



LEGAL NOTICE NO.....

THE LIVESTOCK ACT, 2023

(No. of 2012)

THE LIVESTOCK (BREEDING) REGULATIONS, 2023

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SCHEDULES

THE LIVESTOCK ACT, 2023

(No. of 2023)

IN EXERCISE of the powers conferred by section 113 of the Livestock Act 2023, the Cabinet Secretary for Agriculture and Livestock Development, on the advice of the Authority makes the following Regulations—

THE LIVESTOCK (BREEDING) REGULATIONS, 2023

PART I—PRELIMINARY

Citation 1. These regulations may be cited as the Livestock Breeding Regulations, 2023

Interpretation 2. In these regulations, unless the context otherwise requires—

“**Act**” means the Livestock Act, 2023;

“**animal**” means cattle, camel, sheep, goats, pigs, rabbits, donkey, horse, poultry, and farmed game or any other declared by the Cabinet secretary as an animal;

“**animal genetic resources**” means an animal species that is used or may be used, for the production of food and agriculture, and the populations within each of them and which may be classified as wild and feral populations, indigenous and primary populations, standardized breeds, selected lines, or and any conserved genetic material;

“**artificial insemination**” means a technique by which viable sperm is introduced to a receptive female at the correct time for purposes of reproduction;

“**Authority**” means Livestock and livestock inputs and products regulatory authority;

“**breed**” means a group of animals of the same species that has identifiable residual external characteristics that distinguish them from other breeds;

“**breed society**” means an association group of persons who are registered in accordance with the provisions of these regulations, promoting the breeding, recording or registration, the genetic improvement and the use of a kind of livestock or livestock of a specified breed, applying breed standards which is registered in accordance with these regulations;

“breed standards” means standards of excellence determined and applied by a breeder in accordance with the constitution of livestock breed society;

“breeder” means a person who employs scientific based selection of genetically superior animals by means of the integrated registration and genetic information system for purposes of improving livestock production, or the owner of a breeding female or male animal at the time of conception or at the birth of progeny and the terms “livestock keeper,” “farmer” or “livestock owner” has a corresponding meaning;

“Bureau” means the Kenya Livestock Breeding Bureau established by the Authority under regulation 5 (1);

“Cabinet Secretary” means the Cabinet Secretary who is for the time being responsible for matters of livestock breeding;

“county registrar” means an officer who performs delegated functions of Registrar at county level.

“embryo transfer” means the act of heat synchronization, superovulation, collecting, evaluating, processing and implanting an ovum or embryo in a female animal;

“embryo” means a fertilized ovum of an animal;

“expert” means a formally trained practitioner in livestock breeding;

“export” means to take out or send an animal or genetic material from Kenya to another country or to cause an animal or genetic material to be taken or sent out;

“genetic material” means ova, embryos, semen or, any other material originating from an animal and an animal through which the hereditary factors of such animal may be transferred;

“import” means to bring an animal or genetic material from outside the country into the country or to cause an animal or genetic material to be so brought into the country;

“indigenous livestock breeder” means a person using traditional knowledge in livestock breeding;

“integrated registration and genetic information system” mean a system designed to integrate the pedigrees and performance data of animals for purposes of these regulations;

“livestock breeding” means the scientific based selection of genetically superior animals by means of the integrated registration and genetic information system or in any other manner approved by the Authority and the discerning use thereof for purposes of improving the production or performance ability of the animal population;

“livestock” means any domestic animal of ruminant or non-ruminant species such as cattle, sheep, goat, camel, donkey, horse, pig and rabbit or domestic pets and includes birds such as chicken, ducks, geese, turkeys, pigeons and quails, bees, any emerging livestock and any other animal which the Cabinet Secretary may, by notice in the Gazette, declare to be a livestock to which these regulations applies;

“pastoralists” means persons extensively producing indigenous livestock breeds with limited production inputs, and includes nomads where practicable;

“pedigree” means recorded ancestry of an animal

“recording unit” means a county designated for purposes of animal identification, registration and recording;

“register” means a register kept pursuant to these regulations;

“Registrar” means an officer designated or appointed as Registrar of Livestock Breeding under regulation 18;

“service provider” means any person or organization involved, in any manner, in the provision of any services, equipment or products to farmers or breeders in the livestock breeding industry and or any other person the Authority may, from time to time, declare to be a service provider for the purposes of these regulations;

“registered animal” means an animal registered in a herd book kept by a registering organization.

Purpose of the regulations.

3. The purpose of these regulations is to give full effect to the provisions of the Act relating to animal breeding, including—

- (a) oversight of matters in respect to animal genetic material, material, substance, article, machinery, plant, or thing concerned in Kenya or imported into Kenya for purpose of livestock breeding.
- (b) oversight of matters in respect to registration of breeders;
- (c) standards for breeding;
- (d) licensing and inspection of breeding infrastructure; and
- (e) any other matter necessary to give effect to these regulations and the Act.

PART II—INSTITUTIONAL FRAMEWORK AND ADMINISTRATION OF BREEDING ACTIVITIES

Establishment of
the Kenya
Livestock
Breeding Bureau.

4. (1) There is established the Kenya Livestock Breeding Bureau.

(2) The Bureau shall be a department under the Authority and shall be headed by a qualified person recruited through an open, transparent and competitive process.

(3) The head of the Bureau, who shall be the Registrar and shall serve on such terms and conditions as the Authority may determine.

(4) The Authority may appoint such other staff as may be necessary for the proper discharge of the functions of Bureau and under the Act.

Functions of the
Kenya Livestock
Breeding Bureau.

5. (1) The functions of the Bureau shall be to—

- (a) monitor livestock identification, registration and recording;
- (b) undertake genetic evaluation;
- (c) monitor trends in, and threats to livestock resources and advise as appropriate;
- (d) promote community-based breeding schemes;

- (e) provide advice on reproductive and genomic technologies; and
- (f) perform any other duties assigned by the Authority.

National
Advisory
Committee

6. (1) The Bureau shall establish a national advisory committee on management of animal genetic resources for food and agriculture.

