

THE ANIMAL PRODUCTION PROFESSIONALS AND TECHNICIANS BILL 2023

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THE ANIMAL PRODUCTION PROFESSIONALS AND TECHNICIANS BILL 2023

A Bill for

AN ACT of Parliament to provide for the training, registration and licensing of animal production professionals and technicians; to provide for the regulation of the standards and practice of the animal production profession and for connected purposes:

ENACTED by the Parliament of Kenya, as follows—

PART I —PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Animal Production Professionals and Technicians Act, 2023 and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint which date shall not be later than ninety days from the date of publication.

Interpretation.

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

“animal production” means the science and art of applied technology, innovations and management practices to the keeping of farm animals for subsistence, commercial and social cultural purposes;

“animal production professional” means a person having the qualifications of an animal production professional as set out in the Third Schedule;

“animal production technician” means a person having the qualifications of an animal production technician as set out in the Third Schedule;

“animal production service” includes—

- (a) capacity development in animal production related disciplines;
- (b) undertaking animal production research and development;
- (c) offering services in animal feeding and nutrition;
- (d) genetic improvement and conservation of animal genetic resources;
- (e) improvement and conservation of rangeland resources for purposes of animal production;
- (f) development of farm structures, tools and equipment, for purposes of improving animal productivity;

- (g) offering animal production advisory services;
- (h) analytical and quality assurance of inputs and products for animal production;
- (i) analytical and quality assurance of inputs and products for animal production;
- (j) acquiring, packaging and disseminating technology in animal production from various sources; and
- (k) importation and distribution of animal production supportive materials;

“animal production specialist” means a person having a master’s degree and above in an area of specialization as set out in the Third Schedule;

“Board” means the Animal Production Professionals and Technicians Board established under section 3;

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

“continuing professional development” means a planned acquisition of knowledge, experience and skills necessary for the development of an animal production professional and technician;

“code of ethics” means a set of standards for animal production professionals' obligations to the public, their clients, employers and the profession, encompassing professional and ethical conduct;

“credit point” means an award of points given by attending or participating in continuing professional development activities relating to animal production;

“firm” means a company, organization or association offering animal production service;

“foreign person” means a person who is not a citizen of or ordinarily resident in Kenya who offers animal production professional service in Kenya;

“government” means national and county governments;

“licence” means the licence issued to an animal production professional, technician, specialist or firm under Section 32;

“register” means the register kept under section 18 of this Act;

“registrar” means the registrar of the Board appointed under section 12;

and

“Sponsoring agency” means any person or body providing an accredited continuous professional activity as provided for under clause 2 of the Second Schedule.

PART II—THE ANIMAL PRODUCTION PROFESSIONALS BOARD

- Establishment of the Board. **3.** (1) There is established a Board to be known as the Animal Production Professionals and Technicians Board.
- (2) The Board 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 money and making investments;
 - (d) entering into contracts; and
 - (e) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.
- Headquarters of the Board. **4.** (1) The headquarters of the Board shall be in Nairobi.
- (2) The Board may establish offices in any county.
- Functions of the Board. **5.** (1) The object for which the Board is established is to exercise general supervision and control over the training, licensing and registration of animal production professionals, technicians and specialists, to provide for regulation of the standards and practice of the animal production profession in Kenya, and to advise the Government in relation to all aspects of animal production.

(2) Without prejudice to the generality of the foregoing the Board shall—

(a) advise the Government on matters relating to animal production training, research, employment, feed resources, feeds standards, tools and equipment, genetic resource management, range management, animal waste disposal under various production systems, marketing and other issues relating to production of foods of animal origin;

(b) advise the government on the formation, context and mandate of agencies charged with promotion, regulation, development and improvement of animal production;

(c) prescribe and regularly review in consultation with such training institutions as the Board may approve, the curriculum of instruction and courses of training for persons seeking registration under this Act;

(d) prescribe the personnel and physical facilities for training of persons seeking registration under this Act;

(e) consider and approve the qualifications of animal production professionals, technicians and specialists for the purpose of registration under this Act;

(f) register, license and regulate animal production professionals, technicians, specialists and firms;

(g) develop, publish and review a code of ethics which shall be binding on all registered persons;

(h) regulate the professional conduct of registered persons under this Act, and take such disciplinary measures as may be appropriate to ensure adherence to professional standards;

(i) approve and oversee continuous professional development, and facilitate internship programmes;

(j) register and maintain a register of all persons registered under this Act;

(k) Provide and ensure adherence to the code of conduct and practice of animal production professionals and technicians in all breeding farms towards maintenance of a national animal genetic resources;

(l) provide and enforce standards for animal production professionals and technicians on rangeland rehabilitation programmes to increase their potential and carrying capacity;

(m) collaborate with universities and other training institutions to improve responsiveness of the curriculum to livestock subsector challenges;

(n) ensure comprehensiveness of the policy, strategies, legal, and regulatory instruments that affect animal production professionals and technicians;

(o) align with relevant government plans, strategies, policies and international protocols;

(p) carry out any other function as may be deemed necessary for the proper administration of this Act.

Membership of the Board.

