



LEGAL NOTICE NO.....

**THE LIVESTOCK BILL, 2023
(No. of 2023)**

IN EXERCISE of the powers conferred by section 105 of the Livestock Act, the Cabinet Secretary responsible for matters relating to livestock, and in consultation with the Council of Governors, makes the following Regulations—

THE LIVESTOCK (PRODUCTS AND MARKETING) REGULATIONS, 2023

PART I— PRELIMINARY

Citation 1. These Regulations may be cited as the Livestock (Products and Marketing) Regulations, 2023.

Interpretation. 2. In this Regulations, unless the context otherwise requires—
“Act” means the Livestock Act, 2023;

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

“livestock market” means any area of land or building including structures or pens located on the land or building, that is operated—

(a) as a public market for the purchase or sale, or both, of livestock or livestock products or for the receiving of livestock or livestock products for sale on consignment;

(b) to assemble livestock or livestock products for shipment by any form of transportation and includes any premises maintained with respect to the movement of livestock or livestock products by a common carrier as a service to livestock owners, but does not include the following—

(i) a pet store;

(ii) facility that is associated with an abattoir for the purpose of holding livestock for slaughter;

(iii) any area of land or facility used in respect of the sale of livestock by a producer or feedlot operator where the livestock offered for sale have been held on that land for growing, sustaining, finishing or breeding purposes;

“Marketing Board” means the Livestock and Livestock Products Marketing Board established under section 31 (1) of the Act;

“market operator” means a value chain actor dealing in the trade or marketing of livestock and livestock products;

“Market Quality Assurance Officers” means the officers appointed under Regulation 10 (1);

“nominating body” means an association of livestock producers or registered cooperative society, established for the purpose of marketing livestock and livestock products or whose members are livestock producers;

Objects

3. The objectives of these Regulations shall be to—
- (a) increase market access for all value chain actors in the livestock sector;
 - (b) promote the efficiency in marketing of livestock and livestock products;
 - (c) optimize earnings from livestock and livestock products; and
 - (d) enhance sustainability of the livestock sector.

PART II – NOMINATION TO THE MARKETING BOARD

Request for nomination.

4. (1) The Cabinet Secretary shall before appointing a member of the Marketing Board, place an advert in a newspaper of national circulation requesting the relevant nominating bodies to provide the names of their respective nominees for appointment to the Board.

(2) In selecting the nominees under paragraph (1), a nominating body shall—

- (a) conduct its nomination process in a free, fair and justifiable manner and in accordance with the organization’s nomination procedures; and
- (b) ensure that its nominee has satisfied the qualification criteria set out in the Act.

Process of nomination and appointment to marketing Board.

5. (1) The Cabinet Secretary shall during the appointment process consider the following factors, whether—
- (a) the association’s membership has a national outlook of, in at least twenty-four counties;
 - (b) it has in its membership the different livestock value chain actors;
 - (c) the procedure used to arrive at the nominee is as set out in these Regulations;

- (d) there is any constitutional or statutory requirements relating to the office in question; and
- (e) the nominee meets the qualifications for the appointment, taking into account, the nominee's ability, experience and qualities.

(2) Where the nomination of a candidate is rejected by Cabinet Secretary, the Cabinet Secretary shall within seven days, request the concerned nominating body to conduct a fresh nomination in accordance with requirements set out under this Regulation.

(3) In appointing the members of the Board under section 32 (1), (e) (f) and 36 (1) (f) (g) of the Act, the Cabinet Secretary shall—

- (a) ensure that not more than two-thirds of the members are of the same gender;
- (b) observe the principle of gender equity, regional and ethnic balance; and
- (c) have regard to the principle of equal opportunities for persons with disabilities as envisaged under the Act.

(4) The Cabinet Secretary shall within fourteen days after receipt of the nominees under section 32 (1), (e)(f) and 36 (1) (f) (g) of the Act, appoint the members of the Board through a notice in the Gazette.

PART III—REPORTS AND RECORDS

Database livestock
market operators.

6. (1) The Marketing Board shall keep and maintain a database of all the livestock value chain actors dealing in livestock and livestock products marketing.

(2) Every value chain actor dealing in livestock and livestock products marketing shall in Form A set out in the Schedule to these Regulations, register with the Marketing Board.

(3) The Marketing Board shall register the value chain actors dealing in livestock and livestock products marketing upon satisfying the requirements set out in the Act and upon payment of the prescribed fees.

(4) The Marketing Board shall issue a certificate of registration upon successful registration.

(5) A county executive committee member in charge of livestock shall submit to the Marketing Board, a list of the value chain actors dealing in livestock and livestock products marketing registered under its jurisdiction.

Livestock and
livestock
marketing records.

7. (1) The Marketing Board shall keep and maintain a livestock and livestock market database, which shall—
- (a) contain information on livestock and livestock products marketed locally, regionally and globally;
 - (b) demonstrate market trends and opportunities for the local producers and traders; and
 - (c) identify gaps in capacities or skills mismatches.

(2) An officer, operator or trader shall not make or permit an employee or a person who is under contract with the operator to make any statement or representation or publish information in any form that misrepresents or misleads the Marketing Board with respect to the numbers or volumes of livestock or livestock products at a livestock market.

(3) A person who contravenes the requirements of paragraph (2) commits an offence and shall on conviction be liable to a fine of twenty thousand shillings or to imprisonment term of six months, or to both.