(2) the committee shall consist of experts drawn from—

- (a) national coordinator for management of animal genetic resources;
- (b) state department responsible for livestock development;
- (c) research institutions, both local and international, for matters livestock development;
- (d) institutions of high learning in matters livestock development;
- (e) livestock breeders associations;
- (f) relevant non-government organizations;
- (g) state-owned largescale livestock breeding and conservation farms;
- (h) livestock breeding and sire centers;
- (i) livestock products processors; and
- (j) any other institution involved in the management of animal genetic resources that may be nominated by the bureau.

(3) The function of the committee shall be to—

- (a) coordinate, develop awareness and liaise with key stakeholders, and network building to ensure effective communication among diverse groups in management of animal genetic resources;

- (b) coordinate the implementation of the Global Plan of Action through the National Strategy and Action Plan for the Management of animal genetic resources in the country through identification and validation of strategic priorities and actions;
- (c) mobilizing support and financial resources for the implementation of the National Strategy and Action Plan;
- (d) monitor and evaluate progress achieved in implementing the National Strategy and Action Plan, and performance of the National Focal Point; and
- (e) update and revise elements of the Action Plan, when required advise the Ministry on issues of animal Breeding.

Registration
and transfer

7. (1) The Registrar shall maintain the following registers—

- (a) a register for animals;
- (b) a register of licensed breeders; and
- (c) any other register

(2) The Registrar shall enter into any register, as case may be—

- (a) names and addresses of all licensed breeders;
- (b) codes of all registered animals;
- (c) particulars of equipment required for registration; and
- (d) such other particulars as the Bureau may require.

(3) A livestock breeder, for purposes of registration—

- (a) shall within the first five days of the birth of an animal, notify the Registrar and apply for the animal identification device as prescribed in the Second Schedule;

(b) shall within thirty days of acquiring an animal, register or cause such animal to be registered, unless the animal is intended for slaughter or animal dies; and

(c) may apply to the Registrar for the transfer of ownership of an animal registered in the name of another upon payment of as prescribed in the Third Schedule.

(4) The Registrar shall, where satisfied with the application made under sub regulation (3), transfer the registration of the animal into the name of the applicant and issue a certificate of registration.

(5) A person who acquires ownership of an animal for which identification has been registered in the name of a deceased shall apply to the Registrar for the transfer of the registered animal.

(6) The Registrar shall, upon being satisfied there is no application made in respect of such mark, transfer the registered mark to the applicant.

(7) A registered animal owner shall—

(a) acquire approved animal identification devices from the nearest animal recording unit; and

(b) with the assistance of the animal recording agent, affix the animal identification devices on the animal.

(8) The records of the animal taken shall include—

(a) species;

(b) identification number;

(c) sex;

(d) coat colour;

(e) brand;

(f) breed;

(g) date of birth;

- (h) marking;
- (i) tag number;
- (j) sire and dam identification particulars;
and
- (k) any other information as deemed
necessary for an animal identification.

(9) The records referred to under sub regulation (8) shall be taken when the animal—

- (a) is born;
- (b) is mated;
- (c) is tagged or retagged;
- (d) loses tag;
- (e) dies;
- (f) is dispatched; and
- (g) is introduced to a new herd.

(10) The animal's identity number may be attached to the animal by a tag, tattoo, sketch, brand or electronic device.

(11) The recorded animal identity shall be—

- (a) unique;
- (b) visible;
- (c) never re-used; and
- (d) the animal's official identity in the
recording unit.

(12) An animal that loses its identity device shall be re-identified and, wherever possible, with their original number.

(13) Where previous identification is not possible, but ownership can be traced, a cross reference to the original number must be maintained.

(14) An animal moved from one county to another, continue to be identified using their original identification.

(15) An imported animal shall be issued with new identification including details on—

- (a) the original identification;
- (b) export certificates;
- (c) Sire artificial insemination catalogues; and in catalogues of important shows and sales

(16) A person responsible for the dispatch or reception of an animal shall—

- (a) retain the records;
- (b) give a copy to the person dispatching or taking possession of the animal; and
- (c) within 30 days, provide a copy to the recording unit.

(17) A person who owns or operates an abattoir, meat processing plant, an animal sale yard, quarantine facility or holding ground shall within 21 days of arrival of the animal—

- (a) take and keep records of animal identification particulars and establish the source from which the animal was dispatched; and
- (b) and submit such records to the county registrar within 21 days

(18) A person operating an abattoir or meat processing plant shall establish an internal animal recording and traceability system for collection of data in respect of animals processed at the facility.

(19) Data collected in sub regulation (14) including reusable identifiers shall be handed over to the recording centre.

(20) A person shall not cause an animal to be marketed or slaughtered in an approved abattoir for trade or export unless the animal is accompanied by the prescribed documentation.

(21) An animal brought into or exported outside the Country shall be registered and its particulars submitted to the Bureau.

(22) The owner of a registered animal may, in writing, apply to the Registrar for cancellation of registration of the animal identification mark and the registrar shall, upon receipt of such application, cancel the registration.

(23) In the event of theft or ownership dispute of any breeding animal reference to such identifiers in the proceeding events or reports—

(a) the county registrar, an authorized agent or a police officer may order any person who is in possession of an animal whose ownership is in dispute to present such an animal to the identification parade.

(b) any person who is in possession of the animal ordered to attend an animal identification parade shall present the animal to the registrar, authorized agent or a police officer at a time, place and in a manner specified in the order.

(c) any person who contravenes the provisions of paragraph (b) above commits an offence and on conviction shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(d) a person other than the owner shall not, without lawful cause, or excuse present an animal for identification and registration

(25) Any person who removes or obliterates an animal identification device or mutilates any part of the body of an animal prescribed for application of an animal identification devices commits an offence and shall upon conviction, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both.

Genetic
evaluations.

8. (1) In undertaking the data analysis the Bureau or an institution contracted for that purpose with the permission of the Authority in writing, shall use an integrated data set which may combine the following—

(a) pedigree data;

(b) performance data; or

(c) genomic data.