6. (1) The Board shall consist of—

(a) a chairperson appointed from amongst their number by a majority vote;

(b) the Principal Secretary in the Ministry responsible for finance or a representative appointed in writing;

(c) the Principal Secretary for the time being responsible for matters relating to livestock or a representative not being below the level of Deputy Director of Livestock Production designated in writing;

(d) the Director of Livestock Production or a representative appointed in writing;

(e) an animal production professional representing a national research institution nominated by the institution;

(f) one person representing animal production training institutions nominated by the Commission for University Education (CUE);

(g) two persons elected by the members of the registered professional association representing animal production professionals, each person shall be of opposite gender; and

(h) two persons elected by the members of the registered association representing animal production technicians; each person shall be of opposite gender;

(i) the Chief Executive Officer who shall be the secretary to the Board.

(2) The composition of the Board shall adhere to the constitutional principle that not more than two-thirds of the members of the Board shall be of the same gender and that the following are also taken into account—

(a) persons with disabilities; and

(b) regional and other diversity of the people of Kenya.

(3) The first meeting of the Board shall be convened by the Cabinet Secretary and members shall at that meeting elect the chairperson and the vice-chairperson from amongst their number by a majority vote provided the persons so elected as chairperson and vice-chairperson shall be of opposite gender.

(4) Except for the ex-officio members, members of the Board shall hold office for a term of three years but shall be eligible to serve for one further term of three years.

(5) The Cabinet Secretary shall, on the recommendation of the Board, temporarily appoint a person to serve in the place of any member of the Board whose office becomes vacant or is removed under this Act and a person so appointed shall serve for not more than six months or until a substantive appointment is made whichever is earlier.

Powers of the Board.

7. The Board has all powers necessary for execution of the Board's functions under this Act, and in particular the power to—
- (a) administer the assets of the Board in such manner as best promotes the purpose for which the Board is established;
 - (b) associate with any other organization so as to further the purpose for which the Board is established;
 - (c) receive any grants, gifts, donations or endowments made to the Board and make disbursements in accordance with this Act;
 - (d) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Board;
 - (e) hire, discipline and terminate staff or agents of the Board;
 - (f) open a bank account or banking accounts for the funds of the Board;
 - (g) delegate any of its powers to the Chief Executive Officer or any other member of staff as may be reasonable in the circumstances; and
- perform such other functions as prescribed by this Act or as may be required by any other written law.

Remuneration of the Board.

8. The members of the Board shall be paid such remuneration, allowances and reimbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Conduct of business and affairs of the Board.

9. (1) The Board shall conduct its affairs in accordance with the provisions of the First Schedule, but subject thereto, the Board may regulate its own procedure.
- (2) The Board may establish committees as may be necessary to enable the carrying out of all specialized activities including, but not limited to training, registration, regulation and licensing of animal production professionals, technicians and specialists.
- (3) The conduct of every committee of the Board shall be as prescribed from time to time by the Board.
- (4) The Board may co-opt persons to committees for a particular reason and a co-opted person may hold office for such period as the Board determines to be reasonably necessary in the circumstances.
- (5) The persons co-opted by a committee under subsection (4) shall not be more than two at any one time.

Vacancy.

- 10.** The office of a member of the Board becomes vacant if the holder—
- (a) dies;
 - (b) resigns from office by notice, in writing, addressed to the Cabinet Secretary;
 - (c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months;
 - (d) is adjudged bankrupt; or
 - (e) is removed from office for any of the grounds set out in Section 11 subsection (1).

Removal from office.

- 11.** (1) A member of the Board may, subject to Article 47 of the Constitution, be removed from office by a vote of at least two thirds of all members of the Board present on grounds of—
- (a) gross violation of the Constitution or any other law;
 - (b) gross misconduct, whether in the performance of the office holder’s functions or otherwise under this Act;
 - (c) physical or mental incapacity to perform the functions of office;
 - (d) absence from three consecutive meetings of the Board without a reasonable explanation;
 - (e) being a registered person who fails or neglects to pay retention fees as provided for by Section 24; or.
 - (f) is otherwise unable or unfit to discharge the functions of office.

(2) Before the members vote under subsection (1), the person shall be given an opportunity to defend himself or herself against the allegations.

(3) The Board shall be properly constituted notwithstanding a vacancy in its membership.

Chief Executive Officer.

- 12.** (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Board through a competitive process, on such terms and conditions as may be specified in the instrument of appointment.
- (2) In order to qualify for appointment as the Chief Executive Officer, a person shall—
- (a) be a citizen of Kenya;
 - (b) hold a bachelor’s degree in animal production from a university recognized in Kenya;

(c) holds a master's degree in animal production or related field from a university recognized in Kenya;

(d) have experience in animal production of not less than ten years;

(e) have at least five years' experience at management level; and

(f) meet the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(3) The Chief Executive Officer shall—

(a) be the Registrar, Secretary and Accounting Officer of the Board; and

(b) under the direction of the Board, is responsible for—

(i) implementation of the decisions of the Board;

(ii) the day-to-day management of the affairs of the Board;

(iii) organization and management of the staff; and

(iv) any other function that may be assigned by the Board.

(4) The Chief Executive Officer shall submit to the Board for approval, not later than three months before the commencement of each financial year, a programme of activities of the Board in respect of that financial year.

(5) The Chief Executive Officer shall hold office for a term of four years and is eligible for re-appointment for one further term of four years.

(6) The Chief Executive Officer may be removed from office on the resolution of the Board on any of the grounds set out under Section 11.

(7) Before the Chief Executive Officer is removed under subsection (6), the Chief Executive Officer shall be given—

(a) sufficient notice of the allegations made; and

(b) an opportunity to defend himself or herself against the allegations, either on his or her own behalf, or by a legal representative.

Staff of the Board.

