

SPECIAL ISSUE

Nairobi City County Gazette Supplement No. 4 (Bills No. 3)

**CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI**



REPUBLIC OF KENYA

**NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

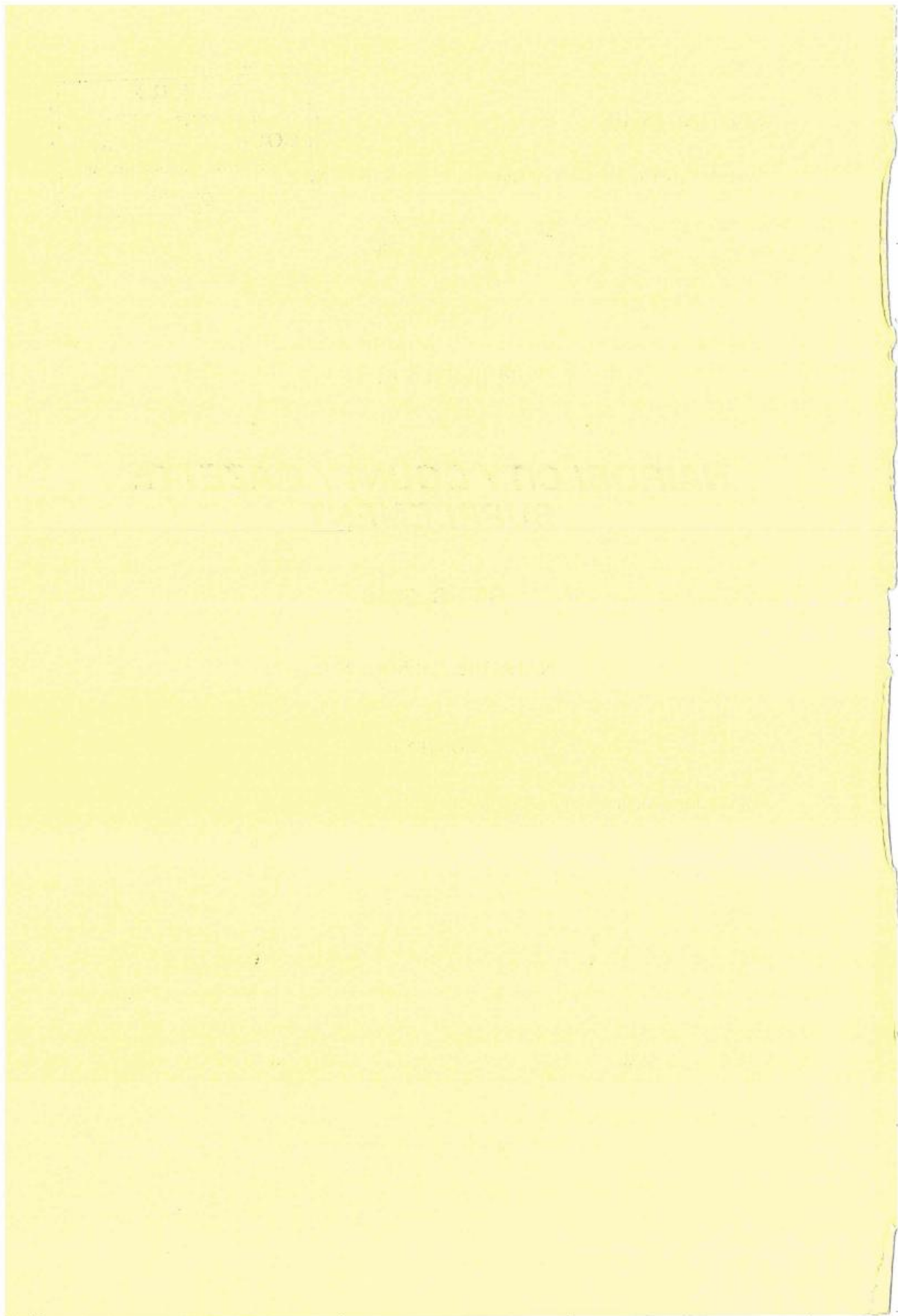
NAIROBI, 3rd May, 2016

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**THE NAIROBI CITY COUNTY ANIMAL CONTROL
AND ABATTOIRS MANAGEMENT BILL, 2016**

A Bill for

AN ACT of the County Assembly of Nairobi City to provide for a regulatory and enforcement; framework, and take other measures necessary from the viewpoint of public health in order to ensure the proper management of abattoirs and slaughter and dressing of livestock for human consumption, and to make provision for veterinary and hygiene controls in such abattoirs, and for connected purposes

ENACTED by the County Assembly of Nairobi City, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Animal Control and Abattoirs Management Act, 2016. Short title.

