

THE VETERINARY PRACTICE AND VETERINARY MEDICINES BILL, 2024

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THE VETERINARY PRACTICE AND VETERINARY MEDICINES BILL, 2024

A Bill for;

AN ACT of Parliament to provide for the establishment of the Kenya Veterinary Council; to provide for the training, registration, licensing, practice and employment of veterinary surgeons, veterinary para-professionals and veterinary specialists; to provide for the regulation of animal health training institutions; for the regulation of animal health and welfare; to provide for the establishment of the Veterinary Medicines and Vaccines Authority, for the regulation of veterinary pharmacy; to provide for the regulation of veterinary medicines, vaccines and other biologicals, nutrients and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

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SECOND SCHEDULE— CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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- Short title. 1. This Act may be cited as the Veterinary Practice and Veterinary Medicines Act, 2024.
- Interpretation. 2. In this Act, unless the context otherwise requires—
- “accreditation” means the procedure by which the Council formally recognizes an institution as an animal health training institution;
- “admission” means an act of, or system for, allowing qualified applicants to pursue studies in animal health education at an approved institution or programme;
- “advertisement” means any written or visual notice, circular, label, or wrapper, or other descriptive matter, verbal statement or reference appearing in any newspaper, television, digital, film or mass media or brought to the attention of the public in any other form, which is intended to promote the sale of a veterinary medicine;
- “animal” means all species of the animal kingdom, excluding man, whether in aquatic, domesticated or wild environments and includes wild animals, cattle, camel, buffalo, sheep, goats, pigs, fish, horse, mule, donkey, dog, birds, bees, insects, reptiles, marine animals among others;
- “animal resource industry” means the sector responsible for animal health, production, welfare, marketing, animal food safety and security, and sanitary aspects in animals;
- “annual license” means a license issued to a veterinary surgeon or para-professional under section 35;
- “alternative medicine” means the unrefined plant, animal and mineral substances used in animal treatments;
- “Authority” means the Veterinary Medicines and Vaccines Authority established under section 41;
- “annual practice license” means fees paid by all practitioners;
- “annual premise license” means license to operate a veterinary hospital, clinical centre, ambulatory or veterinary diagnostic facility;
- “approval” means the procedure by which the Council formally recognizes all animal health programmes;
- “Board” means the governing body of the Council or Authority;
- “Chairperson” means the chairperson of the Board or Authority appointed under sections 8(1)(a) or 42(1)(a);
- “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to veterinary practice and medicines;
- “certificate” means a level of qualification below a diploma as prescribed in the law relating to national qualifications;
- “Chief Executive Officer” means the Chief Executive Officer of the Council or Authority appointed under sections 15(1)(a) or 47(1)(a);
- “conventional medicines” means the regular and standardized veterinary medicines;

“course” means a series of lessons designed to communicate knowledge, skills, attitudes and aptitude about a particular programme;

“Council” means the Kenya Veterinary Council established under section 5;

“designated Laboratory” means a laboratory designated as such under section 56 by virtue of the functions of the Authority under this Act;

“diploma” means a level of qualification below a degree and above a certificate, as prescribed in the law relating to national qualifications;

“dispense” means the sale or supply of a veterinary medicine by a veterinary surgeon, veterinary para-professional, or other person authorised in accordance with this Act;

“general sale list medicine” means a veterinary medicine which is approved for dispensing without a prescription;

“Good Manufacturing Practices” means the part of quality management which ensures that products are consistently produced and controlled to the quality standards appropriate to their intended use as required by the marketing authorization, clinical trial authorization or product specification;

“inspector” means a person appointed under this Act for purposes of undertaking inspections and enforcement;

“Institution” means a public or private facility used wholly or partly, for the conduct of animal health education;

“intern” means a graduate of veterinary medicine or animal health or graduate diploma or certificate holders engaged for a period prescribed by the Council with the intent of acquiring relevant work experience for registration;

“manufacture” means any stage in the manufacturing of a veterinary medicine or vaccine until the finished product is ready for sale or use in its final form as specified in the marketing authorization, and includes re-packaging, repacking or labeling of a veterinary medicine or vaccine in an authorized facility but does not include the breaking open of the package of a veterinary medicine or vaccine by retailers;

“marketing authorization” means registration of a veterinary medicine or vaccine by the Authority and the issuance of a registration certificate under this Act;

Cap. 364.

“notifiable disease” has the meaning assigned to it under the Animal Diseases Act;

“orphan veterinary medicine” means a veterinary medicine that is not economical to trade in but is required for specific veterinary use;

“pharmaco-vigilance” means the routine surveys, data collection and management carried out in the veterinary medicines and vaccine market to safeguard general animal, environmental health, and trade;

“private practice” means any practice for hire, gain, fee, compensation, or reward received, promised, offered, expected or accepted either directly

or indirectly by a registered veterinary surgeon or veterinary para-professional rendering veterinary service from the person requesting or receiving the service;

“veterinary practice” includes an engagement in the—

- (a) prevention of an infectious or organic disease or pathological condition;
- (b) performance of a surgical operation on an animal;
- (c) dispensing or administration of veterinary medicines on animals;
- (d) giving of any treatment, advice, training, research, consultancy services, diagnosis or attendance and other related veterinary services;
- (e) animal health training;
- (f) veterinary laboratory services;
- (g) inspection of foods of animal origin for purposes of food safety;
- (h) operation of veterinary pharmacy;
- (i) manufacture, distribution and sale of veterinary medicine and vaccines; or
- (j) provision of animal welfare services,

“programme” means a series of courses leading to a qualification in animal health for purposes of this Act;

“quality assurance standards” means the standards issued by the Cabinet Secretary, on the advice of the Authority and the Council;

“Register” means a register kept by the Registrar under sections 28 and 64, respectively;

“registered person” means a veterinary surgeon or veterinary para-professional whose name has been duly entered in the register;

“Republic” has the meaning assigned to it under Article 260 of the Constitution;

“retention” means the maintenance of registered veterinary surgeon, veterinary paraprofessionals, veterinary specialists, veterinary pharmacists or veterinary medicines and vaccines in the register of the Council or the Authority as the case may be;

“retention fee” means fees paid by a registered person not in practice or for veterinary medicines and vaccines for the purpose of maintaining them in the register of the Council and the Authority;

“retailer” means a veterinary pharmacy registered by the Authority for the sale of veterinary medicines and vaccines to the end users;

“veterinary clinic” means a consulting room, office, or an outpatient or inpatient facility and includes an ambulatory facility which the Council has approved for purposes of diagnosis and management of animal diseases;

“veterinary device” means an instrument, apparatus, implement, machine, appliance, implant, in vitro reagent, software, material or other similar or related article intended for use, alone or in combination in animals for one or more of the following specific purposes—

- (a) diagnosis, prevention, monitoring, treatment or alleviation of

disease;

- (b) diagnosis, monitoring, treatment, alleviation of or compensation for an injury
- (c) investigation, replacement, modification, or support of the anatomy or of a physiological process;
- (d) supporting or sustaining life;
- (e) control of conception;
- (f) disinfection of medical devices;
- (g) animal identification;
- (h) providing information for medical or diagnostic purposes by means of in vitro examination of specimens derived from the animal body,

which does not achieve its primary intended action in or on the animal body by pharmacological, immunological or metabolic means, but which may be assisted in its intended function by such means,

“veterinary medicine” means any curative substance, formulated medicament, or mixture of substances, whether proprietary or in the form of a preparation effective in animals, which is used, or is manufactured, sold or represented as suitable for use, in—

- (a) the diagnosis, treatment, mitigation of disease or abnormal physical or mental state or the symptoms thereof in an animal;
- (b) restoring, correcting or modifying any physical, mental or organic function in an animal; or
- (c) controlling internal or external pests and parasites, and includes insecticides, hormones, alternative medicines, antiseptics, disinfectants, surgical, nutrients and biological products;

“veterinary pharmacist” means a person carrying out the business of a veterinary pharmacy;

“veterinary pharmacy” means a business carried out by a veterinary surgeon, a veterinary para-professional or any other person authorized by the Authority to stock, dispense or distribute veterinary medicines;

“veterinary para-professional” means a person registered as a veterinary para-professional under section 21;

“veterinary specialist” means a veterinary surgeon who has completed an approved post graduate training programme in a particular field of veterinary medicine and who has thereafter gained sufficient experience and demonstrated to the Council's satisfaction adequate knowledge and skill, in the chosen field;

“veterinary surgeon” means a person whose name appears in the register of veterinary surgeons maintained under section 28;

“veterinary vaccine” means all biological products designed to stimulate active immunisation of animals against disease, without regard to the type of microorganism or microbial component or toxin from which they may be derived or that they contain and includes antigens, bacterins, allergens, antibodies, antitoxins, toxoids, immunostimulants, certain cytokines; and

“wholesaler” means a manufacturer or veterinary pharmacy approved by the Authority to trade in bulk in the supply of veterinary medicines and

vaccines to wholesalers or retailers.

Objects.

3. The object of this Act is to provide for—
- (a) the training, registration, licensing, practice and employment of veterinary surgeons, veterinary para-professionals and veterinary specialists; regulation of the manufacture, importation, exportation, registration, distribution, prescription and dispensing of veterinary medicines, nutraceuticals, veterinary devices vaccines, and other biologicals;
 - (b) regulation of animal health training institutions through inspection, registration, licensing, approval and accreditation; and
 - (c) the regulation of matters relating to veterinary practice, veterinary pharmacy in Kenya.

Application.

4. (1) This Act shall apply to—
- (a) veterinary surgeons, veterinary paraprofessionals and veterinary specialists;
 - (b) animal health training institutions regulated by the Council;
 - (c) training;
 - (d) all veterinary practice;
 - (e) animal health and welfare;
 - (f) conventional and alternative veterinary medicines;
 - (g) veterinary medicines, vaccines and other biologicals;
 - (h) nutraceuticals;
 - (i) medicated animal feeds and premixes; and
 - (j) veterinary devices and equipment.
- (2) Despite subsection (1), this Act shall not apply to—
- (a) an inactivated autogenous vaccine that is manufactured, on the instructions of a veterinary surgeon, from pathogens or antigens obtained from an animal and used for the treatment of that animal or—
 - (i) other animals on the same site;
 - (ii) animals intended to be sent to those premises; or
 - (iii) animals on a site that receives animals from those premises; and
 - (b) animal feeds with no therapeutic claim.