(2) The Bureau or the institution contracted shall, using the data obtained in sub regulation (1), analyze the same for purposes of evaluating the breeding animals on which the data was collected and shall prepare an evaluation report which shall show

(a) the ranking on merit of the animals evaluated;

(b) whether or not the evaluation was carried out by the Bureau or a contracted institution and if by a contracted institution, the full identity of the institution;

(c) the date of evaluation and genetic base definition;

(d) the evaluation expression, where expression shall include Estimated Breeding Value of each animal evaluated; and

(e) the reliability, and repeatability of the estimated breeding values.

(3) The genetic evaluations undertaken pursuant to sub regulation (2) shall be conducted using a modern genetic evaluation method.

(4) Upon completion of the analysis of the data and preparation of the evaluation report, the Bureau shall submit the official report to the Registrar for the purpose of sharing the information in the report with beneficiaries thereof as follows—

(a) farmers;

(b) breed organizations and individual breeders;

(c) reproductive and genetic technology centres;

(d) institutions of higher learning;

(e) researchers;

(f) international organizations pursuant to the requirements of Conventions, Treaties or other

arrangements to which Kenya is a member and signatory; and

- (g) relevant government departments and institutions.

(5) A genetic evaluation conducted by any person or organization, except for research, contrary to this subsection shall constitute an offence punishable, in accordance with the relevant provisions of these regulations.

Conservation and establishment of a Gene Bank.

9. (1) In consultation with the relevant Institutions, the Authority shall develop and or review programs for the conservation of animal genetic resources in situ and ex situ for purposes of preserving the Country's heritage of animal genetic resources.

(2) The Authority may identify and recommend suitable national and county government farms to be designated as conservation farms.

(3) The overall objectives of the programmes developed by the Authority pursuant to sub regulation (1) for the collection and conservation of animal genetic materials shall be to—

- (a) assess, protect and conserve genetic diversity of animal genetic resources;
- (b) contribute to food and nutrition security;
- (c) contribute to the development of new opportunities for livestock;
- (d) develop and adapt technologies to conserve regenerate animal genetic resources;
- (e) generate new phenotypic and genotypic information in disease resistance, abiotic stress resistance, nutritional quality and evaluation of bio-resource attributes;
- (f) assess genetic diversity changes in livestock germplasm
- (g) contribute to access and benefit sharing regiments by way of acquiring, donating, maintaining and regenerating germplasm consistent with Kenya's commitments to

international treaties on management of animal genetic resources; and

(h) special objectives of the conservation programmes shall include—

(i) conservation of genetic materials from indigenous, rare and locally adapted breeds; and

(ii) targeting collection and conservation of genetic materials from specific animals determined by the Authority to have unique and beneficial traits worth conserving.

Biotechnologies
for livestock
breeding.

10. (1) In consultation with relevant stakeholders, the Authority shall from time to time, evaluate and approve biotechnologies for commercial animal breeding and genetic improvement.

(2) The biotechnologies approved by the Authority and from which a breeder or farmer may make a choice for commercial livestock breeding in Kenya include—

(a) reproductive biotechnologies which include—

(i) artificial insemination;

(ii) multiple ovulation and embryo transfer;

(iii) ovum pick-up and invitro-fertilization;

(iv) sexing of semen;

(v) cloning.

(b) molecular biotechnologies in animal genetics and breeding to achieve desired objectives like genome editing.

(3) The Authority, in consultation with relevant stakeholders, may amend the list of biotechnologies approved under sub regulation (2) from time to time as circumstances may require.

(4) The Authority shall formulate appropriate standards and guidelines for proper use and application of biotechnologies for purposes of—

- (a) achieving reproductive efficiency and rates of animal genetic improvement capable of contributing to an increased output from the animal resource industry; and
- (b) offering potential for extending the multiplication and transport of genetic materials and for conserving unique genetic resources in reasonably available forms for possible future use.

(5) For purposes of promoting the proper use and application of the biotechnologies, the Authority shall build capacity for farmers and breeders to—

- (a) adhere to guidelines and standards set pursuant to sub regulation (4);
- (b) embrace the technologies approved and promoted by the Authority.

(6) In promoting the use of biotechnologies under these regulations, the Authority shall—

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- (a) adhere to the provisions of the Biosafety Act, 2009; and
- (b) shall regularly liaise with relevant research institutions on matters relating to biotechnologies in order to evaluate from time to time the efficacy of the biotechnologies.

(7) It shall be an offence for any person or breed society to—

- (a) knowingly use a biotechnology which has not been approved by the Authority under sub regulation (1) and (2), and
- (b) violate the provisions of sub regulation (5) (a)

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

Community-based breeding schemes.

11. (1) The Authority shall promote community based breeding schemes by requiring the community based groups to undertake measures which include—

- (a) mobilization of livestock keepers or owners within their communities with a view to coming together to form their community based group or use the existing one, if any, for purposes of pursuing common genetic breed improvement and conservation objectives and
- (b) strategies
- (c) Capacity-building of community livestock keepers on community based breeding
- (d) setting up, in consultation with the Authority, rules for self-regulation of a community based group;
- (e) registration of the breeding animals involved in a community based scheme with the nearest recording centre; and
- (f) undertaking to carry out performance recording whose record shall be submitted to the county recording unit.

(2) The county recording unit shall ensure that the recording done at the community level conforms to the standards set for recording and registration and shall subsequently submit to the Bureau for evaluation and feedback to the communities

(3) The county recording unit shall closely work with the community based groups within their jurisdiction to ensure that—

- (a) the performances of breeding animals are evaluated;
- (b) breeding animals are constantly placed under disease surveillance (Animal health management system); and
- (c) the owners of such breeding animals are registered as breeders and conform to requirements for registration of breeders as is provided under regulation 19.

Service centres for Reproductive and Genetic technologies.

12. (1) The Authority shall issue licenses on such terms and conditions as it shall consider appropriate, to any person or organization wishing to establish a service centre for purposes provided under sub regulation (3).

(2) The Authority shall regulate all service centres established pursuant to sub regulation (1).

(3) The functions of a service centre shall be to—

(a) locally recruit or receive, as the case may be—

(i) sires for semen production, processing, storage and eventual distribution;

(ii) donor of embryos, oocytes, tissues and ova;

(iii) semen, embryos, oocytes, tissues and ova;

(b) import sires for the production of semen or semen doses, embryos, oocytes, tissues and ova for processing, storage and eventual distribution;

(c) carry out data analysis and provide information to breeders and industry;

(d) establish DNA and embryo libraries.