2. In this part, except where the context otherwise requires— Interpretation.

“Abattoirs” means any place used for the slaughter of animals for human consumption;

“Approved abattoirs” means an abattoir in respect of which a certificate of approval has been issued by the director of agriculture following an application made to the director under section 3(1);

“County executive” means the county executive committee responsible for matter relating to agriculture;

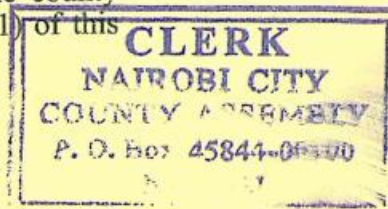
“department” means county department responsible for matters relating to veterinary health and services;

“director” means county director responsible for matters relating to veterinary health;

“dressing area” includes an area where removal of hides and internal organs of animal slaughtered is done;

“meat” means the flesh of any animal of the bovine, ovine, caprine or porcine species;

“meat inspector” means any person appointed to inspect meat or products of animal origin by the county executive member under provision of section 3 (1) of this Act;



“executive member” means the county executive member responsible for matter relating to agriculture, fisheries and livestock;

“officer” includes director, veterinary, county officer;

“stock breeder” means the owner of any animal who takes or causes it to be taken to an abattoir with the intention of having it slaughtered so that its flesh may be used for human consumption; and

“veterinary officer” means a veterinarian employed in the service of the county government.

PART II—ADMINISTRATION

3. (1) The County Public Service Board may, on such terms and conditions, and in consultation with the county executive member, appoint any person as a director, meat inspector or veterinarian officer or county officer for purposes of this Act.

Appointment of
County veterinary
officers.

(2) For purposes of subsection (1), the county executive may, by regulations, prescribe the qualification for categories of inspectors or veterinarians or county officer.

4. No application for a certificate for an abattoir shall be approved by the department unless and until the director is satisfied that the said abattoir complies with the requirements as spelt out in the first schedule.

Requirements for
registration of
abattoirs

5. (1) No person shall maintain or operate an abattoir from which meat is sold or processed for export or sold for consumption unless a certificate of approval granted by the director is in force in respect for such abattoir.

Abattoirs to be
approved.

(2) A person who contravenes subsection (1) commits an offence and is liable upon conviction to—

(a) a fine not exceeding one million or to an imprisonment for a term not exceeding one year or to both;

(b) in case of a subsequent offence to a fine of five thousand shillings everyday for which the offence continues.

6. (1) A veterinary officer, with the consent of the ^{Exemptions} Department, may grant a written exemption to either a person—

- (i) who is a small meat producer;
- (ii) sells insufficient meat to permit their economic transportation to approved abattoirs; or
- (iii) who in the opinion of a veterinary officer is killing wild and unmanageable meat.

(2) A person granted an exemption under subsection (1)—

- (i) may sell carcass meat to a buyer granted a permit under subsection (3); and
- (ii) shall abide by any conditions relating to hygiene and other matters that the officer granting the exemption may include in the exemption.

(3) No person may purchase meat from a person granted an exemption under subsection (1) unless he has been granted a permit in writing by a veterinary officer permitting him to buy carcass meat from that exempted person or generally from persons granted an exemption under subsection (1).

(4) A person granted a permit under subsection (3), shall not export from the county carcass meat purchased by authority of the permit.

(5) Exemptions and permits granted in accordance with this section shall each be for a definite period of time.

(6) A veterinary officer may at any time revoke an exemption or permit granted under this section; providing the reasons in writing.

(7) A person who fails to comply with any of the provisions of this section or any condition in an exemption or permit granted in accordance with this section commits an offence and shall upon conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.

7. A person who willfully disobeys or obstructs or ^{Obstruction of officers,} hinders or knowingly makes any false or misleading statements either orally or in writing to an officer ^{engaged}

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in carrying out his duties or functions under this Act or regulations commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.

8. (1) An application for a certificate of approval shall be made in triplicate and in the prescribed form.

Application for certificate of approval

(2) The application for a certificate of approval of an abattoir shall be endorsed by the county veterinary officer who shall forward 2 copies to the department.

9. (1) A certificate of approval shall relate only to the abattoir premises described in the application for such certificate submitted in accordance with section 5.

