least seven years’ post-qualification experience;</li> <li>(d) satisfies the requirements of Chapter Six of the Constitution; and</li> <li>(e) has knowledge related to vaccines and their use.</li> </ul> <p>(3) A person shall be disqualified for appointment as a chairperson or member of the Board of the Institute, if that person—</p>

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	<ul style="list-style-type: none"> <li>(a) is a serving State Officer;</li> <li>(b) a member of a governing body of a political party;</li> <li>(c) is an undischarged bankrupt;</li> <li>(d) has been convicted of a felony; or</li> <li>(e) has been removed from office for contravening the provisions of the Constitution or any other law.</li> </ul>
Vacation of office	<p><b>35.</b> A person shall cease to be a member of the Board of the Institute, if that person—</p> <ul style="list-style-type: none"> <li>(a) is unable to perform the functions of his office by reason of mental or physical infirmity;</li> <li>(b) is adjudged bankrupt;</li> <li>(c) is convicted of a criminal offence</li> <li>(d) is absent from three consecutive meetings of the Board without the permission of the Board;</li> <li>(e) resigns, in writing, addressed, in the case of the chairperson to the President, and in the case of any other member, to the Cabinet Secretary;</li> <li>(f) violates Chapter Six of the Constitution; or</li> <li>(g) dies.</li> </ul>
Removal from Office.	<p><b>36.</b> The chairperson or member of the Board of the Institute may be removed from Office for —</p> <ul style="list-style-type: none"> <li>(a) inability to perform the functions of the office arising out of physical or mental incapacity;</li> <li>(b) gross misconduct or misbehaviour;</li> <li>(c) being absent for three consecutive meetings of the Board without notice to the chairperson or without sufficient cause;</li> <li>(d) incompetence; or</li> <li>(e) violation of the Constitution.</li> </ul>
Remuneration of Board of the Institute members	<p><b>37.</b> The members of the Board of the Institute shall be paid allowances and disbursements of expenses, as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine.</p>
Committees of the management Board of the Institute.	<p><b>38.</b> (1) The management Board of the Institute may, from time to time, establish such committees as it considers necessary for the effective carrying out of its functions under this Act.</p> <p>(2) Subject to subsection (4), the Board of the Institute may co-opt into its membership a person whose knowledge and skills are found necessary for the functions of the Institute in accordance with the Government directives issued from time to time.</p> <p>(3) A person co-opted under subsection (2) shall have no right to vote.</p>

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	(4) Despite subsection (2), the Board of the Institute shall not co-opt more than two people at any one time.
Conduct of the meetings of the Board of the Institute.	<b>39.</b> The conduct of the meetings of the Board of the Institute shall be as set out in the Schedule.
Protection from liability.	<b>40.</b> No board member including the chairperson, officer or employee of the Institute shall be personally liable for any act or omission done or omitted to be done in good faith in carrying out any function under this Act.
Delegation of functions.	<b>41.</b> Subject to this Act, the Board of the Institute may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Institute, the exercise of any of the powers or, the performance of any of the functions or duties of the Board under this Act.
Appointment of Chief Executive Officer of the Institute.	<b>42.</b> (1) There shall be a Chief Executive Officer of the Institute who shall be appointed by the Board through a competitive recruitment process.
	(2) The Chief Executive Officer shall hold office for a term of three years, renewable once.
	(3) The Chief Executive Officer shall be responsible for— (a) the day to day administration of the affairs of the Institute, subject to the direction of the Board; (b) formulation of the long term strategy, budget and plans for adoption by the Board; (c) administration, organization and control of the staff of the Institute; (d) management of funds, property and affairs of the Institute; (e) implementation of the policies and programs of the Institute and reporting thereon to the Board of the Institute; and (f) performance of any other duty necessary for the implementation of this Act as may be assigned by the Board of the Institute.
Qualification for appointment of the Chief Executive Officer.	<b>43.</b> A person shall qualify for appointment as Chief Executive Officer, if that person—

	<p>(a) holds a bachelors degree in veterinary medicine from a university recognized in Kenya;</p> <p>(b) holds at least a masters’ degree in any relevant discipline from a university recognized in Kenya;</p> <p>(c) has a distinguished career in a senior management position in either the private or public sector;</p> <p>(d) has demonstrable managerial, administrative and professional competence in work performance and exhibit a thorough understanding of national goals, policies, objectives and ability to relate them to vaccine production, management and administration;</p> <p>(e) holds at least ten years’ post-qualification professional experience, 5 of which should be in a senior managerial position; and</p> <p>(f) satisfies the requirements of Chapter Six of the Constitution.</p> <p>(2) A person is not qualified for appointment as a chief executive officer, if that person—</p> <p>(a) is a member of Parliament or County Assembly;</p> <p>(b) is a member of a governing body of a political party;</p> <p>(c) is an undischarged bankrupt;</p> <p>(d) has been removed from office for contravening the Constitution or any other law; or</p> <p>(e) has, in the conduct of his or her affairs, not met any statutory obligations.</p>
Staff of the Institute.	<b>44.</b> The Board of the Institute may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Institute under this Act upon such terms and conditions of service as the Board may determine.
Contract of manufacturing.	<b>45.</b> (1) The Institute may enter into a contract with any corporation or other countries to produce specific veterinary vaccines and other biological products. (2) The Institute may enter into a contract with other vaccines manufacturing laboratories to produce specific veterinary vaccines and other biological products.
Designation of quarantine area. Cap 364.	<b>46.</b> (1) The Director of Veterinary Services shall designate vaccine production facilities and their testing premises as quarantine areas in reference to Animal Diseases Act.
Collaboration in vaccine research	<b>47.</b> The Institute may, in collaboration with relevant research institutions within and outside Kenya, undertake, facilitate or authorize research in any area related to vaccines in accordance with government regulations.
<b>PART V — FINANCIAL PROVISIONS OF THE INSTITUTE</b>	



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Funds of the Institute.	<b>48.</b> The funds and assets of the Institute shall comprise of (a) monies allocated by Parliament for the purposes of the Institute; (b) such monies or assets as may accrue to the Institute in the course of the exercise of its powers or in the performance of its functions under this Act; and (c) all monies from any other source provided, donated or lent to the Institute.
Financial year.	<b>49.</b> The financial year of the Institute shall be the period of twelve months ending on thirtieth day of June in each year.
Annual estimates.	<b>50.</b> (1) At least three months before the commencement of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.
	(2) The annual estimates shall make provision for all estimated expenditure of the Institute for the financial year concerned, and in particular shall provide for—
	(a) the payment of the salaries, allowances and fees in respect to the activities of the Institute.
	(b) the payment of the pensions, gratuities and other charges in respect of the employees of the Institute;
	(c) the proper maintenance of the buildings and grounds of the Institute;
	(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Institute; and
	(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, research and development or in respect of such other matters as the Institute may deem fit.
	(3) The annual estimates shall be approved by the Board of the Institute before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary.
	(4) The expenditure shall not be incurred for the purposes of the Institute except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board of the Institute.
Accounts and Audit.	<b>51.</b> (1) The Institute shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Institute.  (2) The annual accounts of the Institute shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act.

Annual reports.	<p><b>52.</b> The Board of the Institute shall, within a period of three months after the end of each financial year, submit—</p> <p>(a) to the Auditor-General, the accounts of the Institute in respect of that year together with—</p> <p style="padding-left: 40px;">(i) a statement of the income and expenditure of the Institute during that year; and</p> <p style="padding-left: 40px;">(ii) a statement of the assets and liabilities of the Institute on the last day of that financial year; and</p> <p>(b) to the Cabinet Secretary, an annual report in respect of that year containing—</p> <p style="padding-left: 40px;">(i) the accounts of the Institute and statements referred to under paragraph (a);</p> <p style="padding-left: 40px;">(ii) the Institute’s performance indicators and any other related information; a report on the operations of the Institute during that year; and such other information as the Cabinet Secretary may request.</p>
Revocation of L.N No.223 of 1990, savings and Transition.	<p><b>53.</b> (1) The Kenya Veterinary Vaccines Production Institute Order is revoked.</p>
	<p>(2) In this section —</p> <p>“appointed day” means the date of publication and commencement of this Act;</p> <p>“former Institute” means the Kenya Veterinary Vaccines Production Institute.</p>
	<p>(3) Despite subsection (1) —</p>
	<p>(a) any person who, immediately before the commencement of this Act, was a member of staff of the former Institute shall be deemed to have been appointed under this Act;</p> <p>(b) the Board of the Institute which immediately before the appointed day was the Board of the former Institute shall serve the remainder of their term of office.</p>
	<p>(c) all the funds, assets and other property, both movable and immovable, which immediately before the appointed day were vested in the former Institute shall, by virtue of this paragraph, vest in the Institute;</p> <p>(d) all rights, powers and liabilities which immediately before the appointed day were vested in, imposed on or enforceable against the</p>

	former Institute shall, by virtue of this paragraph, be vested in, imposed on or enforceable against the Institute;
	<p>(e) any proceedings taken against or by the former Institute or pending against it or any other person immediately before the commencement of this Act may be continued by or against the Institute as if instituted under this Act:</p> <p>Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question.</p>
	(f) any administrative investigation or inquiry instituted in terms of the repealed Legal Notice which was pending before the commencement of this Act shall be continued or disposed of as if instituted under this Act;
	(g) all disciplinary proceedings which immediately before the commencement of this Act were pending shall be continued or concluded as if instituted under this Act;
	(h) all appeal processes, which immediately before the commencement of this Act were pending, shall proceed as if instituted under this Act;
	<p>(i) a valid contract entered into on behalf of the former Institute before the commencement of this Act, shall continue to be in force to the extent that the terms and conditions thereof are not inconsistent with the provisions of this Act;</p> <p>(j) the annual estimates of former Institute for the financial year in which the appointed day occurs shall be deemed to be the annual estimates of the Institute for the remainder of that financial year:</p> <p>Provided that such estimates may be varied by the Board in such manner as the Cabinet Secretary may approve.</p> <p>(k) the administrative directions made by the former Institute or by the Cabinet Secretary which are in force immediately before the appointed day shall, on or after such day, have force as if they were directions made by the Institute or the Cabinet Secretary under this Act;</p> <p>(l) any reference in any written law or in any document or instrument to the former Institute shall, on and after the appointed day, be construed to be a reference to the Institute.</p>

**PART VI**  
**ESTABLISHMENT, FUNCTIONS AND POWERS OF THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD**

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Interpretation of Part	<b>54.</b> . In this Part-
	<b>"Board"</b> means the Livestock and Livestock Products Marketing Board established by section 63;
	<b>"animal"</b> means any domestic or wild animal, and includes a bird, fishbees and other aquatic animals.;
<i>No. 46 of 2012</i>	<b>"consumer"</b> has the meaning assigned to it under section 2 of the Consumer Protection Act;
	<b>"former Board"</b> means the Board of the National Livestock Development and Promotion Service;
	<b>"livestock infrastructure"</b> means structures and facilities serving the livestock industry which includes roads, holding grounds, water points, disease-free zones, markets and livestock transportation vehicles;
	<b>"livestock market information system"</b> means a system that collects-, analyses- and distributes marketing information on livestock and livestock products:
	<b>"livestock products"</b> means a carcass or parts of a carcass of livestock, and any product consisting of parts of, or derived from livestock, and includes hides and skins, wool, feather, meat, dairy products, poultry products and hive products.