13. (1) The Board may engage such other staff or agents as it may consider necessary for the execution of its functions under this Act.

(2) The terms and conditions of the staff or agents of the Board shall be determined by the Board.

(3) The Board shall ensure that in the appointment of its staff, not more than two-thirds shall be of the same gender and that the following are also taken into account—

(c) persons with disabilities; and

(d) regional and other diversity of the people of Kenya.

Secondment of staff.

14. (1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act Cap. 189 to an office within the establishment of the Board, the relevant provisions of that Act shall apply to the officer as if their service with the Board were service in a public office.

(2) Where a public officer is appointed to an office in the establishment of the Board, the officer's service with the Board shall be "other public service" within the meaning of the Pensions Act.

Protection from personal liability.

15. (1) No action or inaction by a member, staff or agent of the Board shall, if the matter or thing is done in good faith for the purpose of executing the functions, powers or duties of the Board under this Act, render the member, staff or agent or any person acting on their directions personally liable in an action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against that person in any court, in respect of any action or inaction which is taken or purported to be taken by the person under the direction of the Board, shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, unless such expenses are recovered by the person in such suit or prosecution.

Common seal.

16. (1) The common seal of the Board shall be kept in the custody of the Chief Executive Officer or of such other person as the Board may direct, and shall not be used except with authorization of the Board.

(2) The affixing of the common seal of the Board shall be authenticated by the signature of the Chief Executive Officer.

(3) The Board shall in the absence of the Chief Executive Officer, in any particular matter, authorize one member of staff to authenticate the seal of the Board on behalf of the Chief Executive Officer.

(4) The common seal of the Board when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any authorization by the Board under this section shall be presumed to have been duly given.

Contracts and instruments.

17. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorized by the Board for that purpose.

PART III—REGISTRATION OF ANIMAL PRODUCTION PROFESSIONALS, TECHNICIANS AND SPECIALISTS

Registration.

18. The Registrar of the Board shall—

(a) maintain in both hard and digital copy the registers of persons and firms registered in accordance with this Act;

(b) maintain all documents and records relating to registration of animal production professionals, technicians, specialists and firms; and

(c) issue, renew and cancel certificates of registration and licences as provided under this Act.

(d) The hard copy of the register shall be open to inspection at prescribed times.

(e) The digital copy of the register shall be open for inspection by any person at any time

Confirmation of entries in registers

19. The chief executive officer shall not later than the 31st March in every year, publish -:

(a) 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.

(b) a notice under subsection (1) shall specify the office at which the registers may be inspected and the time within which it may be done.

(c) any person whose name does not appear in the relevant register after the period specified under subsection (a) shall be deemed not to be registered under this Act.

Qualifications for registration as an animal production professional, technician and specialist.

20 (1) A person shall be qualified to be registered as an animal production professional under this Act if that person —

(a) is a citizen of or ordinarily resident in Kenya;

(b) holds a degree in animal production or related sciences as per Third Schedule of this Act from a university recognized in Kenya, approved by the board, and has after such qualification, served an internship of not less than twelve months under supervision of an animal production professional with not less than five years standing; and

(c) satisfies the Board by an affidavit lodged with the Registrar that no criminal proceedings under this Act have been instituted against the person.

(2) A person shall be qualified to be registered as an animal production technician under this Act if that person —

(a) is a citizen of or ordinarily resident in Kenya;

(b) holds a certificate or diploma in animal production or related sciences as per Third Schedule from an institution recognized in Kenya, approved by the board and has after such qualification, served an internship of not less than twelve months under supervision of an animal production professional with not less than five years standing; and

(c) satisfies the Board by an affidavit lodged with the Registrar that no criminal proceedings under this Act have been instituted against the person.

(3) A person shall be qualified to be registered as an animal production specialist under this Act if that person

(a) is a citizen or ordinarily resident in Kenya;

(b) Holds a master degree and above in an area of specialization as per Third Schedule from an institution recognized in Kenya and approved by the board.

(c) Satisfies the Board by an affidavit lodged with the Registrar that no criminal proceedings under this Act have been instituted against the person.

(4) The Board may in its discretion 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.

(5) The examination referred to in subsection (4) may be conducted by the Board or by any other authority or institution appointed by the Board, and such examination shall be conducted subject to such terms and conditions as the Board may determine.

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

(7) The Registrar shall cause to be gazetted the name and address of every person registered under this section within thirty days of such registration.

Registration of a firm

- 21** (1) A firm shall be qualified to be registered as an animal production service provider under this Act if that firm –
- (a) applies to the Board for registration as an animal production firm in the prescribed form which shall be accompanied by the prescribed fee’
 - (b) is legally registered in Kenya;
 - (c) has a registered and retained animal production professional or technician; and
 - (d) satisfies the Board by an affidavit lodged with the Registrar that no criminal proceedings under this Act have been instituted against the firm.
- (2) The Registrar shall cause to be gazetted the name and address of every firm registered under this section every year.

Temporary registration of foreign persons.

- 22** (1) Notwithstanding Section 18, a foreign person may be considered for registration as a temporary animal production professional, technician or specialist if that person satisfies the Board that—
- (a) the person is not a citizen of or ordinarily resident in Kenya;
 - (b) the person intends to be in Kenya in the capacity of an animal production professional, technician or specialist for the express purpose of carrying out specific animal production activities and has a valid work permit or work visa;
 - (c) the person possesses the qualifications recognized by the Board for the provision of animal production services; and
 - (d) at any time in the three years immediately before entering Kenya, the person was providing services as a qualified animal production professional, technician or specialist in any country.
- (2) An application for registration under this section shall be in the prescribed manner and shall be accompanied by the prescribed fee.