PART II—ESTABLISHMENT OF THE KENYA VETERINARY COUNCIL

Establishment
of the Kenya
Veterinary
Council.

5. (1) There is established the Kenya Veterinary Council.
- (2) The Council 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;
 - (c) borrowing and lending money; and
 - (d) doing all such other things or acts as may lawfully be done by a body corporate.

6. (1) The Council shall be responsible for the general supervision and control over training, business, practice and employment of veterinary surgeons and veterinary para-professionals in Kenya and advise the national and county governments on the regulation of matters relating to veterinary services.
- (2) Despite subsection (1), the Council shall—
 - (a) in consultation with such approved training institutions as the Council may deem appropriate, prescribe courses of training for veterinary para-professionals;
 - (b) approve institutions for the training of various categories of veterinary para-professionals;
 - (c) consider and approve the qualifications of the various categories of veterinary para-professionals for the purposes of registration under this Act;
 - (d) register, license, control and regulate veterinary practice and veterinary laboratories, clinics, animal hospitals, and such other facilities provided for in Regulations made under this Act;
 - (e) formulate and publish a code of ethics for the practice of all persons registered under this Act;
 - (f) regulate the professional conduct of registered persons and take such disciplinary measures as may be appropriate to maintain proper professional and ethical standards;
 - (g) maintain the standards of practice by the registered persons under this Act;
 - (h) assess from time-to-time the veterinary professional resources in Kenya to guarantee effective and efficient veterinary service delivery in the country;
 - (i) maintain a register and keep records of all registered persons under this Act;
 - (j) collaborate with other local and international organizations or bodies in the furtherance of the objects and functions of the Council;
 - (k) protect, in collaboration with relevant professional associations, the interests of the veterinary profession and any matter related to such interests;
 - (l) establish an inspectorate to work in collaboration with law enforcement agencies to locate, inspect, and close down premises or ambulatory clinics operated contrary to the practices prescribed under this Act, and take legal action against the offenders;
 - (m) guarantee animal welfare through registration, licensing and regulation of institutions and organizations with such activities;
 - (n) be responsible for the registration of veterinary specialists and areas of specialties;
 - (o) regulate the use of relevant veterinary technology for purposes of veterinary practice;
 - (p) inspect, license, register, approve and accredit animal health training institutions;
 - (q) inspect, license, register, and approve animal health related academic programmes in animal health training institution;
 - (r) prescribe the minimum criteria for admission to animal health training institutions and programmes in order to promote access, equity and gender parity;

- (s) be responsible for quality assurance and relevance in programmes of training in animal health;
- (t) undertake, or cause to be undertaken, regular monitoring, evaluation and inspection of animal health training institutions to ensure compliance with set standards and guidelines;
- (u) supervise internship programmes for veterinary medicine and veterinary para-professional intern; and
- (v) carry out any other function to improve, promote and advance the veterinary profession and practice in Kenya.

(3) An animal health training institution approved, licensed and accredited under subsection (2)(p) (q) shall have powers to—

- (a) develop and review its own curriculum;
- (b) admit students to accredited courses and programme;
- (c) provide training through teaching, instruction and research;
- (d) conduct assessment and administer examinations;
- (e) award diplomas, certificates and such other qualifications to qualified candidates;
- (f) conduct research and innovation in animal health and related matters;
- (g) collaborate with other institutions and industry players for furtherance of its objectives; and
- (h) do anything incidental or conducive to attaining aims and objectives of the institute.

Headquarters.

7. (1) The headquarters of the Council shall be in Nairobi.

(2) Despite subsection (1), the Council shall pursuant to Article 6(3) of the Constitution, ensure access to its services in all parts of the Republic.

Governance of the Council.

8. The governance of the Council shall vest in the Board.

Composition of the Board.

9. (1) The Board shall comprise—

- (a) the chairperson who shall be elected from amongst the persons appointed under paragraph (1)(f);
- (b) vice chair-person elected who shall be elected from amongst the persons appointed under paragraph (1)(f);
- (c) the Principal Secretary responsible for matters relating to livestock or a representative nominated in writing;
- (d) the Principal Secretary responsible for finance or a representative nominated in writing;
- (e) the Director of Veterinary Services or a representative nominated in writing, who shall be a registered veterinary surgeon under this Act;
- (f) one veterinary surgeon who is a principal of a private or public middle-level animal health training institute appointed by the Cabinet Secretary;
- (g) three persons who are registered and practicing as veterinary surgeons elected by registered veterinary surgeons and appointed by the Cabinet Secretary;
- (h) a dean of the faculty of veterinary medicine from a university in

Kenya, being a registered veterinary surgeon, or a member of the faculty, who is a registered veterinary surgeon, appointed by the Cabinet Secretary;

- (i) chairperson of the Kenya Veterinary Association;
- (j) a person appointed by the Cabinet Secretary to represent veterinary research institutions;
- (k) three persons who are registered and practicing as veterinary para-professionals, elected by the registered veterinary para-professionals and appointed by the Cabinet Secretary; and
- (l) the Chief Executive Officer who shall be an *ex officio* member and the Secretary to the Board.

(2) A person is not eligible to be appointed under section 9 (1) (f) (g) (h) and (k) as disqualified from appointment to the Board under if such person—

- (a) is not a permanent resident of Kenya;
- (b) is not a citizen of Kenya;
- (c) has at any time been convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is not in good standing with the Council for veterinary surgeons and veterinary para-professionals; or
- (e) is adjudged bankrupt.

(3) The Chief Executive Officer shall forward the names of the persons elected under 9 (1) (f) and 9 (1) (j) to the Cabinet Secretary within fourteen days from the date of declaration of results.

(4) Upon receipt of the names under sub section (3), the Cabinet Secretary shall—

- (a) by notice in the Gazette appoint the members of the Board under 9 (1) (b) (c) (d) (e) (f) (g) (h) (i); and
- (b) convene the first meeting of the Board for purposes of electing the chairperson and vice-chairperson, not later twenty-one days from the date of *gazettement*.

Powers of the Board.

10. The Board shall have power to—

- (a) control, supervise and manage its assets and liabilities;
- (b) seek and receive any grants or donations and make legitimate disbursements from such grants and donations for its purposes;
- (c) levy fees and charges for its services as provided for in this Act;
- (d) collaborate with other bodies within or outside Kenya which it considers desirable or appropriate;
- (e) invest funds of the Council not immediately required for its purposes;

- (f) establish and support investment and trust funds for the benefit of its employees or dependents of such persons, to grant pension, benefits and allowances and to make such payments towards insurance as required under the relevant laws;
- (g) open and operate such accounts as are necessary for the funds of the Council;
- (h) enter into contracts;
- (i) establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act;
- (j) co-opt into such committees such persons whose knowledge and experience may be necessary to enable the committee to effectively discharge its functions; and
- (k) undertake any activity necessary for the fulfillment of any of the functions of the Council.

Tenure of office.

11. (1) The members of the Board, except for the *ex officio* member, shall hold office for a term of three years but may be eligible for reappointment for one further term.

(2) For purposes of this section, “*ex officio* members” includes the members appointed under paragraph 8(1) (b) (c) (d).

Removal from office.

12. The Chairperson or a member of the Board may be removed from office for —

- (a) violation of the Constitution or any other written law;
- (b) absence without justifiable cause, from three consecutive meetings of the Board;
- (c) conviction of an offence whose term of imprisonment exceeds six months, without the option of a fine;
- (d) incapacitation by physical or mental illness;
- (e) incompetence or neglect of duty; or
- (f) adjudged bankrupt.

Vacancy in the membership of the Board.

13. (1) The office of a member of the Board shall become vacant where the member—

(a) Dies;
is absent, without reasonable cause, from three consecutive meetings of the Board;

- (b) resigns from office by notice in writing addressed to the appointing authority;
- (c) upon expiry of term of office; or
is unable or unfit to carry out the functions of the Board; or
- (d) removed from office pursuant to section 12.

Filling of a vacancy

14. (1) Where a vacancy occurs in the membership of the Board, the appointment procedure provided for in section 9 shall apply.

(2) Despite sub section (3) where a vacancy occurs in the office of chairperson and the vice chairperson—

- (a) the vice chairperson shall assume the office of the chairperson for the remainder of the term of the Chairperson; and
- (b) the member appointed under 9(1)(g) shall assume the office of the vice chairperson for the remainder of the term of the vice Chairperson

(3) The chairperson or the vice chairperson may voluntarily vacate office at any time by giving notice to appointing authority.

(4) Where the chairperson or the vice chairperson vacates office under sub section (3), the chairperson or vice chairperson may continue to be members of the Board.

(5) The Cabinet Secretary may by regulations prescribe the manner for removal of members of the Board.

Meeting of the Board.

15. (1) The conduct of business and affairs of the Board shall be as set out in the First schedule.

(2) Despite subsection (1), the Board may regulate its own procedure.

Committees of the Council.

16. (1) The Council may establish Committees as it may deem necessary for the effective performance of its functions under this Act.

(2) The Council may co-opt into its Committees persons whose knowledge and expertise it requires.

Staff of the Council.

17. (1) The Council shall on such terms as it may deem appropriate, appoint such staff of the Council, comprising—

- (a) the Chief Executive Officer; and
- (b) such professional, technical and administrative officers and support staff, as may be appointed by the Board for the effective discharge of its functions under this Act.

(2) Despite subsection (1), the Chief Executive Officer shall be appointed for a term of three years, renewable once, subject to satisfactory performance as determined by the Board.

(3) The Council shall, in the appointment of its employees, ensure—

- (a) equalization of opportunity for persons with disabilities and the youth;
- (b) that not more than two thirds of its staff are of the same gender; and
- (c) that the appointment reflects ethnic and regional diversity of the people of Kenya.

(4) A person qualifies for appointment as the Chief Executive Officer, if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree in veterinary science with a master's degree in a

relevant field from a university recognized in Kenya;

- (c) is a registered veterinary surgeon or veterinary paraprofessional;
- (d) has had at least ten years proven experience on matters relating to veterinary surgeons or veterinary paraprofessionals five of which shall be at a senior management level; and
- (e) meets the requirements of Chapter Six of the Constitution and the Leadership and Integrity Act.

Functions of
the Chief
Executive
Officer.