(4) The centres established under sub regulation (1) shall be strategically located so as to be within reasonable reach of the farmers and service providers.

(5) The Authority shall establish different service centres for different species of animals as circumstances may permit.

(6) The service centres shall, as far as circumstances may permit, advance further the effort of indigenous animal keepers to improve the breeding of their animals by gradually involving them in the reproductive and DNA technologies.

Import and export of animal genetic materials.

13. (1) A person intending to import or export any live animal, semen or other genetic material shall first obtain authorization from the Authority and on obtaining the authorization in writing the person shall subsequently obtain the necessary permits from the respective authorities.

(2) It shall be an offence to import or export an animal, semen or any other animal genetic material without the authorization, permit and the prerequisite documentation and

certification required under this regulation, or to knowingly use a permit, documentation or certification that is false or misleading in any material particular or without reasonable excuse, contravene or disobey any lawful order or directive given pursuant to this regulation.

(3) A person who commits or abates the commission of an offence specified under sub regulation (2), sells, advertises or handles any live animal, semen or any other animal genetic material or otherwise violates any of the provisions of this section shall, on conviction, be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a period not exceeding twelve months and, and in the case of any person registered under the provisions of these regulations, his registration certificate shall be cancelled or suspended.

Development of
breeding code.

14. (1) The Cabinet Secretary, acting upon the advice of the Authority, may from time to time, develop a Code of Livestock Breeding to apply to any livestock for purposes of providing for its peculiar, unique or other matter relating to the breeding and improvement of the animal to the extent not provided under these regulations.

(2) A Code developed under sub regulation (1) shall be applied as an integral part of these regulations but with such modifications as the Authority may determine.

(3) Upon the advice of the Authority, the Cabinet Secretary may from time to time amend the Code as circumstances may require.

Establishment of
Sire Schemes.

15. (1) The Authority and other relevant stakeholders shall assist in the identification and acquisition of sires to serve breeding females in areas where assisted reproductive services are difficult to obtain or not available at all.

(2) The community based organization shall, as far as circumstances permit—

- (a) mobilize the community to support and meet the costs related to acquiring and maintenance of the sire;
- (b) regular screening of sires and reporting to the relevant authorities;
- (c) monitor the performance of the sire and undertake recording

- (d) retire and replace sires as circumstances shall require; and
- (e) encourage public and private sectors; and development partners to help the sire schemes with necessary resources.

Mobilization of pastoralists and indigenous animal keepers, and their rights

16. (1) The Authority—

- (a) shall, in consultation with associations of breeders, develop programmes for the progressive mobilization of the pastoralists and indigenous livestock breeders into breeder associations;
- (b) may, in consultation with respective counties encourage or assist the pastoral and indigenous animal keepers to conduct cultural activities, animal shows or field days;
- (c) shall, accord and assist the pastoral and indigenous animal keepers to articulate their rights over their animal genetic resources;

(2) Rights of the pastoralists and indigenous people are inalienable and they include the right to—

- (a) have their breeds recognized as products of their communities and pastoral and indigenous knowledge and culture and accordingly part of the animal genetic resources;
- (b) be recognized and enjoy the protection of their status as indigenous or pastoral breeders requiring protection of their diverse animal genetic resources, knowledge and technologies;
- (c) continue using their indigenous and pastoral knowledge on the conservation and sustainable use of animal genetic resources;
- (d) access, conserve, use and sell their animal genetic resources unrestricted by intellectual property rights and genetic engineering technologies in order not to disrupt the

integrity of their indigenous genetic resources;

- (e) benefit equitably from the use of their animal genetic resources in their own communities;
- (f) be mainstreamed into animal breeding and improvement activities in order to empower them in the management of animal genetic resources;
- (g) protection from unconscionable contracts or deals or any form of unwarranted exploitation of their animal genetic resources, technologies or knowledge by local or foreign persons or organizations in any form and in particular, to be protected from unfair exploitation of their livestock genetic resources; and
- (h) in making provision for the mobilization of pastoralists, the Authority shall take into account requirements of any international accords that impact animal breeding and improvement activities by trans-boundary livestock movements.

Mobilization of stakeholders generally

17. (1) In consultation with associations of breeders, the Authority shall recognize, mobilize and work with all duly registered breed societies, companies, cooperatives or similar organizations, service providers or individual breeders in the country.

(2) The societies, companies, cooperatives or other similar organizations, service providers or individual breeders shall cooperate with the Authority when called upon for any relevant purpose of the regulations and shall formalize their registration status under the provisions of these regulations.

(3) Where a group of breeders are working together but are not registered as a society or such organization under the relevant law, the Authority may require such group to be registered as a breed society or similar organization and the group shall comply within the time, if any, stipulated by the Authority.

(4) If an individual breeder chooses not to join any breed group, notwithstanding the provisions of sub regulations (1) and (2), the Authority shall allow him to

operate and shall provide the requisite support to facilitate the breeder to be registered.

(5) The Authority, breed societies, companies, cooperatives, service providers or individual breeders may from time to time undertake consultations among themselves through meetings, exchange of information and activities supportive of one another.

(6) The Authority may, from time to time, offer assistance to the societies, companies, cooperatives and individual breeders as may be necessary.

PART III — REGISTRATION AND LICENSING

Appointment of Registrar. **18.** The Authority shall appoint a Registrar of Livestock Breeding

Registration and licensing. **19.** (1) The Registrar shall prepare and maintain a register for every matter requiring registration or licensing, as the case may be, in the manner and form in the Fifth Schedule.

(2) A person shall not conduct any business of livestock breeding unless that person—

(a) is registered and has a certificate of registration; and

(b) holds a current license issued by the Authority to operate as such.

(3) A business other than livestock breeding or related activities and processes shall not be conducted at the premises, place or facility specified in the registration certificate and licence or the machinery, plant, article or thing specified therein shall not be used to do any other business unless that other business is closely related to livestock breeding and the Authority has granted permission in writing thereof;

(4) The Authority, shall charge such fee for registration and licensing as the Cabinet Secretary shall approve.