(3) The Board may require an applicant to appear before it in the process of considering the application and shall require every applicant to produce documentary evidence as proof of work or employment as an animal production professional, technician or specialist within the three-year period prior to entering Kenya.

(4) The registration of a person under this section shall be valid for the period or for the duration of the work as the Board may specify.

(5) Where the skills or expertise of a person registered under this section are not available in Kenya, the Board shall notify the applicant to mentor Kenyan trainees who are registered professionals, technicians or specialists to fill the skills gap.

Application for registration.

23. (1) A person wishing to apply for registration as an animal production professional, technician or specialist may make such an application in the prescribed application form to the Board.

(2) The application form referred to under sub-section (1) shall be accompanied by the prescribed fee which may be reviewed from time to time.

(3) Where an application is made by a person in accordance with this section, the Board shall approve the application if it is satisfied that the person meets the specified requirements.

(4) Upon approval by the Board, the Registrar shall register every qualified person by entering the person's name, address, professional qualifications and such other particulars as the Board may prescribe, in the appropriate register kept for that purpose.

Maintenance of registration.

24. Every registered animal production professional, technician, specialist or firm whose name appears in the register kept under Section 19 shall pay annually retention fee as a condition for maintaining the person's / firm's registration.

Prohibitions and Restrictions.

25. (1) A person shall not carry out animal production services, or hold themselves out, whether directly or indirectly, as an animal production professional or technician, or take up employment as such, unless the person is registered and licensed under this Act.

(2) An organization, institution or firm shall not offer animal production services unless it is registered and issued with a licence by the Board and has registered animal production professional, technician or specialists in charge of the animal production services.

(3) Any person who carries out animal production services without having been registered under this Act, or otherwise contravenes any provisions of this Part, commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

Certificate of registration.

26. The Board shall issue to every person registered under this Act a certificate of registration in the prescribed form.

Removal of names from the register.

27. (1) The Board may, at any time, direct that the name of a person or firm be removed from the register where such person—

(a) requests that the person's name be removed from the register; and

(b) is found by the Board to be guilty of professional misconduct in accordance with this Act.

(2) The Registrar shall remove from the register—

(a) the names of every deceased person; and

(b) any entry which has been incorrectly or fraudulently made.

(3) The Registrar shall cause the name and address of every person whose name is removed from the register under this section, to be gazetted within thirty days from the date of such removal.

(4) The Registrar shall within thirty days of the Board's decision notify any person whose name has been removed from the register of such removal by registered mail addressed to the most current address appearing against the person's name in the register.

(5) Subsection (4) shall not apply where a person's name has been removed from the Register at the person's own request or with the person's consent.

(6) Where the name of any person has been removed from the register under subsection (1)(b), such name shall not be reinstated except by direction of the Board.

(7) A person whose name has been removed from the register shall cease to be registered for the purposes of this Act from the date of such removal.

Effect of removal of name from the register.

28. A person or firm whose name has been removed from the register is not entitled to engage in animal production professional services during the duration of such removal.

Reinstatement of name into the register.

29. Where the name of any person or firm has been removed from the register, the Board may, on the application by the person or firm concerned made in the prescribed manner after holding such inquiry as the Board deems fit, direct that—

(a) the removal of such person's or firm's name from the register be confirmed and direct that the certificate of registration be surrendered; or

(b) the name of the person or firm be restored in the register.

Correction of the register.

30. The Registrar shall from time to time make any necessary alteration or correction in the register in relation to any entry therein.

PART IV— LICENSING OF ANIMAL PRODUCTION SERVICE PROVIDERS

Licensing requirements.

31. A person or a firm, shall be considered for licensing under this Act if the person meets the registration requirements under this Act.

Service providers licence.

32. (1) A person or a firm shall not engage in provision of animal production services unless that person or firm has complied with the requirements of this Act.

(2) A licence issued under Section (31) shall be valid for one year from the first day of January to the thirty-first day of December of the year during which it is issued, and maybe renewed upon expiry for subsequent one-year periods.

(3) A person or a firm whose licence has not been renewed for a year or longer and who wishes to have it renewed may apply to the Board, and such application shall be accompanied by—

(a) an affidavit explaining the reasons for non-renewal;

(b) licence fees for the current period and, at the Board's discretion, any unpaid fees, including penalties as may be prescribed by the Board; and

(c) proof to the Board of fulfillment of all applicable conditions for renewal of a licence, including the prescribed number of credit points for continuing professional development undertaken in the preceding year.

(4) The Board may, with sufficient cause, refuse to issue or renew a licence and shall communicate the refusal and give reasons in writing to the applicant within twenty-one days of receiving the application.

(5) The Registrar shall enter into the Register the date of issuance of a licence to every person licensed under this section.

Fees for services.

33. (1) A person shall not be entitled to charge a fee for animal production services unless that person is licensed under this Act.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

Suspension of a licence.

34. The Board may suspend a licence issued under this Act where—

(a) the licensee is under investigation for an alleged offence under this Act;

(b) allegations of any misconduct or contravention of this Act that does not rise to the level of professional misconduct set out in this Act, and does not constitute an offence as prescribed in this Act have been investigated and proven against a licensee;

(c) a false declaration was made in an application for a licence; or

(d) a licensee has contravened any provision of this Act.