18. (1) The Chief Executive Officer shall be—

- (a) the accounting officer of the Council;
- (b) Registrar to the Council; and
- (c) responsible for;
 - (i) the day-to-day administration and management of the affairs of the Council;
 - (ii) carrying into effect of the decisions of the Board;
 - (iii) the coordination and supervision of the staff of the Council;
 - (iv) maintenance of the register in accordance with this Act;
 - (v) signing, issuing, renewing and cancellation of licenses of registration and licenses as may be directed by the Council;
 - (vi) keeping all documents and records including records of assets of the Council;
 - (vii) the preparation of documents due for gazettelement as may be directed by the Council;
 - (viii) taking and keeping of minutes of the Board meetings;
 - (ix) implement the decisions of the Board;
 - (x) keeping of the seal of the Council in such custody as the Board may direct; and
 - (xi) any other duty as be assigned by the Board.

(2) The Chief Executive Officer shall, in the performance of the functions of the Council under this Act, be responsible to the Board.

Remuneration
of
Chairperson,
members and
staff.

19. (1) Members of the Board shall be paid such allowances as the Cabinet Secretary in consultation with the Salaries and Remuneration Commission, determine.

(2) The staff of the Council shall be paid such salary as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

Appointment
of inspectors
by the
Council.

20. (1) The Council may appoint such inspectors for the purposes of overseeing or inspecting the works and premises of veterinary surgeons or veterinary para-professional or matters relating to veterinary practice under this Act.

(2) An inspector appointed under subsection (1), shall have the power to enter—

- (a) the premises for purposes of undertaking inspections under this Act; and
- (b) other premises in respect of any person who is licensed under this Act or any other written law.

Request for
information by

21. The Council may at any time request a veterinary surgeon or veterinary para-professional or veterinary specialist registered under this Act to

the Council.

supply it with information for purposes of this Act.

**PART III—REGISTRATION AND PRACTICE AS A VETERINARY SURGEON,
VETERINARY PARAPROFESSIONAL OR VETERINARY SPECIALIST**

Requirement
for
registration.

22. (1) A person shall not practice, or hold himself or herself out, whether directly or indirectly, as practicing or being able to practice as a veterinary surgeon, veterinary paraprofessional or veterinary specialist, or take up employment as such, unless he or she is registered and licensed under this Act.

(2) An organization or institution shall not offer animal health services unless it is registered and issued with a license by the Council and has a registered veterinary surgeon in its employment in charge of the animal health and welfare services.

Qualification
for registration
of veterinary
surgeon.

23. (1) A person qualifies to be registered as a veterinary surgeon under this Act if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree in veterinary medicine from a university recognized in Kenya, and has after such qualification served an internship of not less than twelve months under a veterinary surgeon with not less than five years' standing; and
- (c) is a member of a registered professional association representing the interests of veterinary surgeons in Kenya.

(2) The Council shall require an applicant under this section to undertake such examination as it may prescribe to satisfy itself that the applicant's knowledge and skills qualify such person for registration.

(3) The examination referred to in subsection (2) may be conducted by the Council or by any other Authority or institution appointed by the Council, and such examination shall be conducted subject to such terms and conditions as the Council may determine.

(4) A person seeking registration shall apply to the Council within a period of five years after qualification, and any person applying after the expiry of that period may be subject to the provisions of subsection (2).

(5) A person registered by the Council under this section shall swear or affirm the oath set out in the Third Schedule, and shall be entitled to have his or her name entered in the register maintained by the Registrar for that purpose.

(6) A registered person shall be issued with a certificate of registration in the prescribed form which shall be signed by the Registrar.

(7) A person who practices veterinary medicine or surgery without having been registered under this section or otherwise contravenes any other provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

Mutual
recognition.

24. A person who—

- (a) is a citizen of the East African Community who has signed a mutual recognition agreement with Kenya;
- (b) is a holder of a degree in veterinary medicine or other qualification in animal health recognized by the Council as making him eligible for registration;
- (c) presents proof of registration in their country of origin; and
- (d) satisfies the Council that he is a person of good moral standing,

may apply to the Council for reciprocal registration as a veterinary surgeon or veterinary para-professional or veterinary specialist under this Act.

Temporary
registration of
foreign
veterinary
surgeons and
veterinary
paraprofession
als.

25. (1) A person, being a qualified veterinary surgeon, who is not a citizen of, or is not ordinarily resident, in Kenya, but intends to be in Kenya for the purposes of carrying out any activity to which this Act applies, shall, before undertaking the assignment, apply to the Council for temporary registration as a foreign veterinary surgeon.

(2) The temporary registration under subsection (1) shall be issued only to persons engaged by volunteer non-profit organizations recognized by the Council, for purposes of the provision of veterinary services.

(3) An application for temporary registration shall be submitted to the Council in the prescribed form and accompanied by—

- (a) the fee prescribed by the Council, and certified copies of the applicant's certificates in veterinary medicine, duly authenticated by the registration authority of the country where they were obtained;
- (b) proof of membership of a professional association in the country of the applicant; and
- (c) a letter attesting to good professional conduct from the registration authority in the country of the applicant.

(4) The Council may require a person applying for temporary registration to appear before it in person for purposes of an examination, whether oral or written.

(5) Upon due consideration of an application submitted to it under this section, the Council shall make and communicate its decision to the applicant within a reasonable time, but not later than fifteen days from the date of the application, and the decision of the Council shall be final.

(6) If the Council is satisfied that an applicant has fulfilled all the conditions for temporary registration as a foreign veterinary surgeon under this section it shall direct the Registrar, subject to the requirement for an annual license, to effect the registration and issue the applicant with a certificate of temporary registration.

(7) A certificate of temporary registration issued under this section may be subject to such terms and conditions as the Council may consider fit.

(8) Despite subsection (7), the conditions for temporary registration may include, that—

(a) the registered veterinary surgeon confines his or her practice to the area of practice; and

(b) for every year he or she practices in Kenya he or she shall submit to the Council a quarterly report showing, the progress made towards the completion of the task in respect of which the registration is issued.

(9) A person who contravenes the provisions of this section, or abets, aids, facilitates or in any way assists any person to contravene the provisions of this section, commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

(10) A registered veterinary surgeon who abets, facilitates, or assists in the employment of a person in contravention of this section shall be liable to have the registration suspended for a period not exceeding three years.

(11) A person who engages any foreign veterinary surgeon contrary to the provisions of this section shall be taken to have abetted, facilitated, aided or assisted such a person to practice veterinary medicine and surgery in Kenya in contravention of this Act, and shall be subject to the penalties prescribed.

Qualification
and
registration of
veterinary
para-
professionals.

26. (1) A person qualifies for registration as a veterinary para-professional under this Act, if the person—

(a) is a citizen of Kenya;

(b) has either—

(i) successfully completed a post-secondary school training programme in animal health science lasting two years or more at an institution approved by the Council and has obtained a certificate, diploma or degree and has thereafter served an internship of not less than six months under the supervision of a registered veterinary surgeon; or

(ii) qualified in animal production, range management or wildlife health and has undergone a training programme of not less than one year in animal health prescribed by the Council, and has served an internship of not less than six months under the supervision of a registered veterinary surgeon; and

(c) is a member of a registered association representing the interests of veterinary para-professionals.

(2) A person is deemed to practice as a veterinary para-professional if the person performs any of the functions specified under this Act.

(3) Despite subsection (2), the Cabinet Secretary may, on the advice of the Council, prescribe the scope of practice of veterinary para-professionals.

(4) An application under this section shall be in the prescribed form, and shall be accompanied by—

- (a) such registration fee as the Council may determine from time to time;
- (b) certified copies of relevant certificates; and
- (c) a letter from a registered veterinary surgeon certifying that the applicant served internship under his or her supervision as required by subsection (1)(c).

(5) A person registered under this section shall swear or affirm the oath set out in the Third Schedule, and shall be entitled to have his or her name entered in the register of veterinary para-professionals maintained by the Registrar for that purpose.

(6) A registered person shall be issued with a certificate of registration which shall be signed by the Registrar.

(7) The Council may at any time cancel the approval of a training institution referred to in subsection (1)(b) if it is of the opinion that the qualification obtained is no longer of a satisfactory standard for the purposes of registration under this section.

(8) A person seeking registration under this section shall apply to the Council within a period of five years after qualification, and any person applying after the expiry of that period shall be required to pass such examination as the Council may prescribe.

Requirement for registration as veterinary specialist.

27. A person shall not practice, or hold himself or herself out, directly or indirectly, as practicing or being able to practice as a veterinary specialist or take up employment as such, unless he or she is registered and licensed under this Act.

Recognition of specialists.

28. (1) The Council may recognize a veterinary surgeon as a specialist in any of the fields under this Act.

(2) A veterinary surgeon shall be recognized as a specialist, if the veterinary surgeon—

- (a) is a holder of a postgraduate qualification equivalent to a masters' degree in veterinary medicine awarded after a period of training recognized by the Council; and
- (b) has at least two years' experience after obtaining the post graduate qualification under the supervision of a recognized specialist.

(3) Subject to subsection (1), the Council shall recognize and publish the specialties in veterinary medicine

Suspension cancellation or termination of registration.

29. (1) The Council may suspend, cancel or terminate registration issued under this Act.

(2) The Council may prescribe regulations to give effect to sub section (1).

Register.

30. The Registrar shall keep and maintain an update register of—

- (a) veterinary surgeons, into which shall be entered into, the names, qualifications, addresses and the date of registration of every person registered as a veterinary surgeon under section 21;
- (b) veterinary specialists, into which shall be entered into, the names,

- qualifications, addresses and the date of registration of every person registered as a veterinary specialist under section 25;
- (c) each category of veterinary para-professionals, into which shall be entered the names, qualifications, addresses and the date of registration of every person registered as a veterinary para-professional under section 24;
- (d) temporary registration, into which shall be entered the names, qualifications, addresses, and the date of temporary registration of every foreign veterinary surgeon under section 22, the hirer or contractor of every such veterinary surgeon, and any condition or restriction to which his registration may be subject;
- (e) licensed veterinary surgeons and veterinary para-professionals in private practice;
- (f) approved animal health training institutions;
- (g) licensed veterinary laboratories;
- (h) facilities and organizations offering animal health and welfare services; and
- (i) such other particulars as the Council may direct in respect of persons registered under this Act.

Confirmation of entries in registers.

31. (1) The Registrar shall, not later than the 31st March in every year, publish a notice in the Gazette inviting all registered persons to inspect the respective registers and confirm their particulars as entered therein within such period as may be specified in the notice.

(2) The notice under subsection (1) shall specify the place at which the registers may be inspected and the time within which it may be done.

Retention fees.