Establishment of the Livestock and Livestock Products Marketing Board.	<p><b>55.</b> (1) There is established the Livestock and Livestock Products Marketing Board.</p> <p>(2) The Board is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:</p> <ul style="list-style-type: none"> <li>(a) suing and being sued;</li> <li>(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;</li> <li>(c) borrowing money or making investments;</li> <li>(d) entering into contracts; and</li> <li>(e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.</li> </ul>
Headquarters of the Livestock and Livestock Products Marketing Board.	<p><b>56.</b> (1) The headquarters of the Board shall be in Nairobi.</p> <p>(2) The Board may establish offices in other counties.</p>

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<p>Functions of the Livestock and Livestock Products Marketing Board</p>	<p><b>57.</b> The Board shall, in consultation with the county governments, perform the following functions—</p>
	<p>(a) collaborate with other relevant agencies to promote the trade of livestock and livestock products including trade agreements, marketing organizations and co-operatives;</p>
	<p>(b) advise national and county governments on matters relating to marketing of livestock and livestock products;</p>
	<p>(c) liaise with the private sector and other agencies on matters relating to marketing of livestock and livestock products in order to limit duplication of effort</p>
	<p>(d) coordinate and mobilize resources for investments and promotion of marketing of livestock and livestock products;</p>
	<p>(e) facilitate the marketing of livestock and livestock products through provision of market information intelligence on supply and demand locally and internationally;</p>
	<p>(f) in collaboration with research institutions conduct studies and research designed to promote value addition and marketing of livestock and livestock products;</p>
	<p>(g) identify capacity development needs and industry-skills mismatch for adoption of appropriate value addition technologies;</p>
	<p>(h) promote the adoption of standards and best practices in livestock production and processing that supports marketing of livestock and livestock products;</p>
	<p>(i) support capacity for compliance with standards to slaughter houses, manufacturing and processing industries;</p>
	<p>(j) support development and rehabilitation of livestock marketing infrastructure to facilitate trade in livestock and livestock products;</p>

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	(k) collect, collate and disseminate data and information on livestock data and maintain a database for use by all stakeholders;
	(l) advise the National and County governments on levies, fees and charges for purposes of planning and enhancing harmony and equity in the sector;
	(m) advise the national and county governments on matters relating to policies on marketing of livestock and livestock products;
	(n) support the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry;
	(o) develop and promote systems that will enable reduction of post-production and slaughter house losses for livestock and livestock products; and
	(p) facilitate, in liaison with county governments and communities the establishment of strategic business partnerships.
Composition of the Livestock and Livestock Products Marketing Board.	<b>58.</b> (1) The Board shall consist of —
	(a) a chairperson, with knowledge and experience from the livestock industry appointed by the President;
	(b) the Principal Secretary in the ministry responsible
	(c) for livestock or their representative;
	(d) the Principal Secretary in the Ministry responsible
	(e) for finance or their representative; (f) the Director of Livestock Production (g) the Director of Veterinary Services (h) two County Executive Committee Members responsible for Livestock nominated by the Council of Governors;

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	(i) two persons appointed by the Cabinet Secretary taking into consideration the principles of gender and regional balance and having experience in livestock marketing;
	(j) one person nominated by private sector livestock marketing organizations;
	(3) A person shall not be qualified for appointment as a member of the Board under sub-section (1) (g) and (h) if the person-
	(a) is a State or public officer;
	(b) is a member of a governing body of a political party;
	(c) is an undischarged bankrupt; or
	(d) has been removed from public office for contravening the Constitution or any other law.
Powers of the Livestock and Livestock Products Marketing Board.	<b>59.</b> The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have the power to—
	(a) manage, control and administer its assets in such a manner and for such purpose as best promotes the purpose for which the Board is established;
	(b) open such bank accounts for its funds as may be necessary;
	(c) determine the provisions to be made for capital and recurrent expenditure and for the activities of the Board;
	(d) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board's funds not immediately required for the purposes of this Act, as it may determine;
	(e) receive gifts, grants, donations or endowments made to the Livestock Products Marketing Board and make disbursements therefrom;
	(f) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Board is established.
Vacation of office.	<b>60.</b> (I) A member of the Board, other than an <i>ex-officio</i> member, shall cease to be a member of the Board if such person—

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	(a) is unable to perform the functions of the office by
	(b) reason of mental or physical infirmity;
	(c) is adjudged bankrupt;
	(d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
	(e) is absent from three consecutive meetings of the
	(f) Board without good cause;
	(g) resigns in writing by a notice addressed to the
	(h) Cabinet Secretary;
	(i) dies; or
	(j) is removed in accordance with the provisions of the Constitution.
	(2) The Board shall be properly constituted if a quorum is reached notwithstanding a vacancy in its membership.
Term of office.	<b>61.</b> The Chairperson and members appointed under section 66(1) (f) and (g) shall hold office for a term of three years renewable for one further term only.
Conduct of Business and Affairs of the Livestock and Livestock Products Marketing Board.	<b>62.</b> (1) The Livestock and Livestock Products Marketing Board shall conduct its affairs in accordance with the provisions of Schedule 3, but subject thereto, the Livestock Products Marketing Board may regulate its own procedure.
	(2) The Board may establish committees as may be necessary to enable the carrying out of any specialized activities with respect to the promotion or management of that livestock or livestock product.
	(3) The membership of the committees shall be drawn from the Board.
	(4) The committees to be established under subsection (2) shall include a committee on marketing and a committee on consumer affairs.
Remuneration of members of the Board.	<b>63.</b> The members of the Board shall be paid such remuneration, allowances and disbursements for expenses as may be approved by the Cabinet



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	Secretary in consultation with the Salaries and Remuneration Commission.
Appointment of the Chief Executive Officer	<b>64.</b> (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Livestock Products Marketing Board through an open, transparent and competitive basis.
	(2) The Chief Executive Officer shall be an <i>ex officio</i> member of the Board.
Qualification of the Chief Executive Officer	<b>65.</b> (I) A person shall qualify for appointment as the Chief Executive Officer if that person —
	(a) is a citizen of Kenya;
	(b) has a minimum of a Bachelor's degree in animal sciences; veterinary science, range management or any other relevant qualification.
	(c) has a master's degree in a livestock related field or marketing or business or any other relevant field; and
	(d) has at least ten years' experience in the livestock sector preferably with a marketing bias and five of which should have been at a senior level.
	(e) Must meet the requirements of chapter six of the constitution of Kenya.
	(2) The Chief Executive Officer shall hold office for a term of three years but shall be eligible for reappointment for one further term of three years.
Roles of the Chief Executive Officer.	<b>66.</b> (1) The Chief Executive Officer shall be responsible for the —
	(a) day-to-day operations of the Livestock and Livestock Products Marketing Board;
	(b) administration, organisation and control of the staff of the Board;
	(c) management of funds, property and affairs of the Board;
	(d) implementation of the policies and programmes of the Board;
	(e) development of an operations plan for achieving the Board objectives ; and
	(f) performance of any other duty necessary for the implementation of this Act as may be assigned to the Chief Executive Officer by the Board.
	(2) The Chief Executive Officer shall submit to the Livestock and Livestock Products Marketing Board for approval, not later than six months before the commencement of each financial year, a Programme of activities of the Board in respect of that financial year.

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Removal of the Chief Executive Officer.	<b>67.</b> (1) The Board may remove the Chief Executive Officer from office in accordance with the terms and conditions of service on grounds of—
	(a) inability to perform the functions of the office arising out of physical or mental incapacity;
	(b) gross misconduct or misbehavior;
	(c) incompetence or neglect of duty; or
	(d) any other ground that would justify the removal from office under the terms and conditions of service.
	(2) Before removal under subsection (1), the Chief Executive Officer shall be-
	(a) informed in writing of the reasons for the intended removal; and
	(b) given an opportunity to put <i>in</i> a defence against the allegations.
Staff of the Livestock and Livestock Products Marketing Board	<b>68.</b> The Board may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act, upon such terms and conditions of service as the Board may determine in consultation with the Salaries and Remuneration Commission.
Engagement of experts	<b>69.</b> The Board may engage the services of such experts in respect of any of its functions in which the experts have special competence.
Common seal	<b>70.</b> (1) The common seal of the Board shall be kept in custody of the Chief Executive Officer or of such other person as the Board may direct, and shall not be used except on the order of the Board.
	(2) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson and the Chief Executive Officer.
	(3) The Board shall in the absence of either the Chairperson or the Chief Executive Officer, in any particular matter, nominate one member of the Board to authenticate the seal of the Board on behalf of either the Chairperson-or the Chief Executive Officer.
	(4) The common seal of the Board when affixed to a document and duly authenticated, shall be judicially and officially and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.
Protection from personal liability.	<b>71.</b> (1) No matter done by a member of the Board or by any officer, member of staff, or agent of the Board shall, if the matter or thing is done <i>bona fide</i> for the purpose of executing the functions, powers or duties of the Board under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable in an action, claim or demand whatsoever.
	(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Board.

Protection from liability.	<b>72.</b> The provisions of section 79 shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any work.
<b>PART VII – FINANCIAL PROVISIONS FOR THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD</b>	
Funds of the Livestock and Livestock Products Marketing Board	<b>73.</b> The funds of the Board shall comprise – (a) such moneys as may be appropriated by the National Assembly for the purposes of the Board; (b) gifts, grants, donations or endowments as may be given to the Board; (c) monies that may accrue to or vest in the Board in the course of the exercise of its functions under this Act; (d) fees for services rendered by the Board; and (e) monies from any other lawful source provided for the Board.
Financial year	<b>74.</b> The financial year of the Board shall be the period of a financial year of twelve months ending on the thirtieth of June in each year.
Annual estimates.	<b>75.</b> At least six months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for that year.
Audit and Accounts	<b>76.</b> (1) The Board shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the Board, (2) Within the period of three months after the end of each financial year, the Board shall submit to the Auditor General, the accounts of the Board in respect of that year together with- (a) a statement of income and expenditure during the year; and (b) a balance sheet of the Board on the last day of that year. (3) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act.
Reporting	<b>77.</b> (1) The Board shall, not more than three months after the end of each financial year, prepare a report setting out- (a) a description of the Board's activities during the year; (b) whether the objectives of the Board for the year under review were met and the reasons why any targets were not achieved; (c) the progress made towards the improvement of the livestock industry; (d) the actions taken by the national and county governments to address the challenges facing the livestock industry during the year; (e) any further efforts which may be necessary to achieve the objectives of the Board;

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	(f) recommendations on the legal and administrative measures necessary in carrying out its functions; and
	(g) any further information relating to the function of the Board.
	(2) The Livestock Products Marketing Board shall submit the report to Parliament.
Information management.	<b>78.</b> (1) The Board shall publish and publicize all important information within its mandate affecting the livestock sector.
	(2) Any person may request for information from the Board and such request for information-
	(a) shall be addressed to the Chief Executive Officer;
	(b) may be subject to the payment of the prescribed fee; and
	(c) may be subject to confidentiality requirements of the Board.
Limitations of the rights to access information.	<b>79.</b> (1) The right of access to information guaranteed under Article 35 of the Constitution is hereby limited under Article 24 of the Constitution to the nature and extent specified in subsection (2).
	(2) The Board may decline to give information to an applicant where in its opinion the divulging of the information would compromise the integrity of the Board.
Competition in the sector.	<b>80.</b> In the discharge of its functions under this Act or any other written law, the Board shall in liaison with the Competition Authority ensure that there are no dominant undertakings in the sector as defined in section 23 of the Competition Act.
Revocation and savings.	<b>81.</b> The National Livestock Development and Promotion Service Order is hereby revoked.