Rights and obligations of livestock breeders. **20.** (1) A livestock breeder, other than an indigenous breeder, shall enjoy the rights and have obligations provided under this regulation.

(2) The livestock breeders shall enjoy the right to—

- (a) use their knowledge on the conservation and sustainable use of their animal genetic resources and to own any intellectual property that may arise from their breeding activities without fear of their appropriation;
- (b) be recognized as creators of breeds and custodians of their animal genetic resources for business, food and agriculture now and in future;
- (c) breed and make breeding decisions and to participate in policy making processes on animal genetic resources for food, agriculture and any other issues or purpose;
- (d) participate in the identification of research needs with respect to their genetic resources;
- (e) be consulted before the national government endorses any International Treaty, Convention, Agreement, Protocol or any such arrangement relating to animal genetic resources, trade in animal genetic resources or any other related issue and to be protected from harsh, discriminatory, unconscionable or unfair provisions of any such International Treaty, Convention, Agreement, Protocol or arrangement.

(3) The obligations or responsibilities of a livestock breeder shall be to—

- (a) where a breeder is a member of a breed society or a community based organisation, and for purposes of self-regulation, adhere to all rules and regulations of the breed society or community based organisation regarding breeding and genetic improvement practices, and any other matter specified by the society or community based organisation;
- (b) consult an animal breeding expert on any matter concerning livestock breeding;
- (c) work with or through a breed society, community based organization or any group of farmers to which he is a member for reasons of self-regulation and achievement of synergy in common breeding and improvement goals;

- (d) report to the Authority any suspicious matter, activity or circumstances likely to affect or actually affecting breeding and improvement of animals in his area;
- (e) keep all and proper records and registers concerning breeding as is required by these regulations, a breed society, community based organization or any breeder group and, in particular keep records relating to—
 - (i) measures put in place and or actually taken to control hazards occurring in the environment of breeding animals or animals contiguous thereto in an appropriate manner and for an appropriate period commensurate with the nature and magnitude of the hazard and avail this information to an inspector for information and appropriate action;
 - (ii) the use, if any, of genetically engineered technologies inputs in breeding animals;
 - (iii) any occurrence of pests or diseases that may affect the safety of breeding animals; and
 - (iv) the results of any analyses carried out on samples taken from his breeding animal that have a material bearing on breeding;
- (f) avail all relevant breeding records and information to the Registrar as and when required;
- (g) enforce any measures or directives that may be given to him from time to time by the Authority, on any matter concerning livestock breeding.

Rights and duties of breed societies, community-based livestock breeding groups.

21. (1) A breed society, community based breeding groups or any group of livestock breeders registered by the Authority shall be recognized as a juristic person from the date of that registration.

(2) Pursuant to sub regulation (1) a breed society, community based organization or any group of livestock breeders shall have the right to—

- (a) register and regulate its members and their breeds in such records and in such a manner it shall consider appropriate under its constitution;
- (b) record in the normal way and stud books the pedigree and performance of their members' breeds in compliance;
- (c) represent its members in any forum and on any matter requiring representation;
- (d) in the exercise of self-regulation, keep appropriate records of livestock breeds of its members and control and regulate their livestock breeding activities pursuant to their constitutions for purposes of compliance with the provisions of these regulations;
- (e) be consulted on such matters of breeding relevant to their activities, and breeds as provided for under these regulations or advise the Authority on matters of interest to them and their members or breeds;
- (f) defend and advance the interests of their members, so long as those interests are not in any way contrary to any provision of these regulations and the Act;
- (g) participate in any policy formulation on issues relevant to their activities;
- (h) Exercise their right to deal in any manner in their animal genetic materials as they may consider beneficial to all of their members or a section thereof and protect all other rights of their members as breeders;
- (i) at any appropriate time, suggest to the Authority any measures that may be taken to protect, promote, coordinate or assist in the advancement of livestock breeding programs generally or their genetic materials; and
- (j) engage any person or organization, within or without the country, and do anything they can

do under their constitutions without contravening the provisions of these regulations, the Act or any other law, for purposes of promoting their interests generally or in any specific respect.

(3) The duties of a breed society, community-based organisations or any group of animal breeders are to—

- (a) observe any measures touching on breeding activities which may be required by any agency or authority responsible for environmental regulation, public or animal health, animal welfare and ethical concerns;
- (b) assist their members, either as farmers or livestock keepers, articulate their rights and perform their duties;
- (c) submit to the Authority a duly certified copy of its constitution and certificate of registration, for record and necessary action; and
- (d) review and develop breed standards from time to time.

PART IV—INSPECTION

Appointment of
inspector.

22. (1) The Authority shall, in consultation with county governments, appoint qualified persons, to be inspectors for the purposes of these regulations and shall equip and empower them and facilitate their training from time to time to enable them attain levels of professionalism sufficient for efficient performance of their duties under the provisions of these regulations.

(2) The Authority shall ensure that—

- (a) a person appointed inspector under this section has, among other qualifications, attained a diploma certificate in animal sciences.
- (b) the inspector undergoes continuous professional training in the relevant fields of knowledge from time to time to make him more proficient in the performance of his duties under these regulations and the Act; and

- (c) prior to the commencement of his duties under these regulations, the inspector has undergone induction course in laid down procedures in sample taking and in undertaking the inspection process including facilitatory engagement techniques for dealing amicably with breeders and breeding service providers as the Authority may deem fit.

Identification of
an inspector.

23. (1) Every inspector appointed under regulation (22) shall be issued with a photo identity card duly stamped and signed by the Authority's duly authorized agent for identification purposes.

(2) The inspector shall carry his identity card at all times while performing his duties under these regulations and shall produce it upon entering any premises to be inspected under these regulations whether or not he is required to do so by the person who is, for the time being, in charge of that premises.

(3) The inspector shall ensure that the identity card is immediately returned to the Authority or its authorized agent upon ceasing to be inspector and if not returned for any reason, the card shall automatically cease to be of effect from the date on which of ceasing to be inspector.

(4) The Authority shall take such action as it considers appropriate against an inspector who violates the provisions of this section.

Powers and duties
of inspector.