32. (1) A person who is registered by the Council, shall pay the Council an annual retention fee of such amount as the Board may, from time to time, prescribe.

(2) Despite subsection (1), the Council may exempt a person who is over the age of sixty-five from paying the retention fees.

(3) The retention fee referred to under subsection (1), shall be paid before the 31st day of December of every year, and shall be paid irrespective of any suspension for the time being imposed by the Council on any registered person.

(4) The payment of annual retention fee shall be evidenced by an endorsement on the registration certificate or any other document held by the paying member as prescribed by the Council.

(5) Any veterinary surgeon or veterinary para-professional who contravenes the provisions of subsection (2) shall have his or her name deleted from the relevant register, and any reinstatement on the register shall be upon payment of the outstanding amount together with such penalty as the Council may, with the approval of the Cabinet Secretary, prescribe.

(6) The Council shall recall and publish in the gazette, the registration certificate of a person who has been deregistered and that person shall surrender to the Board the certificate within three months from the date of

recall.

(7) Where the name of a registered person has not been in the register for five consecutive years, such person shall be required to satisfy the Council in such manner as it may deem fit, of his or her technical competence.

Correction of register.

33. (1) The Registrar shall with the approval of the Board, from time to time make any necessary alterations or corrections in any register maintained by him or her for the purposes of this Act.

(2) Despite subsection (1), the Registrar may alter or make a correction in any register under this Act—

- (a) to remove therefrom the name of any deceased person or any person who has requested in writing that his name be removed from the register;
- (b) to remove therefrom the name of any registered person who is convicted of an offence under section 35;
- (c) if satisfied that any person registered under this Act has left Kenya and has not returned within twelve months, in which case the name of such person shall be removed from the register unless he or she has notified the Council in writing of his or her absence before the expiry of twelve months and requested that his or her name should not be so removed, and continued, during the period of his absence, to pay the retention fees as required under Section 21;
- (d) to remove therefrom the name of a person registered under section 16(5) after the expiry of the registration period;
- (e) to correct clerical or editorial errors; and
- (f) to perform any other function necessary for the effective discharge of his or her mandate under the Act.

(3) It shall be the duty of every registered person to notify the Registrar within a reasonable time, not exceeding thirty days, of any change in any of the particulars entered in the register.

(4) Notification under subsection (3) shall be in the prescribed form and shall be accompanied by certified copies of documents attesting to the intended change.

(5) Any registered veterinary person who fails or neglects to notify the Registrar as required under subsection (3) shall pay, for any inconvenience, hardship or default suffered by the Council as a result of such failure or neglect, such penalty, as the Council may determine, and shall have no recourse against the Council or Registrar for any lost or misdirected correspondence communicated to him or her last known address.

(6) If satisfied that any person registered under this Act has left Kenya and has not returned within twelve months, in which case the name of such person shall be removed from the register unless he or she has notified the Council in writing of his or her absence before the expiry of the said twelve months and requested that his or her name should not be so removed, and continued, during the period of his absence, to pay the

retention fees as required.

Registered persons entitled to practice.

34. (1) A person who is registered as a veterinary surgeon shall be entitled to practice veterinary medicine and surgery and to charge a prescribed fee for professional aid, advice and visits.

(2) A veterinary para-professional registered under this Act shall perform the services as may be prescribed by the Cabinet Secretary and shall be entitled to charge a prescribed fee for services rendered.

(3) A person who is registered as a veterinary specialist shall be entitled to practice as a veterinary specialist and to charge a prescribed fee for professional aid, advice and visits.

(4) Despite subsection (2), a veterinary para-professional may render necessary first aid in matters not specified in this Act, in cases of emergency, and shall as soon as is reasonably practicable thereafter refer such first aid cases to the nearest veterinary surgeon on a referral basis.

(5) Every practicing veterinary surgeon or veterinary para-professional or veterinary specialist shall provide a written report, in the prescribed form, to the area government veterinary officer, on all notifiable diseases encountered during the course of his activities in accordance with this Act or any other written law.

(6) A person who fails to comply with provisions of subsections (2) and (4) of this section commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings, and in addition the Council may take appropriate disciplinary measures as may be prescribed by the Council.

Use of titles.

35. (1) A registered person shall, by virtue of being so registered, be entitled to take and use the title and description of “veterinary Surgeon” or “veterinary technologists and technician” as, the case may be, and in the case of a—

(a) veterinary surgeon, a prefix of the title “Doctor” in an abbreviated form followed by his name as it appears in the appropriate register, and thereafter by abbreviated formats of degrees and any other special qualifications he may possess;

(b) veterinary technologists and technician, as it appears in the appropriate register followed by any suitable words in parentheses to the effect that he is a veterinary Para-professional; and

(c) veterinary specialist

(2) A person shall not take or use, or affix to or use in connection with his or her premises, any title or description, in addition to that of veterinary surgeon or veterinary para-professional or veterinary specialist, other than as indicated by the particulars relating to his or her qualifications entered in the register or any other details permitted by the Council.

Annual practice license.

36. A person who is registered as a veterinary surgeon or veterinary para-professional or veterinary specialist under this Act shall, before engaging in any veterinary practice, apply in the prescribed form for a license to practice, and pay such prescribed fees.

Annual premises license

37. A person who is registered as a veterinary surgeon or veterinary para-professional under this Act shall, before engaging in any veterinary practice, apply in the prescribed form for an annual premise license and pay such prescribed fees.

Professional charges for a registered person.

38. A person who is a duly registered veterinary surgeon or veterinary para-professional or veterinary specialist shall be entitled to practice and to charge professional fees and to demand, sue for and recover in any court of competent jurisdiction reasonable charges for professional aid, advice and visits and the value of any veterinary appliances or materials or substance supplied by him or her

Professional charges not recoverable by unregistered person.

39. A person who is not registered as a veterinary surgeon or veterinary para-professional or veterinary specialist shall not be entitled to recover in any court any charges for, or expenses incurred in any professional service, advice or visit or for the value of any medicine, material, substance or appliance supplied, unless the person is registered and licensed under this Act.

Certification.

40. (1) A document which is required to be certified by a duly qualified veterinary surgeon or veterinary para professional, shall be invalid unless signed by a person registered under this Act.

(2) A person who signs a document in contravention of the provisions of subsection (1) and any person who knowingly alters such certificate or document commits an offence and shall be liable, on conviction to a fine not exceeding ten thousand shillings or to imprisonment not exceeding six months or to both.

Effect of removal, cancellation or suspension.

41. (1) A person whose name has been removed from the register, shall not be restored in the register except by an order of the Board.

(2) Where an order has been made for the removal of a person's name from the register, or for the suspension of his or her registration or for cancellation or suspension of an annual license granted to a person under this Act, the Board may—

(a) either of its own motion or on the application of the person concerned, and after holding such inquiry as the Board deem fit, cause the name of that person to be restored on the register; or

(b) terminate the suspension of registration or, as the case may be, grant a new annual license, and with or without the payment of a fee, not exceeding the registration or annual license fee, as the Board may determine.

Approval of animal health training institutions.

42. (1) A person shall not—

(a) admit persons for training with a view to having such persons acquire a qualification which would render them registrable under this Act;

(b) conduct training programmes or administer examinations; or

(c) issue any document or statement indicating or implying that the holder thereof has undergone a training programme or passed the

examinations,

unless such institution is approved by the Council for that purpose in accordance with this Act.

(2) A person who contravenes the provisions of 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 term not exceeding twelve months, or to both.

(3) The Cabinet Secretary may make regulations prescribing the procedure for inspection, registration, licensing, approval and accreditation of animal health training institutions for the purposes of this section.

PART IV—ESTABLISHMENT OF THE VETERINARY MEDICINES AND VACCINES AUTHORITY

Establishment
of the
Authority.

43. (1) There is established the Veterinary medicines and Vaccines Authority.

(2) The Authority 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;
- (c) borrowing and lending money; and
- (d) doing all such other things or acts as may lawfully be done by a body corporate.

(3) The headquarters of the Authority shall be in Nairobi but the Authority shall pursuant to Article 6(3) of the Constitution, ensure access to its services in all parts of the Republic.

Board of the
Authority.

44. (1) The Authority shall be governed by a Board comprising—

- (a) a non-executive chairperson who shall be a registered veterinary surgeon with at least 15 years' experience in the animal resource industry, appointed by the President;
- (b) the Principal Secretary for the time being responsible for veterinary medicine or a representative nominated in writing;
- (c) the Principal Secretary for the time being responsible for finance or a representative nominated in writing;
- (d) the Director of Veterinary Services or a representative nominated in writing;
- (e) three veterinary surgeons each representing the pharmaceutical industry, university training in veterinary medicine and middle-level animal health training institution;
- (f) two veterinary paraprofessionals;
- (g) one animal producer who is not a veterinary surgeon or a veterinary para-professionals appointed by the Cabinet Secretary;
- (h) one veterinary surgeon being a county director of veterinary services nominated by Board of Governors; and
- (i) the Chief Executive Officer of the Authority who shall be the Secretary to the Board and shall be an *ex-officio* member.

(2) The persons appointed under paragraph (1)(e), shall be from a list of six nominees recommended to the Cabinet Secretary, by the registered

national association of veterinary surgeons.

(3) The persons appointed under paragraph (1)(f) shall be from a list of four nominees submitted to the cabinet secretary by the registered national association of veterinary para-professionals.

(4) The Cabinet Secretary shall, within twenty-one days after receipt of the nominees under subsection (1), appoint the members of the Board by publishing the names in the Kenya Gazette.

Functions of
the Authority.