Certificate of approval to relate to single abattoir

(2) A change in the ownership or management of abattoir shall be notified within fourteen days of the change to the director.

10. (1) There shall be appointed a Director in charge veterinary services who shall be the head of the department in charge of veterinary services.

Appointment of a director

(2) The Director so appointed shall either be a veterinarian or a public health expert.

(3) The Director shall be responsible for—

(a) the control and inspection of slaughter and processing of livestock ensuring that any person operating an abattoir observes the appropriate hygienic requirements in the abattoir.

(4) The director may, in writing, designate official veterinaries meat inspectors and other officers to carry out any function under this Act.

(5) The director shall specify the health standard requirement for all persons working in an abattoir including the requirement for routine medical examination for all persons working in an abattoir.

11. (1) (a) The meat inspector shall brand or stamp with the official stamp mark of the department in such places and in such ways as they deem advisable or necessary all carcasses, meat, offal submitted for examination and passed as healthy and fit for human examination.

Duties of meat inspectors

(b) the meat inspector shall issue a certificate at the time of inspection to be displayed.

(c) the inspection certificate be displayed at the butchery sale point.

(2) A person shall not, other than an authorized officer, stamp, brand or mark or attach to or impress on any meat, or offal with any official stamp or mark or similar marking.

(3) A person shall not attach to or impress on any meat or offal any forged stamp or mark or any stamp or mark intended or liable to deceive the public or induce the belief that such meat or offal has been inspected and approved by regulations or slaughtered at the abattoir.

(4) All carcasses declared fit for human consumption shall be graded and stamped by a meat inspector or veterinary officer, according to the standard prescribed by the department.

PART III—REGISTRATION AND LICENSING MEAT PROCESSING ESTABLISHMENT

12. (1) Despite any other provisions of this Act, no person shall maintain or operate a meat processing company, unless it is registered and licensed in accordance with this Act and regulations thereto.

Registration and
licensing of meat
export processing
establishments

(2) For the purposes of this part, "processing establishment" means any establishment in which any part of the carcass of any animal is used for preparation or manufacture for sale of products.

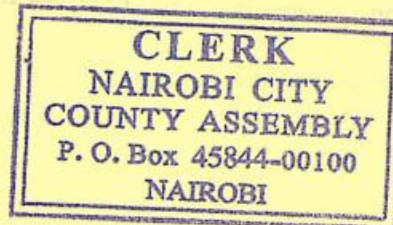
(3) Any person who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding one million shillings or to a prison term of five years or to both.

13. (1) An application for a license under this part shall be in writing to the Department and in the prescribed form and shall be accompanied by the prescribed fee.

Application for a
license

(2) The department may after consultation with the county veterinary officer—

(a) issue a processing establishment license, in accordance with this Act;



- (b) refuse to issue the license on any ground which may appear to the department to be sufficient and inform the applicant in writing of the reasons;
- (c) cancel, vary or suspend any license if in the finding of the department, the licence is found to have contravened the Act or regulations made under the Act for the operation of the processing establishment.

14. (1) A person who —

Illegal manufacture,
processing etc

- (a) manufactures or prepares or processes any part of animal carcass for sale in contravention of this Act under this part;
- (b) buys, sells, offers for sale, transport or has possession of any meat which to the persons knowledge or belief has been manufactured or prepared otherwise;

commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to an imprisonment for a term not exceeding two years or to both.

(2) If a person is in possession or has control of meat for which that person is unable to account for to the satisfaction of a person authorized under this Act, that person shall be deemed to have manufactured, prepared or processed the meat otherwise than in accordance with this Act until the contrary is proved.

(3) If a person is convicted for an offence under this part, the court shall order any manufactured, prepared or processed meat and any vehicle, vessel or conveyance in relation to which an offence has been committed shall be forfeited to the county government unless in the case of a vehicle, vessel or conveyance, the court sees good reason, to be recorded in writing, not to do so.

15. (1) The department shall issue licenses to applicants subject to such lawful conditions as it may determine.

Issue of licenses

(2) Every licence shall specify the premises upon which the business specified in the licence may be carried on.

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(3) There shall be payable for the issue of licenses under this Act such fees as the director, after consultation with the county executive, prescribe.

(4) The licensing authority shall at least thirty days before granting a licence under this Act, give notice of the proposed grant in the County Gazette and in such other manner as the authority may determine.