<b>PART VIII</b>	
<b>ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA TSETSE AND TRYPANOSOMIASIS ERADICATION COUNCIL</b>	
Purpose of part	<b>82.</b> The purpose of this part is to provide for the establishment, powers and functions of the Kenya Trypanosomiasis eradication council.
Interpretation of Part.	<b>83.</b> (81) In this Part
	“ <b>authorized field agent</b> ” means a person appointed under section 26 as an authorized field agent;
	“ <b>Board</b> ” means Board of the council established under paragraph XXX
	“ <b>Council</b> ” means the Kenya Tsetse and Trypanosomiasis Eradication Council established under section 3 of this Act;

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	“ <b>crush pen</b> ” means facility used to restrain animal for safe handling while carrying out a procedure;
	“ <b>licence</b> ” means a pass book issued in accordance with the provisions of this Act and Regulations made thereunder;
	“ <b>occupier</b> ” means any person in actual lawful occupation of land without regard to the title under which he or she occupies such land, and includes the owner, or any manager or other person who is authorized to represent the owner of land, who actually resides on such land;
	“ <b>owner</b> ” used with reference to immovable property, includes any person receiving rent or profits from any tenant or occupier thereof or who would receive such rent or profits if the premises were let, whether on his or her own account or as agent for any other person;
<i>Cap 446.</i>	“ <b>Oversight Body</b> ” means the State Corporations Advisory Committee established under the State Corporations Act;
	“ <b>private land</b> ” as defined by article XX of the constitution;
	“ <b>produce</b> ” includes milk, meat, crops and fish;
	“ <b>sequential aerial technique</b> ” means systematic spraying of an area through use of aerial means;
	“ <b>target</b> ” means a device treated with insecticide used to control tsetse fly;
	“ <b>mobile targets</b> ” means a mobile animal, equipment or object treated with insecticide that is used to suppress tsetse flies;
	“ <b>tsetse control picket</b> ” means any barrier erected on any road or recognized footpath in terms of sections 69(2)(d) and 72(1)(d);
	“ <b>tsetse fly area</b> ” means any area defined and declared in terms of section 20 to be a tsetse fly area;
	“ <b>tsetse belts</b> ” means the areas specified as tsetse belts under section 9(1)(e);
	“ <b>vehicle</b> ” means any carriage or conveyance for use upon land or water, or any aircraft; and

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	<b>“Competent Authorities”</b> means a legally recognized authority including the Director of Veterinary Services and Director of Medical Services.
Establishment of the council	<b>84.</b> (1) There is established a council to be known as the Kenya Tsetse and Trypanosomiasis Eradication Council.
	(2) The Council shall be a body corporate with perpetual succession and a common seal and which shall, in its corporate name, be capable of—
	(a) suing and being sued;
	(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
	(c) borrowing and lending money;
	(d) investing any of the funds of the Council which are not immediately required for its purposes;
	(e) entering into contracts; and
	(f) performing all other functions for the proper performance of its functions under this Act,
	(3) The headquarters of the Council shall be in Nairobi and the Council may establish branches in the counties.
Composition of the Board of the Council.	<b>85.</b> (1) The Council shall consist of —
	(a) Chairperson appointed by the President;
	(b) the Principal Secretary in the Ministry responsible for matters relating to Tsetse and Trypanosomiasis Eradication;
	(c) the Principal Secretary to the National Treasury;
	(d) the Director of veterinary services;
	(e) Director of livestock production;
	(f) one County Executive Committee Member responsible for livestock appointed by the Council of Governors;
	(g) the Director-General of the Kenya Wildlife Services;
	(h) ;
	(i)
	(j) a representative from a public research institution dealing with tsetse and trypanosomiasis;
	(k) two persons, of opposite gender, to represent the farming community;
	(2) The Cabinet Secretary shall, in appointing the members of the Board, ensure the observation of the principles of gender equity, regional and ethnic balance, and shall have due regard to the principle of equal opportunities for persons with disabilities.

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	(3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.
	(4) The members of the Board shall be paid allowances determined by the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission and the National Treasury.
Tenure and vacation of office.	<b>86.</b> (84) (1) A member of the Board appointed under section 64(1)(a),(i),(j)(k) shall hold office for a term of three years renewable once
	(2) An appointed member of the Council may, at any time, resign from office by giving a notice, in writing, addressed to the Cabinet Secretary.
	(3) A member of the Council who contravenes the provisions of Chapter Six of the Constitution shall cease to be a member of the Council.
	(4) A member of the Council, other than an <i>ex officio</i> member, who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member of the Council.
	(5) Where a member of the Council is, for a sufficient cause, unable to act as a member, the Cabinet Secretary shall determine whether the inability would result in the declaration of a vacancy.
	(6) Where there is a vacancy—
	(a) under subsection (2), (3) or (4) or section 13(2); or
	(b) as a result of declaration under subsection (4); or
	(c) by reason of the death of a member,
	the Cabinet Secretary shall appoint another person in accordance with the provisions of section 6(1) of this Act to fill that vacancy.
	(7) Upon re-appointment the appointing Authority may extend the term of not more than 1/3 of the members of the board in order to achieve continuity and shall be subject to a favorable board evaluation.
Qualifications for Chairperson.	<b>87.</b> (1) A person shall be qualified for appointment as the Chairperson of the Council if that person—
	(a) holds a degree in a discipline related to livestock industry or pest control from a university recognized in Kenya and has knowledge and at least ten years' experience in matters relating to tsetse and trypanosomiasis eradication;
	(b) is a member of a relevant professional body;
	(c) meets the requirements of Chapter Six of the Constitution.
Qualifications for members of Council.	<b>88.</b> (1) A person shall be qualified for appointment as member of the Council if that person—
	(a) is a representative in accordance with section 6(1) (i)—

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	(b) is resident within a tsetse belt;
	(c) is a member of a relevant professional body in the livestock industry;
	(d) has over ten years experience in livestock sector
	(e) has a minimum education of form four level;
	(f) being a representative in accordance with section 86(1) (j), (and (k));
	(g) fulfils the requirements of Chapter six of the Constitution.
Functions of the Council.	<b>89.</b> (1) The Functions of the Council shall be to —
	(a) recommend standards and guidelines for tsetse and trypanosomiasis eradication;
	(b) determine and advise the Cabinet Secretary on national goals, priorities and strategies for the tsetse and trypanosomiasis eradication;
	(c) co-ordinate activities of Government departments, agencies and other stakeholders at the national and collaborate with county governments on tsetse and trypanosomiasis eradication
	(d) promote collaboration among stakeholders on tsetse and trypanosomiasis eradication;
	(e) act as the lead Centre on tsetse and trypanosomiasis eradication activities;
	(f) negotiate, source and mobilize resources for the tsetse and trypanosomiasis eradication;
	(g) ensure effective and efficient use of resources provided by the Government and other financiers or donors for tsetse and trypanosomiasis eradication;
	(h) establish and maintain appropriate tsetse and trypanosomiasis knowledge, information and communication system and data base based on contemporary science and technology;
	(i) undertake, co-ordinate, guide and facilitate research and use of technologies and development of science for the purposes of eradication of tsetse and trypanosomiasis;
	(j) develop a co-ordinated and efficient system-wide framework for planning, development and management of resources available for tsetse and trypanosomiasis eradication activities;
	(k) promote and facilitate activities in all relevant sectors including land use management and sustainable livelihoods to sustain tsetse and trypanosomiasis eradication in Kenya;
	(l) promote public and private sector partnership for sustainable tsetse and trypanosomiasis eradication; and
Powers of the Council.	<b>90.</b> (1) In performing the functions set out under section 67, the Council shall have powers to—



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	(a) formulate, with approval of the Cabinet Secretary, policies pertaining to the organization, management and implementation of the objectives of the Council;
	(b) advise the Cabinet Secretary on all matters relating to the enforcement of the provisions of this Act;
	(c) in collaboration with county governments and other stakeholders provide advisory and technical services to community groups, individual farmers and institutions on planning, implementation, monitoring and evaluation of tsetse and trypanosomiasis eradication;
	(d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Council is established;
	(e) facilitate linkages between national governments, county governments, private sector, civil society organizations, communities and other stakeholders for provision of support services with respect to tsetse and trypanosomiasis eradication;
	(f) levy such fees and charges for its services as may be provided in the Regulations made under this Act;
	(g) in consultation with county governments, coordinate and plan tsetse and trypanosomiasis eradication programmes in areas which straddle more than one county;
	(h) declare an area to be within the tsetse belt or declare an area to no longer be within the tsetse belt.
	(2) The Council may engage such number of employees as is necessary for the proper discharge of its functions.
Co-option of members.	<b>91.</b> (1) The Board may co-opt any person that it deems necessary, but a person so co-opted shall have no right to vote.
	(2) A person co-opted under this section shall perform a specific task for a specific period.
	(3) A committee of the Council shall not co-opt more than two people at any one time.
	(4) A co-option made under this section shall be for a period not exceeding one year but may with the resolution of the Council be extended for a further period of six months.
Seal of the Council.	<b>92.</b> (1) The seal of the Council shall be authenticated by the signature of the Chairperson and the Chief Executive Officer, or by either the Chairperson or the Chief Executive Officer, together with one member other than an <i>ex-officio</i> member of the Council authorized in writing by the Council in that behalf

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Conduct of the meetings of the Council.	<b>93.</b> The conduct of the meetings of the Council shall be in accordance with the provisions in the Schedule.
Disclosure of interest.	<b>94.</b> (1) A member of the Council who has an interest in a matter for consideration by the Council shall disclose, in writing, the nature of that interest and shall not participate in any deliberations of the Board relating that matter.
	(2) A member of the Council who fails to disclose interest in a matter in accordance with subsection (1) shall cease to be a member of the Council.
Delegation of Functions.	<b>95.</b> The Council may, by resolution either generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or agent of the Council, the exercise of any of the powers or, the performance of any of the functions or duties of the Council under this Act.
Appointment of Chief Executive Officer.	<b>96. (94)</b> (1) There shall be a Chief Executive Officer who shall be the Chief Executive Officer of the Council and shall be appointed by the Board of the council through a competitive recruitment process.
	(2) The Chief Executive Officer shall hold office on such terms and conditions of employment as the Board may determine in consultation in with Salaries and Remuneration Commission.
	(3) The Chief Executive Officer shall be an <i>ex-officio</i> member of the Board, but shall have no right to vote.
Qualifications for appointment of Chief Executive Officer. .	<b>97.</b> A person shall qualify for appointment as Chief Executive Officer under section 75(1) of this Act if such person—
	is a citizen of Kenya;
	(a) holds a Bachelor degree in biological science from a university recognized in Kenya;
	(b) holds a relevant masters degree from a university recognized in Kenya;
	(c) meets the requirements of Chapter Six of the Constitution.
	(d) has a minimum of ten (10) years' experience in the livestock industry, five of which are at management level;
Duties and powers of Chief Executive Officer.	<b>98.</b> The Chief Executive Officer shall— (a) subject to the direction of the Council, be responsible for the day to day management of the Council; (b) in consultation with the Council, be responsible for the direction of the affairs and transactions of the Council, the exercise,

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	<p>discharge and performance of its objectives, functions and duties, and the general administration of the Council;</p> <p>(c) be the secretary of the Council responsible for arranging meetings of the Council and keeping records of the proceedings; and perform such other duties as may be assigned by the Council from time to time.</p>
Staff of the Council.	<b>99.</b> The Council may engage such number of employees as is necessary for the proper discharge of its functions and operations upon such terms and conditions as the Council may determine.
Tenure of chief Executive officer.	<b>100.</b> The Chief Executive Officer shall hold office for three years term renewable once.
Meetings of the Board of the council	<p><b>101.</b> 1) The Board members shall—</p> <p>(a) dedicate time and effort for meetings</p> <p>(b) Meet as regularly as required and at least quarterly in order to effectively lead the organization.</p> <p>(c) The chairperson shall chair all board meeting and in his/her absence or inability to chair for whatever reason, the members present shall appoint one of them to preside over the meeting.</p> <p>(d) The quorum of the council meeting shall be five members.</p> <p>(2) Secretary to the Council shall attend all Council meetings and in his/her absence or inability to attend for whatever reason, the Council will appoint a secretary for the meeting from amongst the senior staff of the Centre.</p>
Committees of the Board	<p><b>102.</b> (1) The Board shall establish —</p> <p>(a) not more than four committees of the Board provided that the Board shall be at liberty to establish such ad-hoc committees as required to deal with any ad-hoc matters requiring focused attention; and</p> <p>(b) an audit committee and a maximum of three other committees to discharge functions relating to governance, risk, compliance, finance technical matters, strategy and human resources</p>
	<p>(2) The Council shall —</p> <p>(a) provide terms of reference for each committee which should set out as minimum objectives, delegated authority, operations and reporting mechanisms to the Council.</p> <p>(b) review the mandate of the committee periodically.</p> <p>(c) determine the frequency of the committee meetings</p> <p>(d) appoint the chairperson of each committee</p> <p>(e) annually review the effectiveness and performance of its committees</p>