Notice of suspension or cancellation of licence.

35. (1) A person or firm whose licence has been suspended or cancelled under this Act is not entitled to engage in animal production service during the duration of such suspension or cancellation.

(2) The Registrar shall within thirty days of the Board's decision notify a person whose licence has been suspended or cancelled under this Act by—

(a) delivering it to that person;

(b) leaving it at the person's usual or last known place of abode; or

sending it by registered mail to the most current address appearing against the person's name in the register.

(3) Where a directive has been made by the Board for cancellation or suspension of a licence issued under this Act, the Board may, upon application in the prescribed manner by the person concerned and after holding such inquiry by the Board—

(a) direct the surrender of the licence within fourteen days after notification to that person by way of registered post;

(b) issue a new licence; or

(c) terminate the suspension of a licence, either without a fee or upon payment of a fee not exceeding

the fee charged for issuance of a licence.

PART V—COMPLAINTS AND DISCIPLINARY PROCEEDINGS

Complaints to the Board.

36. (1) A person or a firm who is dissatisfied with any animal production service offered, or alleges a breach of the standards of conduct specified by the Board by a person providing animal production services under this Act, may make a written complaint to the Board in the prescribed manner.

(2) Upon receipt of a complaint under subsection (1), the Board shall undertake an inquiry into the merits of the allegations.

(3) The person or a firm who is the subject of a complaint under subsection (1) shall be given written notice of the inquiry and afforded the opportunity of being heard, either in person or through a legal representative of the person's choice.

(4) For the purposes of proceedings held under this section, the Board may administer oath, require attendance of a persons to appear as a witness, and compel production of books, documents and any other evidence.

(5) A person or a firm who fails to comply with the Board's direction to attend as a witness or to produce any books or documents, commits an offence.

(6) Subject to this section, the Board may regulate its own procedure in disciplinary proceedings.

(7) Where the Board is satisfied that any person registered or licensed under this Act has been—

(a) convicted of an offence under this Act or under any other law punishable by imprisonment, the

commission of which, in the opinion of the Board, adversely affects the performance of animal production services or the profession generally; or

(b) is guilty of professional misconduct under this Act;

the Board may, subject to subsection (10)—

(i) direct the removal of the person's name from the Register;

(ii) issue a written warning or reprimand;

(iii) cancel the person's licence;

(iv) suspend the person's licence or registration for a period not exceeding two years.

(8) A person or a firm whose name has been removed from the register or whose licence has been cancelled or suspended under the provisions of this Act shall surrender the person's certificate of registration or licence to the Registrar.

(9) A person who fails to surrender a certificate or licence as required under subsection (7) commits an offence and is liable on conviction, in the case of a natural person, to a fine not exceeding fifty thousand shillings and, in the case of a legal person, to a fine not exceeding one hundred thousand shillings.

(10) Notwithstanding any other provisions in this Act, the Board shall not remove the name of a person from the register, or cancel a licence issued to that person unless—

(a) at least two thirds of the members of the Board so decide by vote;

(b) the Board has given the licensee at least twenty-one days' notice of its intention to cancel the licence or remove the person's name in the register; and

(c) the licensee has been given an opportunity to make representations to the Board.

Carrying of business by a firm.

37. (1) A firm shall not carry on business of animal production services unless it is registered and licensed under this Act, and has a registered and retained animal production professional or technician.

(2) Where a partner or director of a firm referred to under subsection (1) dies, the firm may, despite subsection (1), continue to carry on the business of providing animal production services as if the legal representative of the deceased partner or director were an animal production professional, technician or specialist, for up to six months following the death, after which the provisions of sub section (1) shall apply.

Application for review of the Board's decision.

38. (1) A person or a firm aggrieved by a decision of the Board under this Act may, within thirty days from the date of the Board's decision, apply to the Board for review of that decision, and in any such case, the Board may annul or vary the decision as it may consider necessary.

Cancellation of a licence.

39. (1) The Board shall cancel a licence where a licensee—

(a) is convicted of an offence or is found by the Board to have engaged in professional misconduct under this Act; or

(b) ceases to be qualified for the issuance of such licence under this Act.

(2) The cancellation of a licence under this Act shall be gazetted and published in at least one newspaper with national circulation.

Appeal.

40. (1) A person or a firm dissatisfied with the decision of the Board after a review may appeal against such decision to the High Court.

(2) Upon such appeal, the High Court may—

(a) dismiss the appeal and confirm the Board's decision;

(b) allow the appeal and set aside the Board's decision;

(c) vary the Board's decision; or

(d) allow the appeal and give directions as it may deem necessary to ensure the ends of justice are met.

(3) The High Court may make such order as to costs before the Board and as to costs of the appeal as the court deems appropriate in all the circumstances.

PART VI— FINANCIAL PROVISIONS

Funds of the Board.

41. (1) The funds of the Board shall consist of—

(a) such monies as may be appropriated by Parliament for purposes of the Board;

(b) donations, grants, loans or gifts made to the Board; and

(c) such fees, monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act or any other written law.

(2) There shall be paid out of the funds of the Board any expenditure incurred by the Board in the exercise of its powers or the performance of its functions under this Act.

Financial year.

42. The financial year of the Board shall be the twelve-month period ending on the thirtieth day of June in each year.

Annual estimates.

43. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of its revenue and expenditure for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year, and in particular the estimates shall provide for—

(a) payment of the salaries, allowances, pensions, gratuities and other charges in respect of staff of the Board;

(b) proper maintenance of the buildings and grounds of the Board;

(c) maintenance, repair and replacement of the equipment and other property of the Board; and

(d) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

Accounts and audits.

44. (1) The Board shall cause to be kept proper books and records of accounts of the income, expenditure and assets of the Board.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General its accounts together with—

(a) a statement of the income and expenditure of the Board during that year; and

(b) a balance sheet on the last day of that year.

(3) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the law relating to public audit.

Investment of Funds.

45. (1) The Board 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 or banks which the Cabinet Secretary responsible for finance may, from time to time, approve for that purpose.

(2) The Board, with concurrence of the National Treasury, may place on deposit with such bank or banks as it may deem fit, any monies not immediately required for its purposes, as it may determine.

PART VII— OFFENCES AND PENALTIES

Procuring registration or licensing through fraud.

46. A person who willingly procures or attempts to procure registration or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or both.

Professional misconduct.

47. A person who is licensed as an animal production professional, technician or specialist under this Act shall be guilty of professional misconduct if that person—

(a) deliberately fails to follow the standards of conduct set by the Board;

(b) commits gross negligence in the conduct of the person's professional duties;

(c) takes advantage of a client by abusing the position of trust, expertise or authority;

(d) lacks regard or concern for clients' needs or rights;

(e) shows incompetence or inability to render animal production professional and technical services; or

(f) allows another person to provide animal production services in the licensee's name, where that person is not a licensee under this Act.

Operating an unaccredited institution.

48. A person who operates a training institution which is not recognized and accredited by the relevant Government agency as an institution for training persons seeking registration under this Act, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months, or both.

Unlawful use of name.

49. (1) A person who, not being registered and licensed within six months after enactment of this Act, displays any sign, board, card or other device or uses any stamp representing or implying that the person is an animal production professional, technician or specialist, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding 6 months, or both.

(2) Any person who, prior to the coming into force of this Act, used a name or designation relating to the animal production profession in describing the person's occupation or business shall within six months of coming into force of this Act, cease to use such name or designation unless that person becomes registered and licensed under this Act.

General penalty.

50. A person who commits an offence under this Act for which no specific penalty is provided is liable on conviction to a fine of five hundred thousand shillings or to imprisonment for a term not exceeding six months, or both.

PART VIII — MISCELLANEOUS PROVISIONS

- Admissibility of documents.
- 51.** In any legal proceedings, a copy of an entry from the register established and maintained in accordance with this Act, that is certified by the Registrar to be a true copy of the entry, shall be admissible as prima facie evidence of the content of the register.
- Repeal of Act No. 11 of 2010 Regulations.
- 52.** The Animal Technician’s Act is repealed.
- 53.** The Cabinet Secretary may, on the recommendation of the Board, make regulations generally for the better carrying into effect the provisions of this Act, and any such regulations may, without prejudice to the generality of the foregoing—
- (a) prescribe the form and method of keeping the register under this Act;
 - (b) provide for conditions under which training institutions shall be approved and examinations therein conducted for purposes of this Act;
 - (c) prescribe forms and procedure for issuance of licenses;
 - (d) prescribe standards and guidelines for development and delivery of curricula for training and continuing professional development programs;
 - (e) prescribe the professional standards and working conditions of animal production service providers registered and licensed under this Act;
 - (f) the procedure and powers of the Board in conducting an inquiry under this Act’;
 - (g) prescribe any other forms to be used under this Act;
 - (h) prescribe fees to be charged under this Act;
 - (i) provide for inspection of premises and other facilities used in provision of animal production services;
 - (j) prescribe the procedure for election of members of the Board under Section 6 (g) and (h);
 - (k) such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

**FIRST SCHEDULE—PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS
OF BOARD**

Meetings.

1. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon request in writing by at least six members shall, convene a special meeting of the Board at any time.

(3) Unless three quarters of the members of the Board agree otherwise, at least fourteen days' written notice of Board meetings shall be provided.

(4) The quorum for the conduct of the business of the Board shall be five members including the chairperson or the person presiding, at least two of them shall be representatives of the associations in Section 6 (g) and (h).

(5) The Chairperson shall preside at every meeting of the Board but, in the Chairperson's absence, the members present shall elect one of the members to preside who shall, with respect to that meeting, have all the powers of the chairperson.

(6) A decision on any matter before the Board shall be by a simple majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall cast the deciding vote.

Disclosure of interest by Board members.

2. (1) If a member 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, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the interest and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) Notwithstanding subparagraph (1), if the majority of the members present are of the opinion that the experience or expertise of a member who has an interest in a matter before the Board is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose, but such member shall not have the right to vote on the matter in question.

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

(4) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to prosecution according to law.

Minutes.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

SECOND SCHEDULE — CONTINUING PROFESSIONAL DEVELOPMENT

Requirement for continuing professional development.

1. (1) Every registered and licensed person under this Act shall undertake annual continuing professional development activities in accordance with this Schedule.

(2) Every continuing professional development program or activity shall emphasize ethical and practical aspects relevant to the provision of animal production services and must be aimed at improving the professional competence of participants.

(3) The Board shall facilitate access to relevant professional development programs and activities, and may accredit any program or activity provided by any institution, body or other organization (in this Schedule referred to as "the sponsoring agency").

Application for accreditation.

2. (1) A sponsoring agency shall apply to the Board for accreditation of every proposed program or activity, in the prescribed form.