Records and
returns of market
operators.

8. (1) A market operator shall keep and maintain weekly records and returns on the livestock and livestock products in trade in the manner specified in Form B in the Schedule to these Regulations.

(2) A market operator shall submit to the Marketing Board quarterly reports, which shall contain—

- (a) the particular class, grade and quantity of livestock and livestock products in the particular livestock market;
- (b) the particular destination of livestock and livestock products; and
- (c) information on the transactions and transaction costs.

Decision making.

9. (1) The Marketing Board shall, in making its decisions, utilize the information contained in the reports from the livestock markets and shall take into account –

- (a) the local, regional and international livestock marketing channels in respect of diverse livestock and livestock products;
- (b) value addition on livestock products;
- (c) development of the market;
- (d) accessibility of markets by small scale farmers;
- (e) market chain analysis which shall include;
 - (i) identifying the main actors or organizations in the livestock market; or
 - (ii) identifying the linkages between different livestock markets and routes; or

- (iii) evaluating market chain technical and operational efficiency, competitiveness or profitability.

PART IV—MISCELLANEOUS

Appointment of
Markets Quality
Assurance
Officers.

10. (1) The Marketing Board shall appoint such number of Market Quality Assurance Officers as may be necessary for the discharge of the mandate of the Marketing Board.

(2) The Market Quality Assurance Officers appointed under paragraph (1), shall be responsible for—

- (a) collating, analyzing and disseminating information from livestock and livestock products markets at regular intervals;
- (b) appraising markets to ensure they satisfy the set standards;
- (c) reporting to the Marketing Board on a quarterly basis on level of compliance on the established standards;
- (d) disseminating marketing information to value chain actors dealing in livestock and livestock products marketing information on—
 - (i) local, regional and global market prices for livestock and livestock products;
 - (ii) the trends of the prices; and
 - (iii) the requirements of markets for livestock and livestock products;
- (e) conducting market research, or causing such research to be conducted, into the requirements of local, regional and global markets for livestock and livestock products;
- (f) advising the national and county governments, private and public stakeholders on matters livestock and livestock products marketing based on their assessments, best practices and international markets requirements; and
- (g) assess and audit the level of compliance of value chain actors dealing with livestock and livestock products in accordance with the local, regional and international standards.

Traceability.

11. (1) The Marketing Board shall ensure that a system of traceability of livestock and livestock products is established by the respective value chain actors on livestock and livestock products for quality assurance and food safety purposes.

(2) For purposes of complying with the requirements of paragraph (1), the value chain actors on livestock and livestock products shall provide—

- (a) proof of the existence of a traceability system including labeling of the livestock or livestock product;

- (b) a description of the origin of the livestock or livestock product;
- (c) a description of the livestock or livestock product; and
- (d) the quantity of the livestock or livestock product.

Request for
information.

12. (1) Pursuant to section 37 and the Access to Information Act, 2016, a person may make a written request for information on livestock or livestock products markets held by the Marketing Board by filling access to information request in Form C set out in the Schedule.

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(2) A request for access to information shall be submitted to the Chief Executive Officer of the Marketing Board and upon payment of the requisite charges.

(3) The Board may disclose or decline to disclose any information requested for, in accordance with the requirements of the Access to Information Act, 2016.

SCHEDULE

FORM A

R. 6(2).

Registration of Market Operators

1. Name of Applicant.....
2. County of Operation/Registration.....
3. Email address of the Operator.....
4. Telephone Numbers of the Operator or contact person(s).....
5. Physical location of Business of the Livestock Market
Operator.....
6. GPS coordinates for the Business location of the Livestock Market
Operator.....
7. Name of the Livestock Market Operator or Business
8. Date that it commenced operations
9. Livestock species or livestock products to be
traded.....
.....

I do hereby certify that the foregoing information declared by me, is to the best of my knowledge, true and accurate.

I am aware that if anything declared by me is proved to be false or incorrect, I will be liable to penalty under the Kenya law.

.....

Signature of Applicant Date(dd/mm/yyyy)

For Official Use Decision of the Board

... Certificate issues

....Application declined (reason)

.....

Signature of the Board ChairmanDate.....

FORM B
R. 8(1)
Weekly Record of Livestock Market Operators

County					
Name of Market					
Name of Operator					
Location of the market					
Livestock species traded	Class	Numbers Traded by Grade			
		G1	G2	G3	G4
Camel	Mature				
	Immature				
	Young				
Cattle	Mature				
	Immature				
	Young				
Sheep	Mature				
	Immature				
	Young				
Goat	Mature				
	Immature				
	Young				
Other livestock species (specify) ¹		Quantity traded			
Livestock product traded (specify e.g. Dairy products, Hive products, meat products, eggs e.t.c) ²		Quantity traded			
Name and address of Buyer or seller					
Destination market of livestock/product					
Reporting Period from (dd/mm/yy) to					
signature					
Date (dd/mm/yy)					

¹ Add sheet where necessary

² Add sheet where necessary

FORM C

R. 12(1)

Information Request Form

I On this day of.....20.....make a formal request for information regarding;

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.....
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For Formal use only

Received by.....on this.....day of.....20.....

Decision on the request Disclosed

Transferred Ongoing

Declined (reason for decline)

Made on the....., 2023.

MITHIKA LINTURI
Cabinet Secretary for Agriculture and Livestock Development