	<p>(f) the chairperson of the Council shall not be a member of any sub-committee, except for an ad-hoc committee.</p> <p>(g) the committee members shall have necessary skills and expertise to execute their responsibilities.</p> <p>(h) where required skills are not available to a committee, the Council may with the approval of the State Corporations Advisory committee co-opt non- Council members to the committee.</p>
Resignation or Removal of Council members.	<p><b>103.</b> (1) A member of the Council , appointed under subsection (61)(a)(i) and (j) (a) may at any time resign from office by notice in writing to the Cabinet Secretary;</p> <p>(2) A Council member may be removed from office if the member—</p> <p>(a) has been absent for three consecutive meetings of the Board without the permission of the Council chair;</p> <p>(b) is adjudged bankrupt or enters into a compensation scheme or arrangement with his or her creditors;</p> <p>(c) is convicted of an offence involving dishonesty or fraud; or is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months without the option of a fine.</p> <p>(d) fails to comply with the requirements of Chapter Six of the Constitution;</p> <p>(e) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Council.</p>
Remuneration of Council members.	<p><b>104.</b> The remuneration of Council members shall be as per the recommendations of the Salaries and Remuneration Commission.</p>
Personal liability.	<p><b>105.</b> Every member of the Council shall be held liable for their acts of commission and omission arising from their negligence, default, or breach of duty or trust</p>
<p><b>PART IX</b></p> <p><b>COLLABORATION WITH COUNTY GOVERNMENTS WITH RESPECT TO TSETSE AND TRYPANOSOMIASIS ERADICATION</b></p>	
Role of county governments.	<p><b>106.</b> (1) The Council shall be responsible for coordination of activities of Government departments, agencies and other stakeholders at the national and collaboration with county governments in matters of tsetse and trypanosomiasis eradication in the Country.</p>
	<p>(2) Despite the provisions of subsection (1), each county government shall within its area of jurisdiction be responsible for the tsetse and trypanosomiasis eradication matters—</p>

No. 2 of 2012.	(3) Any dispute or conflict between the levels of government or between county governments in discharging their roles under this Act shall be resolved in accordance with the framework set out in the Intergovernmental Relations Act, 2012.
<b>PART XII — ESTABLISHMENT OF THE TSESE AND TRYPANOSOMIASIS ERADICATION TRUST FUND</b>	
Establishment of the Fund.	<b>107.</b> (105) (1) There is established a fund to be known as Tsetse and Trypanosomiasis Eradication Trust Fund which shall vest in and be operated and managed by the Board of Trustees.
	(2) The Fund shall consist of—
	(a) monies appropriated by the National Assembly for tsetse and trypanosomiasis eradication;
	(b) any funds provided by bilateral or multilateral donors for the purposes of tsetse and trypanosomiasis eradication;
	(c) any interest from loans and advances; and
	(d) monies from any other source approved by the Cabinet Secretary in consultation with the National Treasury.
Objects of the Fund.	<b>108.</b> The object and purpose of the Fund shall be — (a) to provide strategic and predictable funding to tsetse and trypanosomiasis eradication, research, innovation, training and related activities; and (b) support the development, repairs, maintenance, improvement and rehabilitation of tsetse and trypanosomiasis eradication infrastructure.
Board of Trustees for the Fund.	<b>109.</b> (1) The Fund shall be administered by a Board of Trustees which shall consist of five members appointed by the Cabinet Secretary in consultation with Council of Governors on such terms and conditions as the Cabinet Secretary shall determine through the instrument of appointment.
	(2) The Chief Executive Officer of the Council, shall be the secretary to the Board of Trustees.
	(3) The conduct of business in the meetings of the Board of Trustees shall be determined by the Board of Trustees.
	(4) The Board of Trustees may from time to time and in consultation with the Cabinet Secretary make Rules for the better management of the Fund.

	(5) The members of the Board of Trustees shall be paid allowances determined by the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission and the National Treasury.
Qualifications of Members	<b>110.</b> In making appointment to the Board, the cabinet secretary shall have regard to:
	(a) Article 10 of the constitution of Kenya on national values and principals of governance
	(b) Article 232 of the constitution of Kenya on national values and principals of public service.
	(c) The academic qualifications, professional experience, expertise, character and integrity of the potential candidates for appointment.
Tenure and vacation of office of Trustees.	<b>111.</b> (1) A member of the Board of Trustees appointed under section 34(2) shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.
	(2) A member of the Board of Trustees who fails to disclose interest in a matter in accordance with subsection (1) shall cease to be a member of the Board of Trustees.
	(3) A member of the Board of Trustees, other than an <i>ex-officio</i> member, who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board of Trustees.
	(4) Where a member of the Board of Trustees is, for sufficient cause, unable to act as a member, the Cabinet Secretary shall determine whether the inability would result in the declaration of a vacancy.
	(5) Where there is a vacancy—
	(a) under subsection (2) or (3) or section 36(2); or
	(b) as a result of declaration under subsection (4); or
	(c) by reason of the death of a member,
	(d) the Cabinet Secretary may appoint another person in accordance with the provisions of section 34(2) to fill the vacancy.
Disclosure of Interest.	A member of the Board of Trustees who fails to disclose interest in a matter in accordance with subsection (1) shall cease to be a member of the Board of Trustees.
<b>PART XIII — FINANCIAL PROVISIONS</b>	
Financial year	<b>112.</b> The financial year of the Council shall be the period of twelve months ending on thirtieth day of June in each year

Annual estimates.	<b>113.</b> (1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.
	(2) The annual estimates shall make provision for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for—
	(a) the payment of the salaries, allowances and other charges in respect of the officers, members of staff or agents of the Council;
	(b) the payment of the pensions, gratuities and other charges in respect of the retirement benefits payable to the members of staff of the Council;
	(c) the proper maintenance of the buildings and grounds of the Council;
	(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Council; and
	(e)
	(f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.
	(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval.
	(4) Expenditure shall not be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Council given with prior written approval of the Cabinet Secretary and the National Treasury.

Accounts and Audit.	<b>114.</b> (1) The Council shall cause to be kept proper books and other records of accounts of the income, expenditure, assets and liabilities of the Council.
	(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Council, in respect of that year, together with—
	(a) a statement of income and expenditure during that financial year; and
	(b) a statement of the assets and liabilities of the Council on the last day of that financial year.
	(3) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2005.

**PART XIV— POWERS OF SEARCH, ARREST AND SEIZURE**

Arrest without warrant of person	<b>115.</b> (1) An officer appointed under this Act may, without warrant, order for the arrest any person reasonably suspected of having committed an offence against the provisions of this Part, if such person
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suspected of offence.	refuses to give his or her name and address to such officer or gives a name and address which such officer has reason to believe is false, or if such officer has reason to believe that such person will abscond.
	(2) Every officer making an arrest under subsection (1) shall, without unnecessary delay, take or have the person so arrested brought before a court of competent jurisdiction to be dealt in accordance with the law.
Powers of search and seizure.	<b>116.</b> . (1) If any officer has reasonable grounds for believing that any person has committed an offence under this Act or any Regulations made thereunder, he or she may—
	(a) require such person to cooperate in the inspection of any vessel of transport in relation to or in connection with which an offence appears to such officer to have been committed;
	(b) enter and search any vehicle or boat in the possession of such person and inspect for presence of tsetse flies;
	(c) seize and detain any vessel which contravenes the provisions of paragraph (a) of this section.
	(2) Any inspection of biological materials related to tsetse and trypanosomiasis shall be in accordance with the provisions of the Kenya Plant Health EPHIS Act, 2012 and other relevant laws.
	(3) Any produce seized and detained under the provisions of subsection (1) that is perishable shall be immediately sold and proceeds surrendered to the council.
	(4) Any person from whom any produce was seized or detained and sold under the provisions of subsection (3) shall have committed a crime and is liable for prosecution under this Act.
	(5) A court may order that the vessel or person detained under subsection (1), shall forthwith be taken before a competent court to be dealt with in accordance with the law.
<b>PART XV—GENERAL PROVISIONS</b>	
Levies, Charges and Fees to be published in the Gazette .	<b>117.</b> (1) Where the Board, under this Act, stipulates levies, charges or fees for any of its services or for use of its facilities, the schedule of charges shall be published in the Gazette.
	(2) The levies, charges or fees shall come into force on such date as may be specified in the publication, provided the date shall be not less than thirty days from the date of publication.
Protection from liability.	<b>118.</b> Any person exercising the powers and doing the acts authorized or permitted under this Act shall not be liable to any action or other proceeding for or in respect of any damage or injury that person may accidentally or inadvertently cause to any vehicle, boat or produce, or for or in respect of any act or matter done or omitted to be done in good faith in the exercise or supposed exercise of the powers of this Act.



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Offences and penalties.	<b>119.</b> Any person who—
	(a) removes, destroys or otherwise interferes with a any device for tsetse eradication set up under this Act;
	(b) refuses an authorized field agent entry into a farm or other area;
	(c) undertakes research without a research authorization;
	(d) interferes with the official duties of an authorised field agent; or
	(e) enters or leaves a tsetse fly area or tsetse fly control area in contravention of any order made under this Act, commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.
Revocation, savings and Transition for part.	<b>120.</b> 1) The Kenya Tsetse and Trypanosomiasis Eradication Council Order, 2012 is revoked.
	(2) Despite subsection (1) —
	(a) any person who, immediately before the commencement of this Act, was a member of staff of the former Council shall be deemed to have been appointed under this Act;
	(b) movable and immovable property and the rights and liabilities previously attaching to the former Council and property held by any person on behalf of the former Council before the commencement of this Act shall, upon commencement, vest in the Council;
	(c) any proceedings taken against or by the former Council or pending against it or any other person immediately before the commencement of this Act may be continued by or against the Council as if instituted under this Act;
	(d) Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question.
	(e) any administrative investigation or inquiry instituted in terms of the revoked Legal Notice which was pending before the commencement of this Act shall be continued or disposed of as if instituted under this Act;
	(f) all disciplinary proceedings which immediately before the commencement of this Act were pending shall be continued or concluded as if instituted under this Act;
	(g) all appeal processes, which immediately before the commencement of this Act were pending, shall proceed as if instituted under this Act;
	(h) a valid contract entered into on behalf of the former Council before the commencement of this Act, shall continue to be in force to the extent that the terms and conditions thereof are not inconsistent with the provisions of the Act.

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	(3) For the purposes of this section, “former Council” means the Tsetse and Trypanosomiasis Eradication Council established under the repealed Legal Notice.

<b>PART XVI</b>	
<b>ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA ANIMAL GENETIC RESOURCES CENTRE</b>	
Purpose of part	<b>121.</b> This part provides for the establishment, powers and functions of the Kenya Animal Genetic Resources Centre.
Establishment of the Centre.	<b>122.</b> (1) There is established a Centre to be known as the Kenya Animal Genetic Resources Centre.
	(2) The Centre shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—
	(a) suing and being sued;
	(b) taking, purchasing or otherwise acquiring, holding, charging and disposing movable and immovable property; and
	(c) doing or performing all such other things or acts for the proper discharge of its functions under this Act or any written law, as may lawfully be done or performed by a body corporate.
<i>L.N. No.110 of 2011.</i>	(3) The Centre shall be the successor of the Kenya Animal Genetic Resources Centre established in accordance with the Kenya Animal Genetic Resources Centre Order, 2011 and existing immediately before the commencement of this Act;
	(4) Upon commencement of this Act, the Centre shall have a twenty-four months transition period in accordance with section 18.
Headquarters of the Centre.	<b>123.</b> The headquarters of the Centre shall be in Nairobi, and the Centre may have offices in other counties as may from time to time be resolved and approved by the Board.
Functions of the Centre.	<b>124.</b> The functions of the Centre shall be to —
	(a) establish and manage an Animal Genetic Resources gene bank;
	(b) establish and manage a national animal breeding and improvement unit;
	(c) in collaboration with other institutions engage in conservation of animal genetic resources;
	(d) establish and manage satellite Centre centers for various livestock species;
	(e) engage in germplasm production and distribution;
	(f) serve as an accredited reference laboratory for testing of semen, embryos, DNA typing, and related animal germplasm;