(2) The Board shall consider every application for accreditation and shall approve or reject the same, having regard to the following—

(a) whether the objective of the proposed program or activity is to improve the professional competence of animal production professionals;

(b) whether the applicant has sufficient technical capacity and expertise for effective delivery of the proposed program or activity;

(c) any other matter that may appear relevant.

Credit points for continuing professional development.

3. (1) The Board shall assign a specified number of credit points to every accredited continuing professional development activity or program.

(2) The Board shall prescribe a minimum number of credit points to be obtained by each category of licensee in a given year, upon successful completion of continuous professional development activities, as a condition of maintaining a licence.

(3) Despite (2), the Board may, on a case by case basis and for valid reasons such as medical infirmity, absence from the country or non-animal production commitments, waive some or all the credit points required to be obtained by a registered person in a given year.

(4) The Board shall review the amount of credit points under the continuing professional development scheme by giving sufficient notice to licensees.

Record of accredited programs and participants.

4. (1) The Board shall keep a record of all accredited programs and the sponsoring agencies, including a description of the program, the date held, the credit points assigned for that program, and a list of the participants and their registration or licence details as applicable.

(2) The Board shall require every sponsoring agency to provide a record of the participants and proof of their attendance and successful completion of the full program or activity.

Fees.

5. The Board may charge a fee to be paid by participants in any continuing professional development program or activity provided by the Board, and shall approve any fee to be charged by a sponsoring agency in providing a program or activity accredited by the Board.

Proof of compliance.

6. Every application for renewal of a licence shall be accompanied by proof that the applicant has secured the prescribed credit points of continuing professional development, in such form as may be prescribed by the Board.

THIRD SCHEDULE—CATEGORIES OF ANIMAL PRODUCTION PROFESSIONALS

1. Animal Production Professionals

Holders of a Bachelor of Science (BSc) degree in the following disciplines:

- (a) Animal Production;
- (b) Animal Science;
- (c) Animal Production and Health;
- (d) Range Management;
- (e) Dairy Science and Technology; or
- (f) Any other qualification that the Board deems fit from time to time for the purpose of this Act.

2. Animal Production Technicians

Holders of Diplomas and Certificates in the following disciplines:

- (a) Dairy Technology;
- (b) Animal Production and Health;
- (c) Range Management;
- (d) Farm Management; or
- (e) Any other qualification that the Board deems fit from time to time for the purpose of this Act.

3. Animal Production Specialists

(1) Areas of specialization:

- (a) Animal Breeding and Genetics
- (b) Animal Genomics;
- (c) Animal Nutrition;
- (d) Livestock Production Systems;
- (e) Range Ecology
- (f) Ranch Management;
- (g) Dairy Technology;
- (h) Meat Science;
- (i) Apiculture;
- (j) Leather Technology; or
- (k) Any other qualification that the Board deems fit from time to time for the purpose of this Act.

(2) A person shall be considered an Animal Production Specialist if they have –

- (a) A masters' degree in an area of specialization set out in (1) above and experience of not less than 3 years; or

(b) a PhD in an area of specialization set out in (1) above.

FOURTH SCHEDULE —FORMS

FORM 1 — APPLICATION FOR REGISTRATION AS AN ANIMAL PRODUCTION PROFESSIONAL

The Registrar,
Animal Production Professionals and Technicians Board,
P.O. Box.....
NAIROBI

I..... of P.O Box
..... Phone.....
..... E-mail.....

hereby make an application for registration as an Animal Production Professional, and enclose herewith the prescribed fee or evidence of payment of the prescribed fee of Kshs.....

My qualifications are
.....

Enclosed are certified copies of the following certificates:

1.
2.
3.

SIGNATURE..... Date

**FORM 2—APPLICATION FOR REGISTRATION AS AN ANIMAL PRODUCTION
TECHNICIAN**

The Registrar,
Animal Production Professionals and Technicians Board,
P.O. Box..
NAIROBI

I..... of P.O
Box..... Phone.....
..... E-mail.....

hereby make an application for registration as an Animal Production Technician, and enclose herewith
the prescribed fee or evidence of payment of the prescribed fee of Kshs.....

My qualifications are

.....
.....

Enclosed are certified copies of the following certificates:

1.
2.
3.

SIGNATURE..... Date

FORM 3—APPLICATION FOR REGISTRATION AS AN ANIMAL PRODUCTION SPECIALIST

The Registrar,
 Animal Production Professionals and Technicians Board,
 P.O. Box.
 NAIROBI

I..... of P.O
 Box.....Phone.....
 E-mail.....

Here by make an application for registration as an Animal Production Specialist, and forward herewith the prescribed fee or evidence of payment of the prescribed fee of Kshs.....

My qualifications are

.....

My area of specialization is:

Specialization	Tick one
Animal Breeding and Genetics	
Animal nutrition	
Livestock Production Systems	
Range ecologist	
Dairy Technology	
Meat Science	
Apiculture	
Leather technology	
Other (specify)	

Enclosed are certified copies of the following certificates:

1.
2.
3.

SIGNATURE..... Date

FORM 4—APPLICATION FOR LICENCE TO PROVIDE ANIMAL PRODUCTION SERVICES

The Registrar,
Animal Production Professionals and Technicians Board,
P.O. Box..
NAIROBI

Service provider name (individual or firm).....

Registration No.....

(please provide registration numbers for all registered Animal Production Professionals who will provide services under this licence)

Physical address:

P.O. Box

Telephone:

Email:

I/We propose to offer the following services:

.....
.....
.....
.....
.....