45. (1) The Authority shall be responsible for the—
- (a) provision of advisory services to the government on all matters relating to veterinary medicines and vaccines;
 - (b) formulation and enforcement of quality assurance standards in the manufacture, distribution, and use of veterinary medicines and vaccines to safeguard human and animal health and the environment;
 - (c) regulation of the use of veterinary medicine and vaccines for the prevention and treatment of animal diseases under the written law;
 - (d) provision of advisory services to the Board on the training of veterinary professionals on matters of veterinary medicines and vaccines;
 - (e) inspection and approval of premises in which the manufacture of veterinary medicines and vaccines is conducted;
 - (f) appointment and gazettement of inspectors for the purposes of the discharge of its functions under this Act;
 - (g) registration and licensing of all manufacturers, wholesalers and retailers of veterinary medicines and vaccines;
 - (h) categorization of veterinary medicines and vaccines and the qualification of persons authorized to trade in each category and review the categories from time to time;
 - (i) regulation of clinical and non-clinical trials of veterinary medicines and vaccines by individuals and institutions to be involved in the trials;
 - (j) regulation of the manufacture, importation, exportation, handling, advertisement, labeling, sale and disposal of veterinary medicines and vaccines;
 - (k) registration of veterinary medicines and vaccines manufactured or imported for use in Kenya or exported from Kenya;
 - (l) monitoring of the market and taking necessary measures for the elimination of trade in illegal and counterfeit veterinary medicines and vaccines;
 - (m) establishment of systems of pharmaco-vigilance and conduct pharmaco-vigilance of veterinary medicines and vaccines; and
 - (n) performance of any other functions necessary for the effective carrying out of its mandate under this Act or any other written law.
- (2) The Authority may in the discharge of the functions under subsection (1) collaborate with the county governments in the training, and creation of awareness on the use of veterinary medicines and vaccines. promotion, training and creation of awareness on use of veterinary medicines and vaccines; or

undertaking of pharmacovigilance and vaccine performance monitoring

Powers of the Authority.

46. The Authority shall in the discharge of its functions under this Act, have the power to—

- (a) control, supervise and manage its assets and liabilities;
- (b) determine the provision to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (c) seek and receive any grants or donations and make legitimate disbursements from such grants and donations for its purposes;
- (d) levy fees and charges for its services as provided in this Act;
- (e) enter into association with other bodies within or outside Kenya which it considers desirable or appropriate;
- (f) invest funds of the Authority not immediately required for its purposes;
- (g) establish and support investment and trust funds for the benefit of its employees or dependents of such persons, to grant pension, benefits and allowances and to make such payments towards insurance as required under the relevant laws;
- (h) open and operate such accounts as are necessary for the funds of the Authority;
- (i) enter into contracts;
- (j) establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act;
- (k) co-opt into such committees such persons whose knowledge and experience is necessary to enable the committee to effectively discharge its functions; and
- (l) undertake any activity necessary for the fulfillment of any of its functions.

Vacancy in the membership of the Authority.

47. The office of a member of the Board shall become vacant where the member—

- (a) resigns in writing to the appointing authority;
- (b) is removed from office by the appointing authority, on the advice of the Board if the member—
 - (i) is adjudged bankrupt;
 - (ii) is absent from three consecutive meetings of the Board, without the permission of the Chairperson;
 - (iii) is convicted of a criminal offence and, sentenced to a term of imprisonment of more than six months without the option of a fine;
 - (iv) is unable or unfit, due to physical or mental illness, to perform the functions of his office; or
 - (v) has failed to comply with the provisions of Chapter Six of the Constitution.

Meetings of the Authority.

48. (1) The conduct of business and affairs of the Authority shall be as set out in the Second schedule.

(2) Despite subsection (1), the Authority may regulate its own procedure.

Staff of the Authority.

49. (1) The Authority shall on such terms as may it deem appropriate, appoint such staff of the Authority, comprising—

- (a) the Chief Executive Officer who shall be the secretary to the Board; and
- (b) such professional, technical and administrative officers and support staff, as may be appointed by the Authority for the effective discharge of its functions under this Act.

(2) Despite subsection (1), the Chief Executive Officer shall be appointed for a term of three years, renewable once, subject to satisfactory performance as may be determined by the Board.

(3) The Authority shall, in the appointment of its employees, ensure—

- (a) equalization of opportunity for persons living with disabilities and the youth;
- (b) that not more than two thirds of its staff are of the same gender; and
- (c) that the appointment reflects ethnic and regional diversity of the people of Kenya.

(4) A person qualifies for appointment as the Chief Executive Officer of the Authority, if the person—

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree in veterinary science from a university recognized in Kenya;
- (c) is registered by the Board and duly retained;
- (d) has at least ten years' professional experience in the affairs relating to veterinary medicines and vaccines, five of which shall be at least at senior management level; and
- (e) meets the requirements of Chapter Six of the Constitution and the Leadership and Integrity Act.

Functions of the Chief Executive Officer of the Authority.

50. (1) The Chief Executive Officer shall be responsible for the—

- (a) the day-to-day administration and management of the affairs of the Authority;
- (b) carrying into effect of the decisions of the Board;
- (c) the coordination and supervision of the staff of the Authority;
- (d) keeping all documents and records including records of assets of the Authority;
- (e) the preparation of documents due for gazettelement as may be directed by the Board;
- (f) taking and keeping of minutes of the meetings of the Board;
- (g) enforcing the decisions of the Board;
- (h) keeping of the seal of the Authority in such custody as the Board may direct;
- (i) registration of veterinary medicines and vaccines; and
- (j) performance of such other functions as may be assigned by the Board.

(2) The Chief Executive Officer shall be responsible to the Board in the performance of the functions of the Authority under this Act.

(3) The Chief Executive Officer shall be Registrar of veterinary medicines and vaccines.

Removal of the Chief Executive Officer of the Authority from office.

- 51.** (1) The Chief Executive Officer of the Authority may be removed from office on the grounds of—
- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
 - (b) gross misconduct or misbehavior;
 - (c) incompetence or negligence of duty;
 - (d) violation of the Constitution and any other written law; or
 - (e) any other ground specified in the terms and conditions of service.

(2) Where a question for the removal of the Chief Executive Officer under subsection (1) arises, the Board shall—

- (a) inform the Chief Executive Officer in writing of the reasons for the intended removal; and
- (b) provide the Chief Executive Officer with an opportunity to be heard in accordance with the principles of fair administrative action contemplated under Article 47 of the Constitution and the Fair Administrative Action Act.

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Committees of the Board.

- 52.** (1) The Board may establish such Committees as it may deem necessary for the effective performance of its functions under this Act.

(2) The Board may co-opt into its Committees persons whose knowledge and expertise it requires.

(3) The Committee under sub section (1) shall include the scientific advisory Committee

Ad hoc Committees of the Board

- 53.** Despite section 52, the Board may constitute ad hoc committees to deal with emerging veterinary practice and veterinary medicine matters

Remuneration of Authority members and staff.

- 54.** (1) Members of the Board including the chairperson, shall be paid such allowances as the Cabinet Secretary in consultation with the Salaries and Remuneration Commission, may determine.

(2) The staff of the Authority shall be paid such salary as the Board may, in consultation with the Salaries and Remuneration Commission, may determine.

Appointment of inspectors by the Authority.

- 55.** (1) The Authority may for purposes of its functions under this Act, appoint such inspectors as it may deem appropriate.

(2) A person qualifies for appointment as an inspector for purposes of this Act, if that person—

- (a) is a registered veterinary surgeon or a veterinary paraprofessional;
- or
- (b) holds such other qualification as the Authority may recognize.

(3) An inspector appointed under subsection (1), shall have the power to

enter—

- (a) upon the premises of any manufacturer, distributor or veterinary pharmacy and to inspect any books, papers, records or writings, veterinary medicines and vaccines, whether patent or otherwise, for sale or used in the business; and
- (b) any premises in which inspector has reasonable cause to suspect that a breach of this Act has been or is being committed, and to make such examination and inquiry and to do such other activities, including seizing suspected veterinary products, closing suspect premises and the taking of samples, as may be necessary for the purpose of ascertaining whether the provisions of this Act, is being complied with.

Request for information by the Authority.

56. The Authority may—

- (a) by notice in writing, require a person, who manufactures, supplies, administers or is involved in the prescription of a veterinary medicines or vaccines, or on whose direction a veterinary medicines or vaccines, is manufactured, supplied or administered, to furnish the Authority, within a period specified in that notice, with information, which is in that person's possession or which that person is in a position to obtain with respect to that veterinary medicines or vaccines; or
- (b) if requested by a person to whom a notice under this section is addressed, extend the period specified in that notice.

Deception and falsification.

57. (1) A person shall not—

- (a) falsify medicines;
- (b) label, package, treat, process, sell or advertise any medicine in contravention of any regulations made under this Act; or
- (c) make statements regarding the character, constitution, value, potency, quality, composition, merit or safety of a medicine in a manner that is false, misleading or deceptive.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction, be liable—

- (a) in the case of a first offence, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years, or to both; or
- (b) in the case of a subsequent offence, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both.

Amendment of entries.

58. (1) The Registrar, on application by the holder of a certificate of registration issued in respect of a medicine and with the approval of the Authority, may amend the entry in a register with respect to that medicine.

(2) An application for the amendment of an entry in a register shall be made to the Registrar in the prescribed form and shall be accompanied by

the prescribed application fee.

- (3) If the Authority grants its approval in respect of an application submitted to it in terms of subsection (2), the Registrar shall —
- (a) make the required amendments in the relevant register; and
 - (b) if the name of the applicant changes, issue a new certificate of registration on the prescribed form to the applicant in respect of the medicine, after receiving the existing certificate of registration in respect of that medicine for cancellation.

Transfer of certificate.

59. (1) The holder of a certificate of registration may transfer the certificate of registration to another person, who is duly licensed to trade in veterinary medicine and vaccines.

(2) The transfer of the certificate under sub section (1) shall be approved by the Authority.

(3) An application for approval of the transfer of a certificate of registration shall be made to the registrar in the prescribed Form and shall be accompanied by the certificate of registration in question and the prescribed application fee.

(4) If the Authority allows the application submitted to it in terms of subsection (2), the Registrar shall—

- (a) make the necessary entries in the register relating to the person to whom the certificate of registration is transferred;
- (b) cancel the existing certificate of registration; and
- (c) issue a new certificate of registration on the prescribed form to the person making the application in respect of the relevant medicine.

PART V— MANUFACTURE, IMPORTATION AND REGISTRATION OF VETERINARY MEDICINES AND VACCINES

Manufacture of veterinary medicine or vaccine.

60. (1) A person who intends to manufacture veterinary medicine or vaccine shall, in the manner prescribed, make an application to the Authority for a Good Manufacturing Practice certificate and manufacturing license.

(2) The Authority shall, on receipt of an application made under subsection (1), inspect the premises in which the manufacturing of the veterinary medicines or vaccines is proposed to be conducted, to ensure compliance with Good Manufacturing Practices.

Authorization to import or export veterinary medicine or vaccine.

61. (1) A holder of a marketing authorization or appointed agent, may apply to the Authority for a wholesale dealer’s license for an authorization to import or export veterinary medicine or vaccine specified in the certificate.