	(g) in collaboration with other institutions, research, develop, adopt and promote reproductive technologies for animal reproduction;
	(h) in collaboration with other institutions provide animal genetic resources conservation, germplasm processing and related reproductive technologies transfer and capacity building;
	(i) in collaboration with breed societies, individual farmers and breeding institutions to effectively manage breeds improvement; and
	(j) engage in other activities that promote its best interests in accordance with this Act as the Board may determine from time to time.
Board of Directors of the Centre.	<b>125.</b> (1) The management of the Centre shall vest in a Board of Directors which shall consist of —
	(a) non-executive chairman appointed by the President;
	(b) The Principal Secretary in the Ministry responsible for matters relating to nimal genetic resources The Principal Secretary in the Ministry responsible for finance;
	(c) Director of Livestock Production
	(d) the Chief Executive Officer of the Centre appointed under section 8 who shall be the secretary to the Board;
	(e) Three persons not being public servants: A breeding expert, a representative of livestock farmers and an expert in finance , management or Human resources;
	(3) A person appointed under subsection (1)(e) ceases to be a member of the Board of the Centre if the person —
	(a) at any time resigns from office by notice in writing to the Cabinet Secretary.
	(b) is adjudged bankrupt or enters into a compensation scheme or arrangement with his or her creditors.
	(c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months without an option of a fine.
	(d) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Board; or
	(k) dies.
Role of the Board of the Centre.	<b>126.</b> The role of the Board of the shall be to —.
	(a) determine the Centre’s mission, vision, purpose and core values;
	(b) set and oversee the overall strategy and approve significant policies of the Centre;
	(c) ensure that the strategy is aligned with the purpose of the Centre and the legitimate interests and expectations of its stakeholders;

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	(d) administer assets and funds of the Centre in such manner and for such purposes as will promote the purpose for which the Centre is established;
	(e) receive gifts donations, grants or other monies and equipment on behalf of the Centre and make legitimate disbursement there from;
	(f) have powers to enter into associations with other persons, bodies or organizations within or outside Kenya as the board may consider appropriate and in furtherance of the purpose for which the Centre is established;
	(g) apply for and hold intellectual property rights and enter into agreements or arrangements for their commercial exploitation or otherwise as the board may consider appropriate;
	(h) approve the organizational structure of the Centre;
	(i) approve the annual budget of the Centre;
	(j) monitor the Centre’s performance and ensure sustainability;
	(k) enhance the corporate image of the Centre;
	(l) ensure availability of adequate resources for achievement of the Centre’s objectives;
	(m) recruit the chief executive officer on such terms and conditions of service of the Centre and approve the appointment of senior management staff;
	(n) ensure effective communication with stakeholders;
	(o) develop and adopt a board charter that will define the role, responsibilities and functions of the board and governance of the Centre;
	(p) set the performance targets of the Chief Executive Officer ; and
Tenure of office of the members of the Board.	<b>127.</b> (1) The chairperson and members of the board shall serve for a term of three years and shall be eligible for re-appointment once for a further term of three years.
Vacation of office of Board members	<b>128.</b> (1) The office of the chairperson or member of the Board shall become vacant if the holder—
	(a) dies;
	(b) resigns from office by notice in writing, addressed to the Cabinet Secretary;
	(c) violates the Constitution or any other law;
	(d) grossly misconducts themselves whether in the performance of their functions or otherwise;
	(e) is adjudged bankrupt;
	(f) is incompetent;

	(g) has a physical or mental incapacity to perform the functions of that office; or
	(h) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months without an option of a fine.;
Committees of the Board.	<b>129.</b> (1) The Board shall establish —
	(a) an audit committee and a maximum of three other committees to discharge functions relating to governance, risk, compliance, finance, technical matters, strategy and human resources; and
	(b) such ad-hoc committees as may be necessary to deal with any ad-hoc matters requiring focused attention.
	(2) The Board may co-opt into the membership of committees established under subsection (1) any person whose knowledge and skills are necessary for the proper performance of the functions of the Centre.
	(i)
	(3) The Board shall —
	(a) provide terms of reference for each committee which should set out as minimum objectives, delegated authority, operations and reporting mechanisms to the Board.
	(b) review the mandate of the committee periodically.
	(c) determine the frequency of the committee meetings
	(d) appoint the chairperson of each committee
	(j) annually review the effectiveness and performance of its committees
	(k) The chairperson of the Board shall not be a member of any sub-committee, except for an ad-hoc committee
	(l) The committee members shall have necessary skills and expertise to execute their responsibilities.
	(m) Where required skills are not available to a committee, the Board may with the approval of the State Corporations Advisory committee co-opt non-board members to the committee.
	(n) The committees shall make recommendations to the Board.
Remuneration of the Board members.	<b>130.</b> The members of the Board shall be paid such allowances as the Cabinet Secretary may determine from time to time in consultation with the Salaries and Remuneration Commission.
Conduct of the affairs of the Board.	<b>131.</b> (1) The conduct and regulation of business and affairs of the Board shall be conducted in accordance with the Schedule.
	(2) Except as provided in the Schedule, the Board may regulate its own procedure.

	(3) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such a person shall have no right to vote in any decision of the Board.
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Appointment of the Chief Executive Officer of the Centre.	<b>132.</b> (1) There shall be a Chief Executive Officer of the Centre.
	(2) The Chief Executive Officer shall be appointed through an open, transparent and competitive recruitment process.
Qualifications of Chief Executive Officer	<b>133.</b> (1) A person shall be qualified for appointment as a Chief Executive Officer if that person —  (a) is a citizen of Kenya; (b) holds a Bachelor’s degree in Veterinary Medicine, Animal Science, Animal Breeding, animal production from a university recognized in Kenya; (c) holds a Masters degree in a relevant field; (d) is registered with the relevant regulatory body and a member of relevant professional association (e) has demonstrated results in work performance; (f) has at least ten years work experience in a public or private institution with five years senior management; (g) has demonstrated training in leadership and management; and (h) meets the requirements of Chapter six of the Constitution.
	(2) The Chief Executive Officer shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.
	(3) The Chief Executive Officer shall, in the performance of the functions and duties of office, be responsible to the Board.
	(4) The Chief Executive Officer shall be—
	(a) the accounting officer of the Centre; (b) the custodian of all records of the Centre; (c) be responsible for— (i) executing decisions of the Board; (ii) assigning duties to and supervising the staff of the Centre; (iii) facilitating, coordinating and ensuring the execution of the Board’s mandate; (iv) ensuring staff compliance with public ethics and values; (v) preparing and submitting programmes necessary for the achievement of the Centre’s mandate for approval by the Board; and



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	(d) The performance of such other duties as may be assigned by the Board under this Act or any other written law.
Removal of the Chief Executive Officer of the Centre .	<b>134.</b> (1) The Chief Executive Officer can be removed from office on the following grounds—
	(a) inability to perform the functions of the office arising out of physical or mental infirmity; (b) incompetence (c) gross misconduct or misbehavior; (d) bankruptcy; or (e) a violation of the Constitution.
	(2) Before removal under subsection (1), the Chief Executive Officer shall—
	(a) be informed in writing of the reasons for the intended removal; and (b) be given an opportunity to defend himself or herself against the allegations, either in person or by a legal representative.
Remuneration of officers, staff and agents of the Centre.	<b>135.</b> The officers, staff and agents of the Centre shall be paid such remuneration and allowances as the Board shall, in consultation with the Salaries and Remuneration Commission determine.
The common seal of the Centre.	<b>136.</b> (1) The seal of the Centre shall be such device as may be determined by the Board and shall be kept in the custody of the Chief Executive Officer.
	(2) The affixing of the seal shall be authenticated by the Chairperson and the Chief Executive Officer or any other person authorized in that behalf by a resolution of the Board.
	(3) Any document purported to be under the seal of the Centre or issued on behalf of the Centre shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.
Legal proceedings against the Centre.  <i>Cap. 40</i>	<b>137.</b> (1) Proceedings against the Centre shall be deemed to be proceedings against the Government and shall be subject to the Government Proceedings Act.
Protection from personal liability.	<b>138.</b> (1) Nothing done by a member, officer, staff or agent of the Centre shall, if done in good faith for the purpose of executing the functions, powers or duties of the Centre, render the member, officer, staff or agent personally liable to any action, claim or demand.

	(2) Subsection (1) shall not relieve the Centre of the liability to pay compensation or damages to a person for any injury suffered by the person, their property or any of their interests arising directly or indirectly from the exercise of any power conferred by this Act.
Code of conduct of members of the Board and staff of the Centre	<b>139.</b> Members of the Board and employees of the Centre shall subscribe to such code of conduct as the Cabinet Secretary may in consultation with the Board by regulations prescribe.
Delegation by the Board.	<b>140.</b> The Board may by resolution, either generally or in particular case, delegate to any committee or to any member, officer, staff or agent of the Centre the exercise of any of the functions of the Centre under this Act.
<b>PART XVII – FINANCIAL PROVISIONS OF THE CENTRE</b>	
Funds of the Centre.	<b>141.</b> (139) (1) The funds of the Centre shall consist of—
	(a) monies allocated by National Assembly for purposes of the Centre; (b) grants, gifts, donations or other endowments given to the Centre. (c) such funds as may vest in or accrue to the Centre in the performance of its functions under this Act or under any other written law.
	(2) The receipts, earnings or accruals of the Centre and the balances at the close of each financial year shall not be paid into the Consolidated Fund, but shall be retained for purposes of the Centre under this Act.
Remuneration and allowances.	<b>142.</b> (1) The salaries and allowances payable to, and other terms and conditions of service of the chairperson and members of the Board shall be determined by the Salaries and Remuneration Commission.
	(2) The staff of the Centre recruited by the Board shall serve on such terms and conditions as the Board, in consultation with the Salaries and Remuneration Commission may determine.
Annual estimates.	<b>143.</b> 1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Centre for that year. (2) The annual estimates shall make provision for all the estimated expenditure of the Centre for the financial year concerned.
Financial year of the Centre.	<b>144.</b> The financial year of the Centre shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.
Accounts and audit.	<b>145.</b> (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Centre. (2) Within a period of three months after the end of each financial year, the Centre shall submit to the Auditor-General the accounts of the Centre in respect of that year together with a—

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<p><i>No 22 of 2015</i></p>	<p>(a) statement of the income and expenditure of the Centre during that year; and (b) statement of the assets and liabilities of the Centre on the last day of that financial year.</p> <p>(3) The annual accounts of the Centre shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act, 2015.</p>
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<b>PART XVIII- PROVISIONS ON DELEGATED LEGISLATION</b>	
Regulations.	<b>146.</b> The Centre in consultation with the Cabinet Secretary may make regulations with respect to any matter that is necessary or convenient for the carrying out or giving effect to the provisions of this Act.
Access to information and confidentiality agreement .	<b>147.</b> (1) The right of access to information from the Centre under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.
	(2) Every member and staff of the Centre shall sign a confidentiality agreement.
Offences and penalty.	<b>148.</b> Any person who contravenes any provisions of this Act commits an offence and shall be liable on conviction to a fine of not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years ,or to both.
Revocation of. L.N. No.110 of 2011. Sub leg	<b>149.</b> The Kenya Animal Genetic Resources Centre Order 2011 is hereby revoked.
Savings and Transition.	<b>150.</b> (1) The members of the Board of the Kenya Animal Genetic Resources Centre immediately before the appointment day shall be deemed to be members of the Board appointed under section 4 of this Act.  (2) All rights, duties, obligations, assets and liabilities of the Kenya Animal Genetic Resources Centre existing as at the commencement of this Act shall be automatically and fully transferred to the Centre. (3) Any reference to the Kenya Animal Genetic Resources Centre in any contract or document shall, for all purposes, be deemed to be a reference to the Centre under this Act. (4) Any person who is an officer of the Kenya Animal Genetic Resources Centre before the commencement date shall be deemed to be an employee of the Centre. (5) The board shall rationalize staffing of the Centre so as to achieve appropriate ratio of support to technical staff. (6) The annual estimates of the Kenya Animal Genetic Resources Centre for the financial year in which at the commencement date shall be deemed to be the annual estimates of the Centre for the remainder of the financial year; (7) Any donation or government funding of a continuing nature administered by the Kenya Animal Genetic Resources Centre or its Board and existing