Submit application fees or evidence of payment of the application fee Kshs

.....

Signature..... Date.....

FORM 5—APPLICATION FORM FOR TEMPORARY REGISTRATION OF A FOREIGN ANIMAL PRODUCTION PROFESSIONAL

The Registrar,
Animal Production Professionals and Technicians Board,
P.O. Box ...
NAIROBI.

Name of the Individual / Firm

Address (physical).....

Hereby make an application for registration to provide the following Animal Production Professional Services.....
.....
.....
.....

Enclosed are certified copies of the following documents:

1. Work permit
2. Academic certificates
3. Registration certificate
4. Professional association certificate
5. Letter of good professional conduct
6. Identification document

Submit fee or evidence of payment of the prescribed fee of
Kshs.....

Signature of Applicant..... *Date*

**FORM 6 — CERTIFICATE OF REGISTRATION AS AN ANIMAL PRODUCTION
PROFFESIONAL**

The Animal Production Professionals and Technicians Board hereby certifies that

(NAME).....

(ID/Passport No.)

is registered as an Animal Production Professional, having complied with the relevant provisions of the
Animal Production Professionals Act (No XX of 20XX) of the laws of Kenya, under Registration
Number

Given this day of 20.....

Registrar [NAME OF REGISTRAR]

[SEAL]

Signature

MEMORANDUM OF REASONS AND OBJECTS

The principal object of this Bill is to, provide for the training, registration and licensing of Animal Production Professionals, Technicians, Specialists and firms; and to provide for the regulation of the standards and practice of the Animal Production profession.

Part I of the Bill provides for the preliminary matters such as the short title and the interpretation. Clause 2 for instance, defines an animal production professional as a person having the qualifications of an animal production professional as set out in the Third Schedule.

Part II of the Bill provides for the Animal Production Professionals and Technicians Board. Clause 3 establishes the Board as a body corporate with perpetual succession having the capacity to sue and be sued. Clause 4 provides for the location of the board headquarters to be Nairobi and empowers the Board to establish other offices in counties. Clause 5 outlines the functions of the Board to include exercising general supervision and control over the training, licensing and registration of animal production professionals and technicians, providing for regulation of the standards and practice of the animal production profession in Kenya, and advising the Government in relation to all aspects of animal production. Clause 6 specifies the membership and Clause 7 empowers the Board to among others enter contracts and administer its assets. This Part also deals with vacancies arising in the Board and how they are filled. Clause 12 provides that the Chief Executive Officer and designates such person as the Registrar and Secretary to the Board. The rest of the Part relates to appointment of staff by the Board and attendant matters.

Part III of the Bill provides for registration of animal production professionals, technicians and specialists. Clause 18 obligates the Registrar to maintain a register of such persons in hard and digital copy. This Part also relates to the procedure for and qualification for registration and removal of names from the register among other pertinent provisions.

Part IV of the Bill provides for licensing of animal production service providers. Clause 31 prohibits a person or a firm from engaging in provision of animal production services unless that person or firm has complied with the requirements and conditions of licensing including payment of the prescribed fees. This Part also empowers the Board to cancel a licence where the licensee is convicted of an offence or is found to have engaged in a professional misconduct or ceases to be qualified for the issuance of such

license. Unlicensed persons are prohibited from charging fees for animal production services and it is an offence to do so punishable by imposition of a fine not exceeding five hundred thousand shillings, or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment. This Part also addresses the issues of suspension or cancellation of license.

Part V of the Bill provides for complaints and disciplinary procedure. Clause 35 provides that a person dissatisfied by the animal production services offered may make a written complaint to the Board. This Part also provides for review of the Board's decisions and appeals to the High Court thus capturing the issues around judicial review of administrative action.

Part VI of the Bill is on the Financial Provisions. The Part addresses standard issues such as the sources of the Board's funds, annual estimates, account and audits, financial year and investment of funds.

Part VII of the Bill provides for Offences and Penalties. The offences prescribed in the Bill include, offences relating to procuring registration or licensing through fraud, professional misconduct, operating an unaccredited institution and unlawful use of name of animal production professional, technician or specialist unless a person registers as such within six months of commencement of the Act.

Part VIII of the Bill provides for miscellaneous matters such as admissibility of documents, repeal of the Animal Technician's Act no. 11 of 2010 and the power of the Cabinet Secretary to make Regulations.

The Bill has four schedules. The First Schedule relates to the conduct of business and affairs of Board, it addresses meetings, disclosure of interest by Board members and execution of instruments.

The Second Schedule provides for continuing professional development. It covers the requirement for continuing professional development, credit points for continuing professional development, record of accredited programs and participants, application for accreditation, fees and proof of compliance. This is critical as it is a condition for renewal of a licence.

The Third Schedule addresses categories of animal production professionals. It outlines a number of study fields that qualifies persons to be Animal Production Professionals, Technicians, Specialists and Firms.

The Fourth Schedule has a total of six (6) forms required for making various applications. Form 1 is for making an application for registration as an animal production professional; Form 2 is for applying for registration as an animal production technician, Form 3 is for making an application for registration as an animal production specialist, Form 4 is for making an application for a license to provide animal production services, Form 5 is for making an application for temporary registration of a foreign animal production professional and Form 6 is a certificate of registration as an animal production professional.

Dated 2023

Hon.
Cabinet Secretary
Ministry of Agriculture and Livestock Development