24. (1) In the performance of his duties under these regulations, an inspector may—

- (a) at any reasonable time, enter any premises, facility or place where he reasonably suspects, knows or in connection with which he has received information that breeding activities are being conducted or a breeder is in the process of initiating breeding activities, conduct an inspection for purposes of ascertaining whether or not the premises, facility or place are duly registered for purposes of livestock breeding under these regulations; and where he determines that the premises, facility or place are not so duly registered, he shall forthwith inform the Registrar in writing for appropriate action.

- (b) at any reasonable time, enter premises, facility or place where he has reason to believe that an offence is being, is about to or has been committed, in order to investigate and obtain evidence;
- (c) cause to be examined or tested, any animal or genetic material to which these regulations applies and which is found in or at such premises, facility or place;
- (d) cause to be examined or tested any equipment, material, substance or other article which is used or is suspected to be used at or in connection with the collection, evaluation, processing, packing or storing of genetic material or the artificial insemination or transferring of ova or embryos into recipient female animals;
- (e) inspect the operations or process in connection with any action referred to in paragraph (d), and demand from the owner or custodian of the animal, genetic material, equipment, material, substance or thing concerned, or from the person who has it in his custody, or who supervises such operations or processes any information or an explanation regarding the operation, process, animal, genetic material, material, substance or thing;
- (f) take or cause to be taken such samples of the blood of an animal or genetic material, material, substance or thing as he may deem necessary, and for such purpose open any container in which such genetic material, material, substance or thing is contained and require reasonable assistance from the owner or the custodian of such animal, genetic material, material, substance or thing;
- (g) examine and make copies of or take extracts from any book or document in respect of which he reasonably suspects that it relates to such animal, genetic material, material, substance or thing, irrespective of whether or not it is kept on or at the place, premises, facility or conveyance concerned or at any other place, and demand from the owner of such book or document or from the person

who has it in his custody an explanation regarding any record or entry therein;

- (h) seize and remove from any premises, place or vehicle any number of animals, or the whole, or any part of genetic material, material, substance or thing, or any book or document relating to such animal, genetic material, material, substance or other article or sale of the animal or genetic material or products of that animal which he has reasonable cause to believe affords evidence of contravention of any of the provisions of these regulations;
- (i) inspect or cause to be inspected any process or operation, manufacture, production, processing, mixing, packaging or treatment that may relate to any animal, genetic material, material, substance or thing which is or appears to be carried out in those premises or places for purposes of determining whether or not the provisions of these regulations are being contravened; and

(2) Any sample taken pursuant to this section shall be taken—

- (a) with such care so as not to unduly diminish the commercial or genetic value, as the case may be, of the bulk from which it is taken; and
- (b) in the presence of the breeder or custodian; and if the owner is not there for whatever reason, in the presence of any servant or agent of the breeder or custodian and in the absence of any such servant or agent, the inspector shall desist from taking the sample until further notice.

(3) The owner or servant or agent, as the case may be, and any other person found in the place where inspection takes place, shall give the inspector, free of charge, all reasonable assistance, excluding the actual taking of samples, as the inspector may require to enable him to carry out his duties under these regulations and shall furnish the inspector with any information he may reasonably require.

(4) An inspector who—

- (a) directly or otherwise solicits for, or receives in connection with any of his duties, a payment or other reward, whether pecuniary or otherwise,

or a promise or security for any such payment or reward whether or not he is entitled to claim; or

(b) enters into any agreement to do, abstains from doing, permit, conceal or connive at any act whereby the Authority is or may be defrauded, or which is contrary to the provisions of these regulations or the power of execution of the duty of that inspector; or

(c) discloses, except for the purposes of these regulations or when required to do so as a witness in a court of law or with the approval of the Authority, information acquired by him in the performance of his duties relating to a person, premises, place, animal, genetic material, material, substance or thing being or already inspected, or adversely concerning the breeding business of the breeder; or

(d) uses his position to improperly enrich himself or others,

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

(6) A person who, with the intention of defrauding the Authority or in any way defeating the successful enforcement of or inspection under these regulations—

(a) directly or indirectly offers to give an inspector a payment or reward, whether pecuniary or otherwise, or makes a promise or security for any such payment or reward, or

(b) promises or enters into an agreement with an inspector in order to induce him to do, abstain from doing, permit, conceal or connive at any act as a result of which the purposes of these regulations are defeated, or which is contrary to the provisions of these regulations for the proper execution of the duty of that inspector,

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

Presence of police officer required to enter premises.

25. (1) If an inspector has reason to believe that the animal, genetic material, material, substance or other article which is the subject of inspection under these regulations, or any record or thing connected therewith, is within the premises, he may request the occupant in the premises for permission to enter the house to conduct inspection.

(2) If the occupant declines, neglects or unduly delays to grant permission, the inspector shall seek the assistance of a police officer nearest to him to facilitate a forced entry into the premises and the officer as well as the occupant shall stay with the inspector until the inspection is satisfactorily concluded.

(3) An inspector who is compelled to conduct an inspection under the provisions of sub regulation (2) may take from the premises any materials relevant for the inspection and shall endeavor to expeditiously complete the inspection so as not to cause undue inconvenience to the occupant.

Presence of breeder or custodian during inspection.

26. (1) An inspector shall take such steps as are reasonably practicable to afford the breeder or custodian of anything that is the subject of inspection under these regulations, an opportunity to be present during the inspection and the breeder or custodian shall have the right to put any relevant questions to the inspector and the inspector shall be obligated to answer the questions.

(2) The inspector shall give to the person from whose custody any book, record, document, material or anything has been taken for inspection purposes, the duplicate receipt indicating what has been taken by the inspector, and the duplicate receipt shall be duly signed and stamped by the inspector using his official rubber stamp and the person to whom the receipt is given shall in turn sign the copy of the receipt retained by the inspector.

(3) Anything taken away from a breeder or custodian under this section shall, at the end of the purposes for which it was taken, be expeditiously returned in whole or in part to the breeder unless the inspector has a compelling reason not to return it in whole or in part thereof.