(2) An authorized wholesale dealer may import a veterinary medicine or vaccine if—

- (a) the authorization covers the veterinary medicine; and
- (b) the wholesale dealer has acquired the written consent of the holder of the market authorization in writing before importation.

(3) A veterinary surgeon may, with the approval of the Authority import

an orphan veterinary medicine or vaccine.

(4) A veterinary surgeon or representative may, with the approval of the Authority, import in an expedited process an unregistered veterinary medicine or vaccine for a particular emergency situation in the country.

(5) Where information submitted by a marketing authorization holder in support of an application for registration of a veterinary medicine has changed or is proposed to change either in part or in full, the applicant shall in the prescribed form, submit such changes for consideration by the Authority.

Designated
laboratory.

62. (1) The Authority may designate laboratories for purposes of undertaking any tests under this Act.

(2) A veterinary medicine or vaccine shall not be registered unless a laboratory analysis has been carried out at a designated laboratory.

(3) A person who intends to register a veterinary medicine or vaccine shall submit to the Authority a certificate of analysis or an efficacy trial report from a designated laboratory together with the application for registration of the veterinary medicine or vaccine.

(4) The Authority shall, from time to time, publish on its website the list of designated laboratories.

Clinical or
non-clinical
trials and
toxicity
testing.

63. (1) The Authority may require that a clinical or non-clinical trial or toxicity testing for a product which has not been registered in Kenya, and for which there are no existing mutual recognition agreements with recognized veterinary medicine or vaccine regulatory authorities in other countries, be done before the registration of a veterinary medicine or vaccine in Kenya.

(2) Despite subsection (1) a veterinary pesticide shall not be registered unless an efficacy trial is carried out by a designated laboratory.

Registration of
veterinary
medicines and
vaccines.

64. (1) A person shall not import, manufacture, sell, transport or distribute any veterinary medicine or vaccine in Kenya, unless that veterinary medicine or vaccine has been registered in accordance with the provisions of this Act.

(2) The Authority may before registering a new veterinary medicine or vaccine for which research has been conducted in another country and its efficacy or potency, safety, and quality established in that country, require an investigation on the pharmacological and other aspects of the veterinary medicine or vaccine to be conducted and clinical trials to be carried out as necessary to establish its safety, efficacy and quality.

(3) Despite subsection (2), where the Authority after conducting an inquiry with the competent authority of the source country determines that the authorization of the veterinary medicine or vaccine in that country meets the same objectives on efficacy, safety and quality as set out by the Authority, the Authority shall register the veterinary medicine or vaccine without repeating the pharmacological assessment and clinical trials in Kenya.

(4) Despite subsection (2), the Authority may register a new veterinary medicine or vaccine and require the investigations and clinical trials to be conducted after its registration.

(5) The registration under this section shall be for an initial period of five years.

Period of renewal of registration and retention of a veterinary medicine or vaccine.

(1) A person may apply to the Authority for a renewal of registration as provided under section 64 for a period of five years.

(2) An application under subsection (1) shall—

(a) include a declaration that the requirements met by the veterinary medicine during registration has not changed; and

(b) be accompanied by pharmacovigilance data.

(3) **The Authority may grant a retention as provided under section 64 for a period of one year, subject.**

(4) The Cabinet Secretary may make regulations to give effect to this section.

Suspension, cancelation and termination of certificate of registration.

65. (1) The Authority may suspend, cancel or terminate a certificate of registration issued under this Act.

(2) The Cabinet Secretary may make regulations to give effect to subsection (1).

Pharmacovigilance and post-vaccination monitoring.

66. The Authority may carry out pharmacovigilance, pre-vaccination and post-vaccination monitoring on receipt of a report from manufacturer, wholesaler, retailer, user or animal owner on veterinary medicines and vaccines or undertaking a survey on the advice of the national or county veterinary authorities.

Variation.

67. Where information submitted by a marketing authorization holder in support of an application for registration of a veterinary medicine has changed or is proposed to change either in part or in full, the applicant shall submit such changes for consideration and approval by the Authority in the manner prescribed.

Rejection of application for registration of a veterinary medicine

68. (1) The Authority shall, if not satisfied that the applicant has fulfilled all the requirements for registration, reject the application for the registration of the veterinary medicine and inform the applicant, in writing, the reasons for rejection.

(2) A person aggrieved by a decision of the Authority under this section may apply to the Authority to review the decision within twenty-one days from the date the decision was made.

(3) Despite sub section (2), the Authority may on own motion review any decision made under this subsection on any of the following grounds—

(a) a mistake or error apparent on the face of the record;

- (b) discovery of new and important matter of evidence; or
- (c) any other sufficient reason.

(4) A person dissatisfied with the decision of the Authority may appeal to the High Court within fourteen days from the date of the decision of the Authority.

Register of
Veterinary
Medicines.

69. (1) The Registrar shall keep and maintain a register of veterinary medicines.

(2) The Registrar shall publish the register by the 31st of March and invite all registered persons including marketing authorization holders to inspect the registers and confirm particulars as entered therein within such period as may be specified in the notice.

PART VI—VETERINARY PHARMACY

Qualifications
to operate a
veterinary
pharmacy.

70. A veterinary surgeon, veterinary pharmacists, veterinary paraprofessional or a person who holds an equivalent qualification on matters relating to veterinary medicines and vaccines as may be determined by the Authority, may in the prescribed manner, apply to the Authority for a license to operate a veterinary pharmacy business.

Veterinary
pharmacy
license.

71. (1) A person shall not carry out the business of veterinary pharmacy unless the person holds a valid veterinary pharmacy license issued by the Authority.

(2) The Authority may issue a veterinary pharmacy license upon inspecting the premises and being satisfied that the premises in which the applicant intends to operate meets the requirements under this Act.

(3) A veterinary pharmacy license issued under this Act, shall be valid for a period of one year, ending on the 31st day of December of each year.

(4) The Authority shall publish on its website, on a quarterly basis, the list of licensed veterinary pharmacy businesses.

(5) A person who conducts a business of veterinary pharmacy in the premises not registered by the Authority under this Act, commits an offence, and shall on conviction, be liable, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Display of
veterinary
pharmacy
license.

72. (1) A person who carries on the business of a veterinary pharmacy shall display the veterinary pharmacy license on a conspicuous place within the premises in which the business is being carried out.

(2) A person who fails to display the veterinary pharmacy license as required under subsection (1), commits an offence and shall on conviction, be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one month or to both.

Requirements
for
Registration
and practice as
a veterinary

73. A person shall not practice, or hold himself or herself out, whether directly or indirectly, as practicing or being able to practice as a veterinary pharmacist or take up employment as such, unless he or she is registered and licensed under this Act.

pharmacist.

Veterinary
pharmacy
businesses to
be approved.

- 74.** (1) The Authority may approve any of the following types of veterinary pharmacy businesses—
- (a) wholesaling of veterinary medicines and vaccines; or
 - (b) retailing of veterinary medicines and vaccines.
- (2) A person who intends to trade in veterinary medicines and vaccines, in bulk, shall in a prescribed form, make an application to the Authority for a wholesale dealers license and accompanied by—
- (a) a certified copy of the certificate of registration or incorporation in accordance with the laws of Kenya;
 - (b) prescribed fees; and
 - (c) evidence that the business is under the management of a supervisor who is a registered veterinary surgeon permitted to carry out veterinary pharmacy business.
- (3) A person who intends to trade in veterinary medicines and vaccines, in retail, shall in a prescribed form, make an application to the Authority for retail license and accompanied by—
- (a) a prescribed fee; and
 - (b) evidence that the business is under the management of a supervisor who is a registered veterinary surgeon or a veterinary paraprofessional.

Sale of
veterinary
medicines and
vaccines.

- 75.** (1) A Veterinary surgeon or Veterinary Paraprofessional shall—
- (a) sell veterinary medicines or vaccines in the original sealed and labeled package as registered by the Authority; and
 - (b) store veterinary medicines or vaccines in accordance with the instructions on the label on the original container.
- (2) A Veterinary surgeon shall keep, maintain an update register of controlled medicines.
- (3) The register specified under subsection (2) shall detail—
- (a) name of the controlled medicines;
 - (b) batch numbers;
 - (c) quantities sold;
 - (d) particulars persons to whom the controlled medicine is sold to; and
 - (e) any other matter that the Authority may from time to time require.
- (4) The disposal of an empty container of veterinary medicines or vaccines shall be in accordance with the instructions given on the label.
- (5) A person who sells, dispenses or gives out veterinary medicines or vaccines in contravention of this Act, commits an offense and shall on conviction be liable, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Stock, supply
and
distribution of
veterinary

- 76.** (1) Veterinary medicine or vaccine shall be supplied or distributed only through a business registered as a veterinary pharmacy business.

medicine or vaccine. (2) A veterinary surgeon, veterinary para-professional or veterinary pharmacist who dispenses a prescription of veterinary medicine to any member of the public without a prescription, commits an offence and shall on conviction, be liable, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Electronic sale of medicines 77. (1) This shall be permitted an electronic sale of medicine as long as the supply of the medicine conforms with the requirements for the particular medicine in terms of its scheduling status and any other requirements as may be specified in Regulations pertaining to the type of supply.

(2) Despite subsection (1), in the case of a Prescription-only medicine, the required prescription shall have been obtained as a result of at least one physical interaction between an authorised practitioner and the patient.

(3) Any online pharmacy or other electronic source of supply of medicines which does not comply with these provisions shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

PART VII—FINANCIAL PROVISIONS

Funds of the Council or Authority. 78. (1) The funds of the Council or Authority shall consist of—
(a) monies allocated by Parliament for the purposes of the Council or Authority;
(b) such monies or assets as may accrue to the Council or Authority in the course of the exercise of their powers or the performance of its functions under this Act; and
(c) such monies as may be lawfully granted, donated or lent to the Council or Authority from any other source.

Financial year. 79. The financial year of the Council or Authority shall be the period—
(a) commencing on the day on which this Act comes into operation and ending on the thirtieth day of June next following; or
(b) of twelve months ending on the thirtieth day of June of each year.

Annual estimates. 80. (1) The Chief Executive Officer, shall, not later than three months before the end of each financial year, prepare and submit to the Council or Authority as the case may be, estimates of the income and expenditures of the Council or Authority for approval.