(5) The notice referred to in subsection (4) shall —

(a) specify the name or other particulars of the person or class of persons to whom the licence is to be granted;

(b) state the purpose for the proposed licence and indicate the date such licence is proposed to be issued to the successful applicant;

(c) invite objection to the proposed grant of a license and direct that such objection be lodged with the Director within fourteen day next following the date of the notice.

(6) the department may after considering the objection, if any made under this section, grant the license applied for, subject to terms and conditions as may be specified therein.

(7) The issuance of a license under this Act shall not be with held without reasonable cause.

(8) A license under this Act shall not be transferable.

(9) The director shall ensure that an updated register is kept and maintained for all licenses issued under this part.

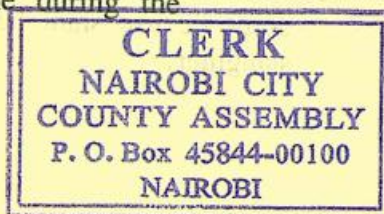
16. An application for renewal of a license may be made under this Act shall be made to the department not later than the first day of June in which the current license is due to expire but, despite the foregoing, a late application may be made upon payment of a late application fee as may be prescribed by the department.

Application for renewal of a license

17. (1) A licence issued under this Act shall be subject to such conditions as the department may determine and as are specified in the licence and to any conditions which may be prescribed.

Conditions of a license

(2) The department may at any time during the validity of a licence —



- (a) vary the conditions of the licence; or
- (b) impose conditions or further conditions on the licence.

18. The department may revoke, alter or suspend a licence issued under this Act if in its opinion.

Revocation,
alteration or
Suspension of a
license

- (a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee of the licence holder; or
- (b) a condition of the licence has been contravened or not complied with.

19. (1) The owner of a licence which is revoked shall immediately surrender it to the licencing authority.

Surrender of a
license

(2) A licence owner may at any time surrender the licence to the licencing authority and the licence shall cease to have the effect forthwith.

20. (1) An applicant for or a holder of a licence who is aggrieved by the decision of the department on or in respect of —

Appeals

- (a) the grant, refusal, renewal variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation of a licence, may appeal to the county executive.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appelland received the notice of the decision

(3) The county executive may either vary or confirm the decision that is the subject of the appeal within fifteen days of the lodging of the appeal.

PART IV — REQUIREMENTS FOR ABATTOIRS

21. (1) —

Inspection of
animals

- (a) Every animal intended for slaughter shall be inspected before slaughter by a meat inspector.
- (b) An animal that is intended to be slaughtered for domestic use shall be inspected at the point of slaughter.

(c) A domestic certificate shall be issued in accordance to (b) above upon such inspection at no fee.

(2) Any animal found upon inspection to be unhealthy shall be separated from others awaiting slaughter.

(3) Any animal suspected by a meat inspector to be suffering from any contagious disease shall be removed from the premises of the abattoir and returned at the expense of the owner of the animal to its place of origin pending further examination by the meat inspector. Slaughter and destruction of such an animal may take place at its place of origin depending upon the decision of the meat inspector.

(4) The responsibility of removal of the animal from the abattoir shall rest on the owner of the animal who shall be allowed a period of twelve hours to effect such removal. In the event of failure to remove this animal within the period specified the meat inspector may order the removal of the animal at the owner's expense for its immediate destruction.

(5) An animal suspected by a meat inspector to be suffering from any contagious diseases and is removed from the premises of the abattoir and treated as directed by the meat inspector or veterinary officer, such animal may be allowed in the abattoir upon satisfaction by the veterinary officer that the animal is healthy.

22. (1) An adequate number of wheel containers shall be provided so that the stomachs and intestines together with their contents can be lowered from the carcasses into the viscera containers and moved to one side without contaminating the floor.

Use of a container
for viscera

(2) The Viscera container and their contents shall be identifiable with their carcasses.

23. (1) Meat shall be inspected by either a meat inspector or veterinary officer at the abattoir at the time of slaughter for the purpose of ascertaining whether it is fit for human consumption. The whole carcass together with all the offal, head, feet and hide shall be presented for inspection and be identified with the animal previously notified as intended for slaughter in accordance with section 26.

Meat inspection

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(2) In the event of any abnormal cutting or removal of parts before inspection the whole carcass may be seized and destroyed by the meat inspector after written notice to the owner or his agent in charge of the abattoir of his intention to do so, stating his reasons.

(3) All abattoirs approved under this Act shall be liable to inspection at any time by a meat inspector or veterinary officer who may issue instructions to ensure that the provisions of this Act are carried out.