	<p>immediately before the commencement of this Act shall be administered by the Centre, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date;</p> <p>(8) The administrative directions made by the Kenya Animal Genetic Resources Centre or The State Corporation Advisory Committee, the Cabinet Secretary and which are in force immediately before the commencement date shall, on or after such date, have force as if they were in operation;</p> <p>(9) The Conditions of the twenty-four (24) months transition period provided for in the formation of the previous institution shall hold and apply <i>mutatis mutandis</i> to this Act.</p> <p>(10) Every contract entered into before the commencement of this Act shall continue to be in force to the extent that the terms and conditions of the contract are not inconsistent with the provisions of this Act.</p> <p>(11) All proceedings and decisions subsisting before the commencement of this Act shall after the commencement of this Act be deemed as subsisting under this Act.</p> <p>(12) All matters relating to pensions, gratuities and retirement benefits of persons in the employment of the Centre shall be governed by the law relating to pensions.</p> <p>(13) All actions, claims, arbitrations, applications and other proceedings (including proceedings on appeals or review) pending or existing before the commencement of this Act, by or against or in relation to the former institution shall have effect as if they were proceedings by, against the institution, and may be continued and completed accordingly;</p>
<p><b>PART XIX : ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA SCHOOL OF ANIMAL SCIENCE</b></p>	
<p>Establishment of Kenya School of Animal Science.</p>	<p><b>151.</b> There is established a school of animal science known as Kenya School of Animal Science which shall comprise —</p> <ul style="list-style-type: none"> <li>(a) Animal Health and Industry Training Institute Kabete;</li> <li>(b) Animal Health and Industry Training Institute Nyahururu;</li> <li>(c) Animal Health and Industry Training Institute Ndomba; and</li> <li>(d) Meat Training Institute Athi River.</li> <li>(e) Dairy Training Institute, Naivasha</li> <li>(f) Livestock Training Institute, Wajir</li> <li>(g) National Beekeeping Institute, Lenana</li> <li>(h) Narok Pastoral Training Institute , Narok</li> <li>(i) Leather Training Institute, Ngong;</li> <li>(j) such other institutions as the Cabinet Secretary may, from time to time in consultation with the Board of Directors, by notice in the <i>Gazette</i>, declare to be Institutes of the School.</li> </ul>

<p>Management of the Kenya School of Animal Sciences.</p>	<p><b>152.</b> (1) The management of each training Institutes shall be vested in a Board of management coordinated by the Board of Governors of the Kenya School of Animal Sciences.</p> <p>(2) The Board of Management of the Institute in respect of each training institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name be capable of: -</p> <ul style="list-style-type: none"> <li>(a) suing and being sued;</li> <li>(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;</li> <li>(c) borrowing, and lending money; and</li> <li>(d) doing or performing all such other things or acts, including entering into contracts as may be necessary or expedient for the furtherance of the aims and objectives of the training institute and which may lawfully be done by a body corporate.</li> </ul>
<p>Functions of Board of Governors.</p>	<p><b>153.</b> (1) The functions of the Board of Governors are:-</p> <ul style="list-style-type: none"> <li>(a) determine the school’s mission, vision, purpose and core values;</li> <li>(b) set and oversee the overall strategy and approve significant policies of the school;</li> <li>(c) ensure that the strategy is aligned with the purpose of the school and the legitimate interests and expectations of its stakeholders;</li> <li>(d) receive gifts donations, grants or other monies and equipment on behalf of the school and make legitimate disbursement there from;</li> <li>(e) have powers to enter into associations with other persons, bodies or organizations within or outside Kenya as the board may consider appropriate and in furtherance of the purpose for which the school is established;</li> <li>(f) approve the organizational structure of the institutes;</li> <li>(g) approve the academic programs and curricula of the institutes</li> <li>(h) approve the annual budget of the institutes;</li> <li>(i) monitor the school’s performance and ensure sustainability;</li> <li>(j) coordinate the administration of examinations and awarding of qualification</li> <li>(k) enhance the corporate image of the school;</li> <li>(l) ensure availability of adequate resources for achievement of the school’s objectives;</li> <li>(m) select, appoint, support and review the performance of the Principals who are the chief executives of the institutes;</li> <li>(n) ensure effective communication with stakeholders;</li> </ul>

	<ul style="list-style-type: none"> <li>(o) with the approval of the CS determine the scales of fees payable by or in respect of students at the institutes and prescribe the conditions under which fee may be remitted in whole or in part.</li> <li>(p) recommend termination of the services of the Principals</li> <li>(q) make after consultation with the Boards of Management regulations governing the conduct and discipline of the students of the institutes and ;</li> <li>(r) put in place a succession plan for the principals and other senior management staff.</li> <li>(s) perform such other functions as are incidental to the foregoing</li> <li>(t) the Board may establish committees to deal with such matters as the Board may specify.</li> </ul>
<p>Composition of the Board of Governors.</p>	<p><b>154.</b> (1) The management of the Kenya School of Animal Science shall vest in a Board of Governors which shall consist of-</p> <ul style="list-style-type: none"> <li>(a) non-executive chairman appointed by the Cabinet Secretary;</li> <li>(b) Chief Executive Officer appointed by the Board of Governors</li> <li>(c) the Principal Secretary in the Ministry responsible for matters relating to livestock or his or her representative;</li> <li>(d) the Principal Secretary in the Ministry responsible for finance or a representative;</li> <li>(e) the Principal Secretary in the Ministry responsible for education or a representative</li> <li>(f) director in charge of veterinary services</li> <li>(g) director in charge of livestock production</li> <li>(h) director in charge of human resources in the ministry responsible for livestock matters</li> <li>(i) two representatives of the institutes appointed by the CS</li> <li>(j) two representatives from professional bodies</li> <li>(k) a representative of the paraprofessionals appointed by CS and;</li> <li>(l) not more than three persons co-opted by the Board from time to time not being public officers or employees of the school to represent public interests</li> </ul> <p>(2) A person appointed under subsection (1) above ceases to be a member of the Board of the school if the person —</p> <ul style="list-style-type: none"> <li>(a) at any time resigns from office by notice in writing to the Cabinet Secretary.</li> <li>(b) is adjudged bankrupt or enters into a compensation scheme or arrangement with his or her creditors.</li> <li>(c) is convicted of a criminal offence and sentenced to a term of</li> </ul>

	<p>imprisonment exceeding six months without an option of a fine.</p> <p>(d) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Board; or</p> <p>(e) dies</p>
<p>Functions of the Institutes of the School.</p>	<p><b>155.</b> (1) The institutes of the Kenya School of Animal Science specified in subsection (1) of section (174) shall be responsible for:</p> <p>(a) admission of trainees to the Institutes for diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the academic board without distinction of ethnicity, gender, race, color or religion.</p> <p>(b) training on any matter of veterinary practice at certificate and diploma level; and</p> <p>(c) training at certificate and diploma levels on any matters of animal sciences relevant to the livestock industry.</p> <p>(d) Specialized training in livestock thematic areas including dairy, meat, leather, apiculture among others at certificate and diploma levels</p> <p>(e) tailor-made training to specialized groups in the animal resource industry at certificate level.</p> <p>(f) collaborate with other institutions of higher learning for training, research and effective advisory services.</p> <p>(2) Notwithstanding the generality of subsection (1) under this section, the training institutes shall provide training on —</p> <p>(a) animal health and animal production;</p> <p>(b) range management</p> <p>(c) leather technology;</p> <p>(d) dairy production, processing and management</p> <p>(e) breeding technology</p> <p>(f) veterinary public health and meat technology;</p> <p>(g) apiculture; and</p> <p>(h) any other matter necessary or expedient to the delivery of animal services.</p>
<p>Board of Management.</p>	<p><b>156.</b> (1) There shall be a Board of Management in respect of each training institute. The Board shall comprise of-</p> <p>(a) representative of the Board of Governors who shall be the chairperson</p> <p>(b) a representative of the Director of Veterinary Services and DLP in charge of training matters</p> <p>(c) a representative of the county government, in the county of the training college, appointed by the County Executive Committee Member responsible for livestock matters; and</p>



	<p>(d) three other persons appointed on the basis of their knowledge and experience in —</p> <ul style="list-style-type: none"> <li>(i) livestock industry</li> <li>(ii) financial management;</li> <li>(iii) representative of alumni ;</li> <li>(iv) academic council member in charge of students affairs;</li> <li>(v) academic council member in charge of academic affairs;</li> <li>(vi) person in charge of finance; or</li> <li>(vii) the Principal of the training institute who shall be the secretary to the Board of Management.</li> </ul> <p>(2) A person shall not be appointed as member of the Board of Management unless that person possesses a minimum of a Bachelor’s degree, has experience of at least five years in a senior management position and has demonstrated leadership skills with exemption of the representatives of the livestock industry and alumni representative.</p> <p>(3) Members of the Board of Management, appointed under subsection (1) shall be appointed by the Cabinet Secretary, by a notice in the <i>Gazette</i>.</p> <p>(4) The chairperson and the members of the Board of Management appointed under subsection (1) shall hold office for a term not exceeding three (3) years and shall be eligible for re-appointment for one further term.</p> <p>(5) The appointment of a member to the Board of Management shall cease if the member —</p> <ul style="list-style-type: none"> <li>(a) resigns, in writing, under his hand addressed to the Chairman of the Board;</li> <li>(b) is adjudged bankrupt;</li> <li>(c) is convicted of a criminal offence and sentenced to imprisonment;</li> <li>(d) conducts himself or herself in a manner that is considered by the Cabinet Secretary to be inconsistent with membership of the Board and that brings the training institute into disrepute; or</li> <li>(e) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board;</li> <li>(f) dies.</li> </ul> <p>(6) The Board may co-opt any person to assist it for such purposes and such period as the Board may determine, but persons so co-opted may not vote on any matter before the Board.</p>
<p>Committees of the Board of Management.</p>	<p><b>157.</b> (1) The Board may establish committees consisting of members of the Board to deal with such matters as the Board may specify.</p> <p>(2) The Board may co-opt persons who are not members of the Board to committees established under subsection (1) for a particular reason and such persons shall hold office for such period as the Board may determine.</p> <p>(3) The Board shall not co-opt more than three persons at any given time to its committees.</p>

<p>Functions of the Board of Management.</p>	<p><b>158.</b> (1) The Board shall perform the following functions in line with provisions of the Technical and Vocational Education Training Act and other relevant regulating bodies.</p> <ul style="list-style-type: none"> <li>(a) oversee the conduct of education and training in the institute. promote and maintain standards, quality and relevance in education and training in the training institute;</li> <li>(b) administer and manage the property of the training institute;</li> <li>(c) develop and implement the strategic plan of the training institute;</li> <li>(d) prepare annual estimates of revenue and expenditure for the training institute and incur expenditure on behalf of the institute</li> <li>(e) receive, on behalf of the training institute, fees, grants, subscriptions, donations, bequests or any other monies</li> <li>(f) Propose the fees payable and prescribe conditions under which fees may be remitted in part or in whole in accordance with the guidelines developed under the provisions of this Act;</li> <li>(g) mobilize resources for the training college;</li> <li>(h) develop and review programmes for training and making representations thereon to the Board of governors;</li> <li>(i) regulate the admission and exclusion of students from the training institutes subject to a qualification’s framework as per relevant regulatory bodies. approve collaboration or association with other institutions and industries.;</li> <li>(j) recruit and appoint trainers from among qualified professionals and practicing trades’ persons in relevant sectors of industry;</li> <li>(k) determine suitable terms and conditions of service for support staff, trainers and instructors and remunerate the staff of the training institute in consultation with the Board of Governors;</li> <li>(l) make regulations governing institute, conduct and discipline of the staff and students;</li> <li>(m) prepare comprehensive annual reports on all areas of their mandate, including education and training services and submit the same to the Board of Governors;</li> <li>(n) provide for the welfare of the students and staff of the training institute;</li> <li>(o) encourage, nurture and promote a democratic culture, dialogue and tolerance in the training institute; and</li> <li>(p) discharge all other functions conferred upon them by this Act or any other written law.</li> </ul> <p>(2) The Board of Management shall establish committees to deal with matters of discipline, finance and audit or any other as the Board may specify.</p> <p>(3) The Board may co-opt persons to committees established under this section for a particular reason and such persons shall hold office for a period as the Board may determine.</p> <p>(4) The Board of management shall regulate its own procedure</p>
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<p>Academic Council</p>	<p><b>159.</b> (1) There shall be an Academic Council of the training institute which shall consist of —</p> <ul style="list-style-type: none"> <li>(a) the Principal, who shall be the chairperson;</li> <li>(b) the Senior Deputy Principals in charge of — <ul style="list-style-type: none"> <li>(i) academic affairs</li> <li>(ii) administration;</li> <li>(iii) student affairs</li> <li>(iv) heads of departments</li> <li>(v) persons in charge of library services and laboratory;</li> <li>(vi) farm manager</li> </ul> </li> </ul> <p>(2) The person in charge of academic affairs shall be the secretary of the Academic Council.</p> <p>(3) The Academic Council shall be responsible for the —</p> <ul style="list-style-type: none"> <li>(a) development, review and delivery of learning and development programmes;</li> <li>(b) determination of entry levels for learning in liaison with relevant regulatory bodies and development programmes;</li> <li>(c) determination of the standards and criteria for certification; and</li> <li>(d) discharge all other functions conferred upon them by the Act or any other written law</li> </ul>
<p>Academic programs, examination and conferment of academic awards.</p>	<p><b>160.</b> (1) Subject to this Bill, the Council may grant scholarship, diplomas, certificates or any other awards of the institute which it is for the time being authorized by the statute to provide.</p> <p>(2) The Council may withdraw any diploma certificate, scholarship or other award granted under this section subsequent upon such grant, the board is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) Such grant was contrary to any requirement prescribed under section (i) above (academic board)</li> <li>(b) The qualification was obtained through fraudulent or other improper means</li> </ul> <p>(3) The Academic board shall be responsible for administering examinations, assessing and awarding qualifications.</p>
<p>Meetings of the Academic Council.</p>	<p><b>161.</b> (1) The chairperson shall preside at all meetings of the Council but in the absence of the chairperson the members present shall appoint one member from among themselves to preside at the meeting.</p> <p>(2) The quorum for the conduct of business at a meeting of the Council shall be two thirds of the membership.</p>
	<p>(3) The Council may establish committees to deal with such matters as the Council may specify.</p>