(2) The annual estimates shall provide for the—
(a) payment of the salaries, allowances and other charges in respect of the staff of the Council or Authority;
(b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Authority;
(c) acquisition and maintenance of the buildings and grounds of the Council or Authority;
(d) funding of training, research and development activities of the Council or Authority;

- (e) proper maintenance, repair and replacement of any installation and of the equipment and other movable property of the Council or Authority; and
- (f) creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installation or equipment and in respect of such other matters as the Council or Authority may deem appropriate;
- (g) any other expenditure for the purposes of this Act.

(3) No expenditure shall be made out of the funds of the Council or Authority unless that expenditure has been approved by the Council or Authority.

(4) The annual estimates shall be submitted to the Cabinet Secretary for tabling in the National Assembly.

Accounts and
audit.

81. (1) The Council or Authority shall cause to be kept all proper books and records of account of the income, expenditures, assets and liabilities of the Council or Authority.

(2) Within a period of three months after the end of each financial year, the Council or Authority shall submit to the Auditor-General the accounts of the Council or Authority in respect of that year, together with a statement of the —

- (a) income and expenditures of the Council or Authority during that year; and
- (b) assets and liabilities of the Council or Authority on the last day of that financial year.

No. 34 of
2015.

(3) The accounts of the Council or Authority shall be prepared, audited and reported in accordance with the provisions of the Constitution and the Public Audit Act.

Investments of
funds.

82. The Council or Authority may invest any of its funds in securities in which for the time being trustees may by law invest trust funds or in any other securities which the National Treasury may, approve.

Annual
reports.

83. (1) The Council or Authority shall not later than three months after the end of each financial year, prepare an annual report on the activities undertaken during that financial year.

(2) The annual report referred to under sub section (1), shall contain—

- (a) the financial statements of the Council or Authority;
- (b) the Council or Authority's opinion on the adequacy of its funding;
- (c) a description of the activities of the Council or Authority; and
- (d) any other information relating to its functions that the Council or Authority considers necessary.

(3) The annual report shall be submitted to the Cabinet Secretary for tabling in the National Assembly.

PART VIII—MISCELLANEOUS PROVISIONS

Discretion of
the Authority

- 84.** The Authority shall have the discretion to—
- (a) approve the importation and use of any veterinary medicine for handling emergency situations; and
 - (b) restrict the use of any specified veterinary medicine.

Veterinary
medicines in
transit

- 85.** A person transporting a veterinary medicine in transit shall declare the veterinary medicine at the port of entry and exit.

Inquiries by
the Council.

- 86.** (1) The Council may, on its own motion or on receipt of a complaint by any person, institute an inquiry into the conduct of a registered person for the alleged act of omission or commission in an area of veterinary practice to which this Act applies.

(2) Any inquiry under subsection (1) shall be held on such date and at such time and place as may be determined by the Board, and the Registrar shall in writing notify the person to whom a complaint has been lodged.

(3) The person presiding at the inquiry shall keep or cause to be kept a record, in writing or by way of electronic recording, the proceedings at the inquiry and the evidence given thereat.

(4) A person against whom an inquiry is instituted under this section, shall be entitled, either in person or through a legal representative, to—

- (a) be present at the inquiry;
- (b) be present at the inquiry;
- (c) answer the charge;
- (d) cross-examine any person who has given evidence at the inquiry;
- (e) inspect any book, document or record referred to in subsection (3);
- (f) call evidence in support of his defense; and
- (g) be heard in his own defense.

(5) The Council may summon any person who, in its opinion, is able to furnish any information of material importance to the inquiry, or who the Board has reason to believe has in his or her possession or custody any book, document or record relating to the subject of inquiry, to appear before it and to produce such book or record.

(6) The Council may retain for examination any book, document or record produced by a person summoned under subsection (5).

(7) Through the person presiding at the inquiry, the Council may administer an oath any person present at the inquiry, and examine him or cause him to be examined by a person designated by the Board to lead the evidence at the inquiry, and instruct him to produce any book, document or record in his possession or custody or under his or her control.

(8) Any person who fails or neglects, when summoned by the Council, to attend as a witness or to produce any books or documents which are in his possession, custody or under his control, or tenders false evidence at an inquiry held under this section, knowing such evidence to be false, commits an offence and shall be liable on conviction to a fine of five thousand shillings or to imprisonment for a period not exceeding one

month, or to both.

(9) The Board may make regulations for the better giving into effect the provisions of this section.

(10) Where the registered person against whom a complaint is lodged is a member of the Council, such a member shall vacate office to pave way for an inquiry into the alleged misconduct.

Action after inquiry.

- 87.** (1) On completion of an investigations under section 77, the Board may—
- (a) recommend that no further action be taken against the person to whom a complaint was lodged;
 - (b) reprimand the person;
 - (c) suspend the person's registration for a specified period not exceeding twelve months;
 - (d) withdraw or cancel the person's annual license for a specified period not exceeding six months; or
 - (e) impose a penalty not exceeding one hundred thousand shillings; or
 - (f) cancel registration and remove the name from the register.

(2) The power to order removal of the name of a person from the register or to cancel the annual license of any person shall include a power to direct that, during such period as may be specified in the order, the registration of the person or the license granted shall not have effect during the period of removal or cancellation.

(3) Any person aggrieved by the decision of the Board may appeal to the High Court within fourteen days from the date of receipt of the Board's decision.

(4) The Registrar shall forthwith publish in the *Gazette* and in a daily newspaper of national circulation the removal of a name from the register or the cancellation of an annual license under this section.

(5) The Board may order that any veterinary surgeon or veterinary paraprofessional who was the subject of enquiry under this Act reimburses the Board or any witness involved in the enquiry all or any expenses incurred in connection with the inquiry.

Advertising standards for veterinary medicines and vaccines.

- 88.** (1) A person who intends to advertise a veterinary medicine or vaccine, shall in the prescribed form, make an application to the Authority.

(2) The Authority may, on payment of the requisite fee and subject to such conditions as the Authority may prescribe, grant the authorization.

(3) An advertisement for a veterinary medicine or vaccine shall not contain any misleading or medicinal claim that is not in the summary of the product characteristics registered with the Authority.

Offences relating to veterinary surgeons and veterinary paraprofessionals.

- 89.** A person who—
- (a) employs a veterinary surgeon or veterinary para-professional who is not registered under this Act;
 - (b) fraudulently makes or causes or permits to be made a false or incorrect entry on any register or any copy thereof required under this Act;
 - (c) fraudulently procures or attempts to procure, for himself or for any other person, registration under this Act;

- (d) being a registered person, allows unqualified persons to practice veterinary medicine on the strength of his registration certificate;
- (e) not being a registered person, pretends to be so registered, or falsely takes or uses any title or description implying, whether in itself or in the circumstances in which it is taken or used, that such person is a veterinary surgeon or veterinary para-professional or is qualified to practise the veterinary profession;
- (f) forges, or, knowing it to be forged, utters a document purporting to be a certificate, receipt, approval or other document issued under this Act;
- (g) impersonates any person registered or deemed to be registered under this Act;
- (h) fails, neglects or refuses to furnish or provide any information or particulars demanded by the Board or by an officer or agent of the Council in accordance with this Act;
- (i) obstructs or hinders a member, officer, or other member of staff or an agent of the Council, or any person duly authorised by the Council, or the Registrar, in the exercise of his powers under this Act;
- (j) refuses, neglects or fails to comply with any conditions imposed on him by the Council under this Act;
- (k) wilfully destroys, damages or renders illegible or causes another person to destroy, damage or render illegible any entry in a register kept, or any certificate, receipt, approval or other document issued under this Act;
- (l) operates a veterinary clinic, hospital, laboratory or other facilities used in veterinary practice without the approval and licensing by the Council;
- (m) being a practising veterinary surgeon or veterinary para-professional, comes across a notifiable disease and fails or neglects to report to the Director of Veterinary Services or to the Director's representative;
- (n) being a practising veterinary surgeon or veterinary para-professional, is in breach of the oath administered by the Council; or
- (o) fails to surrender back to the Council the certificate of registration when called upon to do so by the Council; or
- (p) contravenes any of the provisions of this Act,

commits an offence and shall be liable, on conviction, to a fine of one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Offences relating to medicines and vaccines.

90. A person who—

- (a) imports, exports, manufactures, stores, distributes, sells or otherwise handles a veterinary medicine or vaccine that has not been registered or issued with a provisional registration certificate under this Act;
- (b) imports a veterinary medicine or vaccine without a permit issued under this Act;
- (c) manufactures, stores, distributes or sells a veterinary medicine or vaccine in premises which have not been registered under this Act;
- (d) presents for sale or distribution, expired, adulterated, falsified,

Counterfeit or unlabeled veterinary medicines and vaccines;

- (e) sells or handles a veterinary medicine in any form other than the original sealed and labeled package, as registered with the Authority;
- (f) sells or distributes a veterinary medicine in any other area other than a registered premise;
- (g) advertises a veterinary medicine or vaccine in contravention of this Act;
- (h) buys a veterinary medicine for resale in bulk while not being in possession of a wholesale dealer permit issued under this Act;
- (i) sells a veterinary medicine or vaccine to the public while not being in possession of a retail dealer's permit issued in accordance with this Act;
- (j) obstructs or fails to provide any information to the Council or veterinary medicine inspector in the performance of their lawful duties under this Act;
- (k) provides the Council or inspector with false or misleading information; or
- (l) operates a veterinary pharmacy after it has been closed by an inspector,

commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred and fifty shillings or to imprisonment for a term not exceeding one year, or to both.

Protection from personal liability.

No. 24 of 2019

91. No matter or thing done by a member of the Board, Council or by any officer, employee or agent of the Council or Authority, shall, if the matter or thing is done in good faith in the execution of any of the functions, powers or duties of the Council or Authority, render the member, officer, employee or agent personally liable to any action, claim or demand.

Delegation.

92. The Council or the Authority may subject to this Act, delegate to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Council or Authority under this Act.

Personal data protection.

No. 24 of 2019.

93. The Data Protection Act, 2019, shall apply to the processing of personal data under this Act.

Regulations.

94. (1) The Cabinet Secretary may in consultation with the Council or Board, as the case may be, generally make regulations for the better carrying into effect the provisions of this Act.