24. A meat inspector may, after giving written notice of his reasons for so doing to the owner of an abattoir or his agent, declare meat to be unfit for human consumption. Such meat shall be destroyed by burning or such other means of disposal as soon as possible after the written notice has been received by the owner of the abattoir or his agent. Destruction of unfit meat

25. The owner or agent of the owner in charge of any approved abattoir shall keep on the premises a register of animal presented for slaughter showing — Register of animals slaughtered

- (a) origin of the animal;
- (b) species of the animal;
- (c) date of arrival;
- (d) date of slaughter;
- (e) sex and age of the animal;
- (f) weight of the carcass;
- (g) grade of the carcass;
- (h) and the relevant particulars of the animal.

26. (1) If upon inspection of any approved abattoir a meat inspector or a veterinary officer finds that if either the premises, the equipments installed or the operations carried out in the abattoir fail to comply with the provisions of this Act, they shall serve on the owner or the agent responsible for the operation of the approved abattoir a written notice specifying all alteration or improvements to the abattoir necessary to ensure that the premises, equipment or operations comply with the provisions of this Act. Notice to remedy defaults

(2) Such notification shall specify the period of time which the owner shall be given for the purpose of effecting

the said alterations or improvements, provided that such period shall not exceed 3 months from the date of the notification being received by the owner or his agent.

(3) Should the specified period be exceeded, the county executive may apply to the court for an order that the abattoir be closed until such time as the required alterations or improvements have been completed to the satisfaction of the principal veterinary officer.

(4) Such closure shall be without prejudice to the institution of proceedings against the owner of the abattoir under the provisions of section 35 of this Act.

(5) It shall always be open to the holder of the certificate to show cause why such order should not be made.

Provided that the regulations shall specify the general specifications, layouts, structure and general conditions to be met and adhered to by all operational abattoirs in the county.

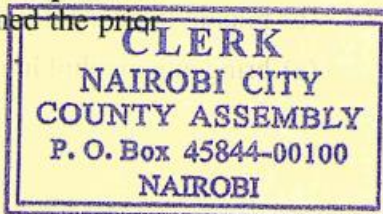
27. (1) All meat, fat or offal which become soiled by the contents of the alimentary shall be condemned as unfit for human consumption. Condemnation of soiled meal

(2) Despite subsection (1), where, in the opinion of an authorized veterinary or any meat inspector, the soiling may be removed by cutting out the soiled portions, the authorized veterinary or meat inspector may authorize this to be done and the remaining meat, fat or offal shall be deemed fit for human consumption.

(3) A person shall not cut, remove or try to conceal any diseased or injured part.

28. (1) A person who knowingly suffers from any noticeable infectious or contagious disease, or is knowingly exposed to infection from any such disease within 12 hours immediately before assuming duty shall not engage in the slaughter of animals, dressing of carcasses or handling or conveyance of meat intended for human consumption. Human Diseases

(2) No employer permit any person in their employment who suffers from or who has been exposed to infection to be so engaged unless he has obtained the prior written permission of medical officer.



(3) The medical officer shall have the power to examine, which may include the examination of blood of any person engaged in the slaughtering of animals, the dressing of carcasses or handling or conveyance of meat, whenever he deems it necessary to do so for the purpose of ascertaining whether such person suffers from any disease or condition liable to contaminate the meat, as a result of which serious consequences to the health of others may occur, and may prohibit any such person found to be suffering from being so engaged until the person again has been examined and certified by a medical officer to be free from such disease or condition.

(4) Any person engaged to work in the abattoir having any cuts, grazes or abrasion shall have such injuries covered by a clean waterproof dressing.

29. (1) Any animal in an abattoir which may be unclaimed or as to ownership of which there is a dispute, and shall, in the case of any slaughter, dispose of the carcass on behalf of the department. Disposal of unclaimed animals

(2) On ascertaining the rightful owner of an animal under subsection (1), the department shall pay to the owner the proceeds from such sale less the amount of any expenses incurred in respect of such animal.

30. A person shall not bring into an abattoir, or permit to enter or remain there, any dog, cat, bird or other animal which feeds on meat. Dogs, etc. prohibited

31. A person under the age of 16 years shall not at any time be admitted to any part of the abattoir where slaughtering or dressing is taking place, unless the inspector authorizes that such person can enter under the supervision of an adult. Exclusion of children

32. A person who smokes in any part of the abattoir where animals are slaughtered, inspected or kept commits an offence. Smoking prohibited

33. A person commits an offence if they— Alcohol prohibited

(a) enter;

(b) remain in an abattoir while intoxicated; or

(c) bring any alcohol into an abattoir.