Obstruction of inspector

27. (1) Any person who—

(a) in any manner or style, willfully obstructs, impedes or hinders an inspector or police officer accompanying the inspector from

exercising any of his powers or performing his duties; or

- (b) refuses or neglects to furnish any information or to produce any document, to attend at any place when required, or instigates any person to disobey or make it difficult for the inspector to conduct inspection; or
- (c) in any way threatens the inspector or any person lawfully accompanying the inspector; or
- (d) refuses or unreasonably delays to obey any instructions given to him by the inspector for the attainment of the purposes of these regulations

commits an offence and shall, on conviction, be liable to pay a fine not exceeding one hundred and fifty thousand shillings or to imprisonment for a period not exceeding three months or to both.

(2) Any person who in any way abates or facilitates the violation of any of the provisions of sub regulation (1) commits an offence and shall, on conviction, be punished in accordance with the provisions of that sub regulation.

Seizure and
destruction of
genetic material,
machinery, etc.

28. (1) An inspector may, in consultation with the Authority or its duly authorized agent, at any time seize, with intent to destroy, an animal, genetic material, material, substance, article, machinery, plant, or thing which he has reason to believe or about which he has received credible information to the effect that it has been used or is about to be used in contravention of these regulations.

(2) Before the destruction of genetic material, material, article, substance, or thing or forfeiture to the Government of the animal, machinery or plant seized under sub regulation (1), the inspector shall forward the matter to the Authority for necessary action.

Confidentiality

29. (1) An inspector, analyst, the personnel of accredited laboratories involved in sample testing or any person who is accountable to the Authority for the purposes of these regulations shall not, in any way, disclose to third parties information or matter relating to the animal, genetic material, business operations of owner or custodian or anything connected therewith, which information or matter came to his knowledge by virtue of the performance of his duties or the

rendering of services under these regulations, except where the disclosure is—

- (a) permitted by the owner or custodian, in writing;
- (b) made to the Authority for the purposes of these regulations;
- (c) ordered by a court of law; or
- (d) information which is already in the public domain.

(2) The disclosure of information contrary to sub regulation (1) shall constitute an offence punishable, on conviction, by a fine not exceeding one hundred thousand shillings or imprisonment for six months or to both.

FIRST SCHEDULE

COUNTY LIVESTOCK REGISTER

[Regulation 7 (2)]

S/N o.	Animal Number	Animal Tag Number	Date of regist ration	Spec ies	Br ee d	Sex	Age	Health events (includi ng death)	Owners name	Addres s	Rem rks
1											
2											
3											

SECOND SCHEDULE

NOTIFICATION OF BIRTH FORM

[Regulation 7 (2) (a)]

The Registrar,

Livestock Inputs and Products Regulatory Authority,

P.O. Box..

NAIROBI

Herewith I/we give notice for the birth of the following animal(s).

	Species	Breed	Animal ID no.	Animal tag no.	Date of birth	Sex	Registration No. of the sire	Registration No. of the dam	Description	For official use only
1										
2										
3										
4										
5										

We/I certify that the details of birth given above are correct to the best of our knowledge and belief

Name _____ of _____ owner
:.....

Address:.....
.....

County:.....
.....

Telephone:.....
.....

ID
Number:.....
.....

THIRD SCHEDULE

NOTIFICATION OF CHANGE OF OWNERSHIP

[Regulation 7 (2) (c)]

Name _____ of _____ seller/donor
:.....

Address:.....
.....

County:.....
.....

Telephone:.....
.....

ID
Number:.....
.....

Name _____ of _____ buyer/**recipient**
:.....

Address:.....
.....

County:.....
.....

Telephone:.....
.....

ID
Number:.....
.....

Date _____ of _____ transfer
:.....

Location _____ of _____ transfer
:.....

Species of animal:.....

Breed:.....

Sex:.....

Age:.....

Animal _____ identification
number:.....

Signature _____ of
seller/donor:.....Date.....
....

Signature _____ of _____ buyer/recipient:.....
.Date.....

Name _____ and _____ Signature _____ of
Witness:.....Date.....

FOURTH SCHEDULE

NATIONAL ANIMAL IDENTIFICATION SYSTEM

[Regulation 7 (7) (a)]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Country code-2		Regional Code		County	Ward			Herd/ flock				Individual Animal					
Alphabets				Code	Code			Owners Code- Numerals 4 Digits				Identification Number- Numerals 5 Digits					
				Numeral	Numerals												
				2 digit	3 Digits												
KE		AR, MG, etc		0-9	001-999			0001- 9,999				00001-99,999					
Full Regional Code																	
Full County Code																	
Full ward Code																	
Full Livestock Farmer Registration																	
Premises Identification Number or Code												Individual Animal					
(Registration Number)												Identification Number					
												(Working Number)					
Integrated Livestock Identification Number- Linking Premises & the Animal																	

FIFTH SCHEDULE

REGISTRATION AND LICENSING

[Regulation 19 (1)]

Part I: Who or what is to be registered?

- (a) a semen collector, inseminator, embryo collector or embryo transferor if-
- (i). He proves to the satisfaction of the Registrar that he has successfully completed an artificial insemination course from an Institution recognized by the Authority;
 - (ii). a veterinarian who has been designated by the Registrar for such purpose has certified in the form prescribed by the Registrar that the semen collector, inseminator, embryo collector or embryo transferor, as the case may be, has, in his opinion, sufficient practical and theoretical knowledge of the manner in which, in the case of a semen collector, semen or, in the case of an embryo collector, embryos or ova may be collected, evaluated, processed, packed or stored in accordance with these regulations, and in which animals, in the case of a semen collector, inseminator or embryo collector, may be so artificially inseminated or, in the case of an embryo collector or embryo transferor, be implanted with an ovum or embryo; and
 - (iii). he has complied with such other requirements specified by the Registrar.
- (b) **an importer or exporter or agent** thereof may be registered as such if he undertakes in writing addressed to the Registrar that he shall at all times when importing or exporting thereof comply with the requirements of these regulations in respect with importation of animals, or animal genetic materials and any other written law dealing with exportation of things and materials.
- (c) **premises or facilities** where genetic material is collected, evaluated, processed, packed, labeled, stored and sold, may be registered if-
- (i) the prescribed facilities are available at such premises for such purpose;
 - (ii) the technical operations at such premises, with reference to the care of animals being kept there, and the collection, evaluation, processing,

packing, labeling and storage of genetic material, are controlled and managed by a person who complies with the prescribed requirements; and

- (iii) such premises comply with such other requirements as may be prescribed by the Authority.