(2) Despite subsection (1) the Cabinet Secretary may make regulations on—

- (a) services to be offered by veterinary surgeon, veterinary para-professionals and veterinary specialist;
- (b) the approval and licensing of veterinary clinics, hospitals, laboratories, premises or other facilities for veterinary practice;
- (c) procedures for the registration and licensing of veterinary specialist or veterinary surgeons, locums and any special categories of veterinary surgeons;

- (d) procedures for the temporary registration and licensing of foreign veterinary surgeons and veterinary para-professionals;
- (e) dispute resolution procedure under this Act;
- (f) procedures to be followed by the Council in any disciplinary inquiry under section 79;
- (g) inspections and enforcement under this Act;
- (h) transportation of veterinary medicine or vaccine in transit at the port of entry and exit;
- (i) approval, certification and licensing of manufacturers, wholesalers and retailers;
- (j) variation of a registered veterinary medicine and vaccine;
- (k) advertisement of veterinary medicine and vaccine;
- (l) practice of veterinary pharmacy;
- (m) the classification and categorization of veterinary medicines and vaccines for purposes of this Act;
- (n) registration, retention and renewal of veterinary medicines and vaccines;
- (o) inspection and licensing of veterinary medicine or vaccines premises;
- (p) the regulation of animal health education;
- (q) inspection, licensing, registration and accreditation of animal health training institutions;
- (r) quality assurance and quality promotion in the training institutions;
- (s) coordinated assessment, examination;
- (t) certification;
- (u) fees;
- (v) veterinary specialists; and
- (w) any other matter the Cabinet Secretary may deem necessary for the effective implementation of this Act.

(3) For purposes of Article 94(6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act;
- (b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

(4) The principles and standards applicable to the delegated power referred to under this Act are those found in—

- (a) the Statutory Instruments Act, 2013;
- (b) the Interpretation and General Provisions Act;
- (c) the general rules of international law as specified under Article 2(5) of the Constitution; and
- (d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

PART IX—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Repeal of Act **95.** (1) The Veterinary Surgeons and Veterinary Para-Professionals Act is

No. 29 of
2011.

repealed.

(2) For purposes of this Part, “repealed Act”, means the Veterinary Surgeons and Veterinary Para-Professionals Act.

Revocation of
legal Notice
No. 209/2015.

96. The Veterinary Surgeons and Veterinary Paraprofessionals (Veterinary Medicines Directorate) Regulations, 2015 are revoked.

Savings and
transitional
provision.

97. (1) Any regulation, order or notice made or issued under the repealed Act, shall, upon commencement of this Act, continue to be in force, as if they were made under this Act, unless repealed, revoked or expire in accordance with their terms.

(2) A certificate or license issued under the repealed Act shall continue to be in force, as a certificate or license issued under this Act until expiry or unless the certificate or license is suspended, cancelled or revoked.

(3) All assets and liabilities of the bodies established under the repealed Act, shall on the commencement of this Act, be transferred to and vest in the Council.

(4) All assets and liabilities of the body established under the revoked Regulations, shall on the commencement of this Act, be transferred to and vest in the Authority.

(5) An officer or a member of the Council or Authority, working for a body established under the repealed Act, shall on the commencement of this Act be deemed to be an officer or a member of the Council or Authority, as the case may be.

(6) Despite subsection (5), an officer or a member of the Council or Authority working for a body established under the repealed Act, as a substantive member of staff or officer, seconded member of staff or officer, deployed member of staff or officer, shall upon the commencement of this Act be given an option to elect to serve in the Council, Authority or be redeployed in the Public Service within a period of one year.

(7) Any reference in any written law or in any document or instrument to the institutions under the repealed Act shall, on and after the commencement day, be construed to be a reference to the Institutions under this Act.

(8) The administrative decisions made by the institutions under the repealed Act which are in force immediately before the commencement shall, on or after such day, have force as if they were decisions made by the Institutions under this Act.

(9) Any proceedings pending before, a tribunal or a court of competent jurisdiction immediately before the commencement to which the institutions under the repealed Act was a party shall be continued as if the proceedings were instituted under the provisions of this Act.

- (10) An officer or a member of the Council or Authority, working for a body established under the repealed Act, becomes a member of staff of the Council or Authority shall continue to be governed by the existing Government pension arrangements or any other statutory voluntary pension scheme.
- (11) Where any person whose services are transferred to the Council or Authority is, on the appointed day, a member of any statutory voluntary pension scheme or provident fund, the person shall for the purpose of this Act, continue to be governed by the same regulations under those schemes or funds, as if the person had not been so transferred, and for purposes of the regulations governing those schemes or funds, service with the Council or Authority shall be deemed to be service in the body established under the repealed Act.
- (12) The Council or Authority may, by order, make provisions with respect to pension or provident fund benefits of the members of staff of the Council or Authority and with respect to the pension scheme and provident fund of the body established under the repealed Act .

FIRST SCHEDULE

S. 15.

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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|-------------------------|----|--|
| Meetings. | 1. | The Board shall meet at least four times in each year. |
| Special meetings. | 2. | The chairperson may at any time, after issuing a fourteen-day written notice, signed by at least three members convene a special meeting of the Board. |
| Chairperson to preside. | 3. | The chairperson shall preside over all meetings of the Board at which the chairperson is present, and in the absence of the chairperson, the vice chairperson or any other member nominated for that purpose, shall preside. |
| Quorum. | 4. | The quorum for the conduct of the business of the Board is any of the seven members. |
| Voting procedure. | 5. | The decision of the Board shall be by a majority of votes, but the chairperson of the meeting shall have a casting vote. |
| Minutes. | 6. | Minutes of the proceedings at meetings of the Board shall be kept by the Chief Executive Officer of the Board, in such manner as may be |

prescribed.

Disclosure of interest 7. (1) A member of the Board who is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, the member shall, as soon as reasonably practicable after the commencement of the meeting, disclose the fact and shall not take part in the consideration or discussion of, or vote on any questions with respect to the contract, proposed contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

Declaration of commercial interest. 8. (1) A member of the Board appointed under this Act shall, on appointment or at any time, declare in writing their commercial interests related to veterinary medicines and vaccines or veterinary industry and shall not participate in any discussion or decision-making to which those interests relate or may relate.

(2) For the purposes of paragraph (1), “commercial interest” includes any consultancy, paid or unpaid, any research grant from which the member directly or indirectly benefits, or any equity holding or any executive or non-executive directorship or any other payment or benefit in kind.

SECOND SCHEDULE

S. 46

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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|--------------------------|---|
| Meetings of the Council. | 1. The Board shall meet at least four times in each year. |
| Special meetings. | 2. The chairperson may at any time, after issuing a fifteen-day written notice, signed by at least three members convene a special meeting of the Board. |
| Chairperson to preside. | 3. The chairperson shall preside over all meetings of the Board at which the chairperson is present, and in the absence of the chairperson, the vice chairperson or any other member nominated for that purpose, shall preside. |
| Quorum. | 4. The quorum for the conduct of the business of the Board is any of the five members. |
| Voting procedure. | 5. The decision of the Board shall be by a majority of votes, but the chairperson of the meeting shall have a casting vote. |
| Minutes. | 6. Minutes of the proceedings at meetings of the Board shall be kept by the Chief Executive Officer of the Authority, in such manner as may |

be prescribed.

Power of the Board to regulate own procedure.

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

Disclosure of interest

8. (1) A member of the Board who is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, the member shall, as soon as reasonably practicable after the commencement of the meeting, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract, proposed contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

Declaration of commercial interest.

9. (1) A member of the Board appointed under this Act shall, on appointment or at any time, declare in writing their commercial interests related to the veterinary medicines or vaccines and shall not participate in any discussion or decision-making to which those interests relate or may relate.

(2) For the purposes of paragraph (1), “commercial interest” includes any consultancy, paid or unpaid, any research grant from which the member directly or indirectly benefits, or any equity holding or any executive or non-executive directorship or any other payment or benefit in kind.

THIRD SCHEDULE
[s. 21(5)] [s. 24(5)]
OATHS/AFFIRMATION

THE VETERINARIAN’S OATH/AFFIRMATION

I....., being admitted to the profession of veterinary medicine,..... solemnly swear / affirm that I shall use my scientific knowledge and skills for the benefit of society through the protection of animal health, the relief of animal suffering, the conservation of livestock resources, the promotion of public health, and shall at all times support the advancement of veterinary medical knowledge.

I shall practice my profession conscientiously with dignity and in keeping with the principles of veterinary medical ethics.

I accept as a lifelong obligation the continual improvement of my professional knowledge and competence.

So help me God.

Signed.....

Date.....

.....REGISTRAR.

KENYA VETERINARY COUNCIL

THE VETERINARY PARA-PROFESSIONAL'S OATH/AFFIRMATION

I..... being admitted as a Veterinary Para- professional, solemnly swear/ affirm that I shall dedicate myself to aiding society by providing excellent care and services for animals to alleviate animal suffering, and to promoting public health.

I accept my obligation to practice my profession conscientiously and with sensitivity, adhering to the profession's Code of Ethics, and furthering my knowledge and competence through a commitment to lifelong learning.

So help me God.

Signed.....

Date.....

.....REGISTRAR

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide for matters relating to the training, registration and licensing of veterinary surgeons and veterinary para-professionals; veterinary practice and veterinary pharmacy in Kenya and regulation of the manufacture, importation, exportation, registration, distribution, prescription and dispensing of veterinary medicines, nutraceuticals, veterinary devices vaccines, and other biologicals. Further the Bill seeks to establish the Kenya Veterinary Council and the Veterinary Medicines and Vaccines Authority.

The Bill contains 9 Parts.

PART I of the Bill provides for the preliminary issues including the short title, the interpretation, the objects of the Act and the application of the Act.

PART II of the Bill provides for the establishment of the Kenya Veterinary Council as a body corporate. It further provides for the functions and powers of the Board.

PART III of Bill provides registration and practice as a veterinary surgeon or veterinary paraprofessional.

PART IV of the Bill provides the Veterinary medicines and Vaccines Authority as a body corporate.

PART V of the Bill provides for manufacture, importation and registration of veterinary medicines and vaccines.

PART VI of the Bill provides for Veterinary Pharmacy including qualifications to operate a veterinary pharmacy.

PART VII of the Bill provides for financial provisions.

PART VIII of the Bill provides for miscellaneous provisions including the delegated power to make Regulations.

PART IX of the Bill provides for transitional provisions which includes the repeal of the Veterinary Surgeons and Veterinary Para-Professionals Act, transition of certificates or licences, members of the Board as well as assets and liabilities of the Council or Authority.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms neither does it delegate any legislative power.

Statement on how the Bill concerns county governments

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is a money Bill, within the meaning of Article 114 of the Constitution

This is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the, 2024.

Mithika Linturi,
Cabinet Secretary for Agriculture and Livestock Development.