34. A person shall not remove from the abattoir any animal, alive or dead, or the carcass of any animal or any meat, offal or any other thing pertaining to any animal without the prior permission of the person in charge of the abattoir.

PART V—GENERAL PROVISIONS.

35. No action or proceeding may be commenced against the county executive member, the director, an agent of the director, county officer for any act done in good faith in the performance or intended performance of a responsibility or in exercise of or intended exercise of an authorized action under this Act, or of any neglect or default in performance of a responsibility or the exercise of an authorized action in good faith.

Protection from personal liability

36. A person who contravenes a provision of this Act where no other penalties are provided commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to an imprisonment for a term for three years or to both and on subsequent conviction to a fine not exceeding one million shillings or to an imprisonment for a term for five years or to both.

General penalty and offences

37. The county executive may make regulations for any matter necessary for the carrying out of the provisions of this Act.

Regulations

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MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to regulate establishment, operations and abattoir activities in the county. The Act requires that abattoirs be registered and licensed in accordance with the Act. It establishes the institutional framework and provides for the abattoir specifications and construction, meat inspection, sanitary facilities and hygiene practices and related matters.

The structure of the Bill is as follows—

Part I of the Bill provides for preliminary matters.

Clause 3 of the Bill deals with the appointment of county veterinary officers by the County Public Service Board in consultation with the County Executive Member.

Clauses 4 and 5 of the Bill provide for the application process for a license to operate an abattoir as shall be required by this law and the regulations passed thereto. They also affirm that no person shall operate an abattoir unless the county in that regard has issued a certificate of approval.

Clause 6 of the Bill provides the grounds for exemption under which a person may be excused from the requirements stipulated thereunder, with respect to the operation of an abattoir and the need for a certificate of approval to that effect.

Clause 7 of the Bill provides for obstruction as an offence and liable to a fine not exceeding five hundred thousand shillings or to imprisonment for 2 years or to both.

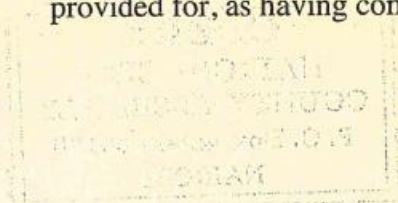
Clauses 8 and 9 of the Bill provide for the process of applying for a certificate of approval with respect to an abattoir and the fact that the certificate shall only relate to the abattoir described therein.

Clause 10 of the Bill provides for the office of the Director of veterinary services and who shall either be a veterinarian or a public health expert.

Clause 11 of the Bill applies to the appointment of Meat Inspectors.

PART III of the Bill provides for the registration and licensing of meat processing establishments within the County.

Clause 14 of the Bill provides for an offence with respect to anyone who manufactures or prepares any meat or carcass in manner other than as provided for, as having committed an offence.



Clause 17 of the Bill provides for the conditions to be met for the grant of a licence under this part.

Clause 20 of the Bill provides for appeal by any person dissatisfied with any decision relating to the grant, refusal, renewal variation, revocation or conditions imposed with respect to the grant of a licence.

PART IV of the Bill spells out the operational requirements that an abattoir must conform with.

Clause 21 of the Bill requires that any animal intended for slaughter must first be inspected by a meat inspector and any sick animal be separated from the rest that are awaiting slaughter.

Clause 23 of the Bill calls for meat to be inspected by either a meat inspector or veterinary officer at the abattoir at the time of slaughter for the purpose of ascertaining whether it is fit for human consumption.

Clause 25 of the Bill requires the person in charge of an approved abattoir to keep on the premises a register of animals presented for slaughter.

Clause 28 of the Bill requires a person that knowingly suffers from any notifiable or contagious disease not to engage in the slaughter of animals, dressing of carcasses or handling or conveyance of meat intended for human consumption.

Clause 29 of the Bill provides for any unclaimed animal to be disposed in such manner as the department might deem fit under the circumstances.

PART V of the Bill provides for the General Requirements.

Clause 35 of the Bill generally provides for the protection from personal liability of county officers for any work done in good faith and in the exercise or intended exercise of their duty..

Clause 36 of the Bill provides for the general penalty clause and for which no other offence or penalty has been provided for.

Clause 37 of the Bill affirms the county executive powers to make regulations.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided through the estimates.

Z. H. MOHAMMED,
Member of County Assembly.