- (d) upon selection, **an animal is registered as a donor or recipient** of genetic material if a veterinarian has certified in a prescribed form that both the animals are acceptable in respect of-

- (i) general state of health;

- (ii) absence of disease;

- (iv) quality of the semen, and

- (iv) such others characteristic as the registrar may require.

- (e) **a breed society** if-

- (i) the society possesses a valid registration certificate as a society under the **Societies Act [Cap. 108]**; and

- (ii) fulfills such other conditions as the Authority may require.

Part II: Procedure for application and issuance of certificate of registration

Application for and issuance of Certificate of registration

1. The application shall be in a form prescribed by the Authority for that purpose, shall be addressed to the Registrar and may be submitted in electronic form, by post or in person at a physical address specified by the Registrar.
2. Upon receipt of the application, the Registrar shall, within 30 days from the date of receiving the application-
 - (a) issue the certificate applied for if the application satisfies all the requirements of these regulations as to registration; or

- (b) reject the application and decline to issue the certificate applied for if he finds the application wanting in any material particular or if it is contrary to any provision of these regulations.
- 3. If the Registrar rejects the application he shall, in writing and within the period specified under sub regulation (2), furnish the applicant with reasons for the rejection.
- 4. Every certificate issued under sub regulation (2) (a) shall be in a Form prescribed by the Cabinet Secretary and shall bear a serial number, signature of the Registrar, on behalf of the Authority, and official stamp of the Registrar.
- 5. A certificate issued under this section may be subject to such terms and conditions of issue as circumstances may warrant so long as those terms and conditions are stated on the face of the certificate and contain a statement to the effect that the person to whom the certificate is issued has a right to challenge all or any of the terms and conditions.

Part III: Cancellation, surrender, loss of certificate, etc.

- 1. A certificate of registration issued under sub-regulation 2 (a) shall remain valid unless it is-
 - (a) revoked or otherwise terminated by the Registrar for any of the reasons set forth in this regulation, which reason the Registrar shall furnish to the certificate holder in writing at the time of revocation or termination; or
 - (b) surrendered by the holder thereof for whatever reason.
- 2. (a) A lost, destroyed, defaced or mutilated certificate which is still valid may be replaced by the issuance of another one upon satisfactory proof, by the holder thereof or his agent, of loss, destruction, defacement or mutilation;
 - (b) There shall be payment of such fee for first issuance and for replacement of a certificate as the Authority may determine;
 - (c) a replaced certificate shall be marked on its face "REPLACEMENT" and no more than one replacement is permitted;
 - (d) Every certificate or a replacement thereof issued under this Schedule shall remain the property of the Authority and shall in no way be transferable; reason wherefore the certificate shall be submitted to the Registrar when revoked, suspended or surrendered under sub regulations (1) (b) and (3) of this regulation.

3. A holder of a registration certificate who, for any reason -

- (a) withdraws from the activity for which the certificate was issued, or
- (b) relocates to a place or site different from where he was when he was registered, or
- (c) alters his business premises or facility substantially, or
- (d) temporarily ceases to operate in the capacity in which he was at the time of registration, or
- (e) deals in things or engages in activities other than what he was registered for to the extent that the breeding activities are substantially or materially altered or affected, or
- (f) becomes exempt from the provisions of these regulations, or
- (g) changes ownership of the breeding business, or
- (h) changes the breeding business or his name or personal particulars on the basis of which he won registration,

he shall give written notice to the Registrar to that effect within 30 days from the date of so intending or deciding and shall consequent thereupon surrender to the Authority his certificate of registration and the unexpired licence which he currently holds and both the certificate and unexpired licence shall be cancelled forthwith.

4. If any person who has taken any of the steps under sub regulation (3) wants to resume breeding business or operations, he shall apply for a fresh certificate in accordance with the provisions of regulation 4.

5. Revocation of certificate

The Registrar may revoke or cancel registration and the certificate issued therefor under regulation 2 (a) if he is satisfied that-

- (a) the breeder or farmer or his agent has failed to comply with any of the terms and conditions on which the issuance of the certificate was subject, or that he secured the registration fraudulently or corruptly; or
- (b) any premises, machinery, plant or facility noted in the certificate is in a condition that renders the breeder or farmer to violate the provisions of these regulations or any other written law; or
- (c) it is contrary to public policy and or national interest that a registered breeder or farmer to continue registered; or
- (d) the breeder or farmer has been in the past or he is presently in breach of ethical conduct relating to any business, or
- (e) the breeder or farmer has voluntarily surrendered a certificate of registration or for any of the reasons provided under this Schedule.

Part IV: Registers

1. The Registrar shall keep a register of breeders, breed societies, semen collectors, inseminators, embryo collectors, embryo transferors, import and export persons or agents, centers, donor animals, which have been registered under these regulations and each register shall show the prescribed particulars in respect of such breeders, breed societies, semen collectors, inseminators, embryo collectors, embryo transferors, import and export persons or agents, centers, and donor animals.
2. Any register maintained pursuant to these regulations shall be open to inspection by any interested person only for official or legitimate purposes; reason wherefore the register shall at all times during the Authority's working hours, be open to inspection in a place accessible to the person seeking to inspect and such person may, at his own cost, take notes therefrom or photocopy the whole or part of the contents of the register.
3. Where a person, other than an officer of the Government acting in his official capacity, makes notes from or photocopies contents of a register as is permitted under sub regulation (2), the person shall pay to the account of the Authority such an amount of inspection fee as the Authority may determine from time to time and the fee charged shall take into account any mutilation, defacement or mishandling, as the case may be, of the register by the person inspecting.
4. The Registrar may make corrections of any clerical error apparent on the register, but shall not make corrections of any substantive nature without the sanction of the Authority and, a record of all errors corrected shall be kept in writing at all times.

Dated, the....., 2023 .

HON.CBD.MBS.MITHIKA LINTURI
Cabinet Secretary for Agriculture and Livestock development