	<p>(4) The Council may co-opt persons to committees established under subsection (1) of this section for a particular reason and such persons shall hold office for a period as the Board may determine.</p> <p>(5) The Academic Council shall regulate its own procedure.</p>
Common seal.	<p><b>162.</b> (1) The common seal of the training institute shall be kept in such custody as the Board of Management may direct and shall not be used except in the manner authorized.</p> <p>(2) All deeds, instruments, contracts and other documents shall be considered to be duly executed by or on behalf of the training institute -</p> <p>(a) where they are required to be under seal, or sealed with the common seal of the training institute and authenticated by the chairperson of the Board of Management and the Principal; or</p> <p>(b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Board for that purpose.</p> <p>(3) A deed, instrument, contract or any other document executed in accordance with subsection (2) of this section shall, in law, bind the training institute, its assignees and its successors and may be varied or discharged in the same manner that it was executed.</p>
Principal of Institutions.	<p><b>163.</b> (1) There shall be a Principal appointed by the Cabinet Secretary, on the recommendation of the Board of Governors following a competitive process of recruitment, who shall be the Chief Executive Officer of the training institute.</p> <p>(2) A person shall not qualify to be appointed as the Principal of a training institute unless that person has relevant qualification as per the relevant scheme(s) of service and the institute mandate.</p>
Funds, assets and liabilities of the training institute.	<p><b>164.</b> (1) Funds, assets and liabilities of the training institute shall consist of —</p> <p>(a) monies allocated by Parliament for the purposes of the Institute;</p> <p>(b) such monies or assets as may accrue to the Institute in the course of the exercise of its powers or in the performance of its functions under this Act;</p> <p>(c) all monies accrued from student levies</p> <p>(d) all monies from any other source provided, donated or lent to the Institute; and</p> <p>(e) any assets, liabilities, rights and privileges held by the training institute at the commencement of this Act;</p> <p>(2) The financial year of the institute shall be the period of twelve months ending on thirtieth day of June in each year</p> <p>(3) At least three months before the commencement of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.</p>

	<p>(4) The annual estimates shall make provision for all estimated expenditure of the Institute for the financial year concerned, and in particular shall provide for—</p> <ul style="list-style-type: none"> <li>(a) the payment of the salaries, allowances and fees in respect to the activities of the Institute.</li> <li>(b) Funding of the cost of teaching and research activities of the institute</li> <li>(c) the payment of the pensions, gratuities and other charges in respect of the employees of the Institute;</li> <li>(d) the proper maintenance of the buildings and grounds of the Institute;</li> <li>(e) the proper maintenance, repair and replacement of the equipment and other movable property of the Institute; and</li> <li>(f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, gratuities, insurance, replacement of buildings or equipment, research and development or in respect of such other matters as the Institute may deem fit.</li> </ul> <p>(5) The annual estimates shall be approved by the Board of Governors before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary.</p> <p>(6) The expenditure shall not be incurred for the purposes of the Institute except in accordance with the annual estimates approved under subsection (5), or in pursuance of an authorization of the Board of Governors</p>
<p>Strategic plans, budget and annual report.</p>	<p><b>165.</b> (1) The Board of Management shall, as soon as practicable after the commencement of this Act and in a period not exceeding three years, prepare or cause to be prepared a five-year strategic plan pertaining to the training institute which shall be submitted to the Board of Governors for approval.</p> <p>(2) The Board of Governors shall, not later than the end of February in every year, prepare and submit to the Cabinet Secretary for approval a three-year budget incorporating estimates of the training institute’s revenue and expenditure for the next three financial years.</p> <p>(3) A plan or budget submitted to the Cabinet Secretary under this Act, unless earlier disapproved by the Cabinet Secretary, shall be approved by the Cabinet Secretary with or without such modifications not later than three months after it has been submitted.</p> <p>(4) The Board of Governors shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report on the operations and activities of the training institutes.</p> <p>(5) The financial year of the training institute shall be the period of twelve</p>

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	months ending on the thirtieth June, in each year.
Accounts and audit of Books.  <i>(No. 22 of 2015).</i>	<p><b>166.</b> (1) The Board of Governors shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the training college.</p> <p>(2) The accounts of the Board of Governors shall be prepared and submitted for examination annually by the Auditor-General in accordance with the Public Audit Act,</p>
Protection from personal liability.	<p><b>167.</b> No act or thing done by any member of the Board of Management, any officer or employee of the training institute, shall, if the act or thing was done in good faith for the purpose of carrying out the provisions of this Act, subject the person to any liability, action, claim or demand whatsoever.</p>
Exemption from stamp duty. Cap. 480	<p><b>168.</b> No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by, or on behalf of, or in favour of the training institute which, but for this section, the training institute would be liable to pay.</p>

<b>PART XX- REGISTRATION</b>	
Requirement for Registration.	<p><b>169.</b> (1) A person shall not operate as –</p> <p>(a) a producer</p> <p>(b) trader; or</p> <p>(c) service provider in the livestock industry without a valid registration document from the relevant agency.</p> <p>(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding one year, or both.</p> <p>(3) A person who operates as a primary producer shall apply to be registered as a primary producer in accordance with the regulations of the relevant livestock agency.</p> <p>(4) A person registered as a primary producer may qualify for guaranteed minimum returns subsidy in accordance with the Regulations under this Act.</p> <p>(5) Where the relevant livestock agency has no specific regulations on registration the applicant shall be registered in accordance with provision of registration procedures under this Act and shall be issued with a certificate of registration.</p> <p>(6) The provisions of this section shall not apply to a subsistence livestock farmer.</p>
Correction of register.	<p><b>170.</b> (1) The relevant agency may, from time to time and as soon as is reasonably practicable make such alterations to the register as may be necessary for the purpose of correcting an error, if any in the particulars on the record.</p> <p>(2) An alteration under subsection (1) may be made by the relevant agency on its own motion or at the request of an interested party.</p>
Removal from the register.	<p><b>171.</b> (1) The relevant agency may, after inquiry, cause to be removed from the register the name of any person who—</p> <p>(a) is deceased;</p> <p>(b) the appointed livestock agency is satisfied, has obtained registration through fraudulent means; or</p> <p>(c) ceases to operate as a producer.</p> <p>(2) A person aggrieved by the decision made under subsection (1) (b) may appeal to the Cabinet Secretary against such decision.</p>
Appointment of authorized officers.	<p><b>172.</b> (1) The Cabinet Secretary shall appoint authorized officers to establish and maintain registers of persons and organizations specified under this Act.</p> <p>(2) Where a relevant agency has provided for the appointment of</p>

	officer under any other Act, the officer shall be deemed to have been properly appointed for the purposes of the execution of the requirements of this Act.
	(3) Any entry in a register made under the provisions of this Act shall be recognised as a proper entry for the purpose of this Act.
	(4) A register made under this Act or any other written law shall be open to the members of the public and may be viewed in accordance with the prescribed requirements.
Appointment of inspectors.	<b>173.</b> (1) The Cabinet Secretary shall, in consultation with the relevant agencies or competent authority, by notice in the gazette, appoint suitably qualified persons to be inspectors for the purposes of this Act.
	(2) An inspector may at all reasonable times and on giving reasonable notice enter any land, building or structure –
	(a) where any animal or livestock is kept for the purpose of ascertaining whether the requirements of this Act has been complied with
	(b) for the purpose of examining and inspecting it or any fixed equipment or chattels or animal feed; and
	(c) examine any animal or livestock;
	(3) An inspector shall not, under the powers conferred under this Act enter a private dwelling house.
	(4) Any person who knowingly obstructs or hinders any inspector in exercise of his or her powers or the performance of his or her duties under the provisions of this section commits an offence and is liable, on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months, or both.
Prohibition from unlawful entry in the register.	<b>174.</b> (1) A person shall not —
	(a) knowingly procure or attempts to procure the entry of any name on the register by willfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation; or
	(b) falsely or fraudulently hold himself or herself out to be a registered person;
	(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or both.



Obstruction, hindering or threatening an officer.	<p><b>175.</b> (1) A person shall not—</p> <p>(a) without reasonable justification or lawful excuse, obstruct , hinder or threaten a member or staff or agent in the course of duty under this Act;</p> <p>(b) submit false or misleading information; or</p> <p>(c) make false misrepresentation to, or knowingly mislead a member or staff acting under this Act.</p> <p>(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year ,or both.</p>
<p>Transitional provisions.</p> <p>Cap 336</p> <p>Cap 363</p> <p>Cap 359</p>	<p><b>176.</b> Any person registered as a primary producer, trader, processor or service provider in the livestock industry under the Dairy Industry Act, Kenya Meat Commission Act, Hides and Skins Act, relevant Legal notices and the Veterinary Services Laws before and after the commencement of this Act shall be deemed to be duly registered as long as the person retains the registration status.</p>
<b>PART XXI- PROVISIONS ON DELEGATED LEGISLATIONS</b>	
Regulations.	<p><b>177.</b> (1) The Cabinet Secretary may on the advice of the Authority make regulations generally for the better carrying out of the provisions of this Act.</p> <p>(2) Without prejudice to the generality of subsection (1), the regulations made under this section may provide for-</p> <p>(a) the establishment and operationalization of public livestock agencies ,departments and committees dealing with livestock and livestock products;</p> <p>(b) procedures for distributing ,transferring or otherwise disposing of property of an Centre that may be wound up;</p> <p>(c) establishment of an Centre for promoting and fostering the development of a special animal, animal product or essential input.</p> <p>(d) the format of the registers to be maintained by the relevant agencies and the competent authority;</p> <p>(e) the procedures for carrying out the affairs of the relevant agencies;</p> <p>(f) the declaration of strategic animal products reserves and animal feed reserves;</p>

(g) prescribing the forms to be used and fees and levies to be paid;
(h) prescribing the procedures for nomination of representatives for appointment of members to a Board; and
(i) prescribing emerging species and special classes of domestic animals and animal products;
(j) prescribing fees or charges for services rendered under this Act by the Board or its officers, servants or agents;
(k) regulating and monitoring the entire value chain in the Livestock sector;
(l) authorizing the examination and inspection of books and documents relating to the production, manufacture, distribution or sale of any produce;
(m) requiring the giving of Livestock related information, records to be kept, returns and estimates to be furnished to the Authority relating to the industry;

<b>PART XXII - MISCELLANEOUS PROVISIONS</b>	
General penalty.	<b>178.</b> A person who commits an offence under this Act for which no penalty is prescribed shall be liable, on conviction, to a fine not exceeding one hundred thousand shilling or imprisonment for a period not exceeding twelve months, or both.
Appeals.	<b>179.</b> A person aggrieved by a decision made by the Authority under this Act may appeal to the court established under Article 162(2)(b) of the Constitution.
Competition in the sector. <i>No. /2 of 2012</i>	<b>180.</b> In the discharge of its functions under this Act or any other written law, the Authority shall ensure that there are no dominant undertakings in the sector as defined in section 23 of the Competition Act.
Commercial institutions	<b>181.</b> 1) Every former institution which immediately before the commencement of this Act carried out any commercial activity with the objective of making profit shall within twelve months of the appointed day, and in accordance with the relevant procedures and practice applicable, transform into a company and be registered as a company under the Companies Act so as to enable the former institution carry on the commercial activity. (2) Where a former institution was established for the purpose of carrying out both commercial activity for profit and any other non-commercial activity for the purpose of the promotion of agriculture or the provision of extension services to farmers, the functions of that institution shall be rationalized so that any non-commercial activities, that was carried out by the former institution shall be carried out by the Authority under this Act.

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<p>Reference to former, institution.</p>	<p><b>182.</b> Any reference in any written law or in any document or instrument to a former institution shall, on and after the commencement of this Act, be construed to be a reference in respect of the regulatory functions of the former institution, by or against the Authority, as if the Authority was a party thereto;</p> <p>(a) the Authority, if the reference relates to the regulatory functions of the former institution;</p> <p>(b) the successor company, if the reference relates to the commercial objectives of the former institution.</p>
<p>Proceedings.</p>	<p><b>183.</b> Any proceedings pending immediately before the appointed day to which a former institution was a party shall be continued in lieu of the former institution —</p> <p>(a) in respect of the regulatory functions of the former institution, by or against the Authority, as if the Authority was a party thereto;</p> <p>(b) in respect of the commercial objects of the former institution, by or against the successor company, as if the successor was a party thereto.</p>
<p>General prohibition and offence</p>	<p><b>184.</b> 1) A person shall not—</p> <p>(a) breach or fail to comply with any of, the terms or conditions of a licence certificate issued to him or her under this Act;</p> <p>(b) fail to comply with a lawful requirement or demand made or given by the Board or an inspector;</p> <p>(c) obstruct a person in the execution of the powers or duties under this Act;</p> <p>(d) knowingly or recklessly make a statement or representation which is false;</p> <p>(e) knowingly or recklessly furnish a document or information required under this Act which is false; or</p> <p>(f) knowingly or recklessly use or furnish a fake or forged or invalid certificate or a certificate that has been altered without authorization.</p> <p>(2) A person who contravenes any of the provisions of subsection (1) commits an offence.</p>
<p>Power to recommend establishment of subsidiary bodies.</p>	<p><b>185.</b> (1) The Board may recommend the establishment of subsidiary bodies to discharge specific aspects, in particular—</p> <p>(a) food security;</p> <p>(b) value addition, marketing and export;</p> <p>(c) Livestock insurance;</p>

	(d) any other aspect relating to Livestock development.
Supersession.	<b>186.</b> If any conflict arises between the provisions of this Act and any other Act with respect to the development, management, marketing or regulation of Livestock and Livestock Products, the provisions of this Act shall prevail.

**FIRST SCHEDULE**

**Classification of approved Animal Products**

<b>Animal products</b>		
<b>1</b>	<b>Meat</b>	<b>Types of meat</b>
		Approved Game Beef Camel chevron Donkey Fish Lamb Mutton Pork Poultry Rabbit veal White Ants Traditionally preserved meat Any other product declared by the Cabinet Secretary to be a meat product.
<b>2</b>	<b>Milk</b>	<b>Milk and Milk products</b>
		Butter Camel milk Cheese Cow milk Cream Donkey milk Fermented milk Fortified milk Ghee Goat milk Ice cream Milk powder Sheep milk Yogurt Traditionally prepared milk Any other product declared by the Cabinet Secretary to be a milk product.
<b>3</b>	<b>Eggs</b>	<b>Eggs and Egg products</b>
		Egg powder

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		Egg shell Ostrich egg Poultry egg Quail egg Any other product declared by the Cabinet Secretary to be the product of egg.
4	<b>Hides, Skins and related products</b>	<b>Types of Hides, Skins and related products</b>
		Bovine hides Calf skin Camel hides Crocodile skin Feathers Fish skin Fur Game hide/ skin Goat skin Hair Kid skin Ostrich skin Pig skin Rabbit skin Sheep skin Wool Any other product declared by the Cabinet Secretary to be a hide, skin or a related product.
5	<b>Hive products</b>	<b>Types of Hive products</b>
		Beeswax Honey Hive venom Pollen Propolis Royal jelly Any other product declared by the Cabinet Secretary to be a product of a hive.
6	<b>Genetic material</b>	<b>Types Genetic material</b>
		DNA tissues Embryos Germ plasm Ova Any other product declared by the Cabinet Secretary to be livestock genetic material.
7	<b>Other products</b>	<b>Types Other products</b>
		Blood Bone meal Bone marrow Bone Claws Dung

	Gall bladder contents Hooves Horns Lard Tallow Urine Any other product declared by the Cabinet Secretary to be an animal product.
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**SECOND SCHEDULE (s.14)**

**PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD:**

**1. Meetings**

- 1) The Board shall have a minimum of four meetings in every financial year and not more than four months shall lapse between one meeting and the next meeting.
- 2) The chairperson may at any time convene a special meeting of the Board, and shall do so within one month of the receipt by the chairperson of a written request signed by at least two other members.
- 3) Unless three quarters of the members otherwise agree, at least fourteen days' notice of a meeting shall be given to every member.
- 4) The chairperson shall preside over all meetings and in the absence of the Chairperson, by a person elected by the Board at the meeting for that purpose.

**2. Quorum**

The quorum of a meeting of the Board shall be five members.

**3. Voting**

A decision of the Board shall be by a majority of the members present and voting and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

**4. Minutes**

Minutes of all meetings shall be kept and entered in records kept for that purpose.

**5. Conflict of interest**

- 1) If any person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or committee otherwise directs, take part in any
- 2) consideration or discussion of, or vote on any question touching such matter.
- 3) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.
- 4) No member or staff of the Board shall transact any business or trade with the Board.

**THIRD SCHEDULE**

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE AGENCY**

**1. Meeting of the Board**

- (1) The Board shall hold such number of meetings at such places and at such times as the Board shall consider necessary for the proper discharge of its functions.
- (2) Notwithstanding sub-paragraph (1) the Board shall meet not less than four times in each financial year.
- (3) At least fourteen days notice shall be given prior to any meeting of the Board.

**2. Special meetings.**

The chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Board by giving not less than seven days notice to the members.

**3. Presiding at meetings.**

- (1) The chairperson shall preside at all meetings of the Board.
- (2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Board.
- (3) In the absence of the chairperson and the vice-chairperson at a meeting, the members present shall elect a member to preside at that meeting off the Board.
- (4) The Board may invite any person, institution or organization to attend any of its meetings where in the opinion of the Board an item to be deliberated upon at the meeting may be of particular concern to the person, institution or organization concerned.
- (5) The Board shall, upon request by any person to attend its meeting, determine whether the person, institution or organization, should attend the meeting and shall respond, in writing to the request.

**4. Vacancies and defects in appointment.**

The chairperson shall at the meeting of the Board table any item for discussions under rule (2), for deliberation and decision.

**5. Minutes.**

- (1) Minutes of the proceedings at meetings of the Board shall be kept in such a manner as the Cabinet Secretary shall direct.
- (2) The minutes of the meetings of the Authority shall be available to the Cabinet Secretary or to a person nominated by the Cabinet Secretary, on the request of the Cabinet Secretary

**6. Power of the Board to regulate its own procedure.**

Subject to the provisions of this Schedule, the Board shall regulate its own procedure.

**7. Special meetings.**

The chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Board by giving not less than seven days notice to the members.

**8. Presiding at meetings.**

(1) The chairperson shall preside at all meetings of the Board.

(2) (2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Board.

(3) In the absence of the chairperson and the vice-chairperson at a meeting, the members present shall elect a member to preside at that meeting off the Board.

(4) The Board may invite any person, institution or organization to attend any of its meetings where in the opinion of the Board an item to be deliberated upon at the meeting may be of particular concern to the person, institution or organization concerned.

(5) The Board shall, upon request by any person to attend its meeting, determine whether the person, institution or organization, should attend the meeting and shall respond, in writing to the request.

**9. Vacancies and defects in appointment.**

The chairperson shall at the meeting of the Board table any item for discussions under rule (2), for deliberation and decision.

**10. Minutes.**

(1) Minutes of the proceedings at meetings of the Board shall be kept in such a manner as the Cabinet Secretary shall direct.

(2) The minutes of the meetings of the Authority shall be available to the Cabinet Secretary or to a person nominated by the Cabinet Secretary, on the request of the Cabinet Secretary

**11. Power of the Board to regulate its own procedure.**

Subject to the provisions of this Schedule, the Board shall regulate its own procedure.



## **MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to establish a legal framework to provide for the regulation and development of the Livestock Sector in Kenya by supporting management, processing and marketing of livestock and livestock products. The Bill further seeks to anchor the existence and practice of matters related to livestock resources done under legal notices in statute law and provide for the harmonization and co-ordination of the public livestock agencies.

The Livestock Sector though largely unregulated, it plays an important economic and socio-cultural role in Kenya, contributing about 42 percent to the agricultural GDP and 12 percent to the national GDP. It provides domestic requirements directly through meat, milk and eggs among others and indirectly through hides and skins, pelt and feather products and other livestock products while accounting for about 30 per cent of the total marketed agricultural products. The Sector employs 50 percent of the agricultural labor force with over 10 million Kenyans living in the Arid and Semi-Arid Lands (ASALs) deriving their livelihood largely from livestock. This Sector therefore requires effective regulation.

The Bill implements the Livestock Policy has been reviewed to guide the development of the Livestock Sector towards improving food and nutrition security, wealth creation while safeguarding the environment. The Policy was reviewed to align the Sessional Paper Number 2 of 2008 on the National Livestock Policy with the Constitution. The Bill will clearly delineate and unbundle the assignment of different roles to the National and County Governments in the development of the Livestock Sector by the Constitution with emphasis on the responsibilities of the two levels of Government in matters of livestock development. It provides a framework that supports collaboration and coordination between the two levels of Government and is aligned to Vision 2030, Sustainable Development Goals (SDGs), other relevant government policies and the Big Four Agenda.

The Bill establishes the National Livestock Regulatory Board whose main function, is to regulate the livestock Industry in addition to the current sanitary veterinary mandate and further advise the Cabinet Secretary and County Governments on the regulation and development of the Livestock Sector in general. The Bill further establishes the Livestock and Livestock Products Marketing Bill

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to ensure the livestock and its products fetch better competitive prices. The Livestock and Livestock Products Marketing Board addresses the challenges of utilizing livestock resources critical for the Arid and Semi Arid Land (ASAL) of Kenya which comprises over 80% of Kenya's landmass.

The Bill establishes under substantive law the Kenya Veterinary Institute to provide for strategic commercial vaccine production and marketing in the region; the Kenya Animal Genetics Resources Agency to provide for a strategic commercial institution to guide livestock gene development, upgrading and conservation to secure the livestock industry needs; a Kenya Tsetse and Trypanosomiasis Eradication Council to coordinate all tsetse and trypanosomiasis eradication efforts in Kenya; a Kenya School of Livestock to train all middle level cadres for the Livestock Sector in Kenya; and to finally create clear linkages between the national and county government functions as per the Constitution .

The enactment of this Bill aims to address the development of the Livestock Sector which is the main source of livelihoods for the majority of Kenyans who live in rural areas. The Bill will create an enabling environment for the sector to realize its full potential and contribution towards livelihoods and national development under the Constitution.

Dated ....., 2019

Leader **Aden Duale**,  
of Majority Party