

THE ANIMAL WELFARE AND PROTECTION BILL, 2024
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SCHEDULE

**THE ANIMAL WELFARE AND PROTECTION
BILL, 2024**

A Bill for

**AN ACT of Parliament to provide for the welfare and
protection of animals and for connected purposes**

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Animal Welfare and Protection Act, 2024.

Interpretation.

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

“animal” means any member of the animal kingdom whether living or dead, but does not include a human being;

“animal protection” means actions aimed at keeping an animal healthy, comfortable, well nourished, safe, able to express innate behaviour and prevention of any form of suffering;

“animal welfare” means the state of the animal and how the animal is coping with the conditions in which it lives and dies, including good health, comfort, good nourishment, safety, ability to express innate behaviour and freedom from suffering from unpleasant states such as pain, fear or distress;

“aquatic animal” means an animal which predominantly lives in water;

“baiting” means the act of luring an animal for the purpose of killing the animal;

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“Board” means the Kenya Veterinary Board established under section 3 of the Veterinary Surgeons and Veterinary Para-professionals Act;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to animals, animal protection and animal welfare;

“Chief Officer” means the Chief Officer for the time being responsible for veterinary matters in a county government;

“companion animal” means a domesticated or domestic-bred animal whose physical, emotional, behavioural and social need can be readily met as a companion in the home;

“County Director” means a County Director of Veterinary Services;

“County Executive Committee Member” means the member of the County Executive Committee responsible for matters relating to veterinary services in a county government;

“cruelty” means any deliberate act or omission that results in a compromised welfare of an animal;

“Director-General” means the Director-General of Veterinary Services appointed in accordance with the Animal Health Act;

“domestic bred” means an animal which is ordinarily a wild animal but which a person has raised as if the same was a pet;

“experiment” means any experiment performed on an animal but does not include an operation conducted for the good health of the animal;

“euthanasia” means the act of inducing humane death to an animal;

“farm animal” means any animal that is bred or kept for the production of food, wool, skin or fur or any other farming purposes;

“humane slaughter” means slaughtering an animal in a manner that does not elicit pain or anxiety;

“operation” means a procedure performed on an animal by a veterinary surgeon or any person legally permitted to do so in order to—

(a) save or prolong the life of an animal for the exclusive benefit of the animal;

(b) alleviate any suffering to the animal; or

(c) practice good animal husbandry and welfare for good management practice;

“owner” includes any person having the charge, custody or control of an animal;

“premises” means a place where an animal is kept or slaughtered for consumption;

“receptacle” means a crate, box or container used for the carriage of animals which is not an integral part of a vessel, aircraft or vehicle;

“recreation or entertainment animal” means any animal used to act, perform, fight or kill for the enjoyment of humans;

“sanctuary” means a place or area where any animal that is stray, lost or confiscated due to injury or cruelty may be provided with shelter and care;

“sentience” means the capacity of an animal to experience suffering and pleasure including pain and positive emotions with a level of conscious awareness;

“stunning” means the process of rendering an animal unconscious prior to slaughter or destruction;

“transport” means to move an animal by sea, air, road, rail or on hoof and includes where an animal is being transported when awaiting to be loaded or unloaded, when being loaded or unloaded and when awaiting, whether or not in the vessel, aircraft or vehicle, for the continuation of a journey;

“unbroken horse” means a horse that has not been trained for riding and is therefore unsafe to ride;

“vehicle” in relation to the transport of animals by road includes a trailer, constructed or adopted for use on a road, whether drawn or propelled by animal or mechanical power, and, in relation to the transport of animals by rail, includes rolling stock of any description;

“working animal” means any animal that is used to provide any service and includes an oxen, equid, camel and guard dogs; and

“vermin” means a class of animals ordinarily defined as pests that spread diseases and destroy crops or livestock.

Objects.

3. The objects of this Act shall be to—

- (a) promote the protection, care and humane use of an animal;
- (b) provide the norms and standards for efficient welfare and protection of animals;
- (c) provide mechanisms to regulate conduct that is permissible in relation to an animal or class of animals;
- (d) promote access to shelter, management, nutrition, handling and slaughter or killing of animals in an appropriate manner;
- (e) provide for appropriate mechanisms of animal care and animal husbandry;
- (f) facilitate proper use and care of animals used in research, investigations and teaching; and
- (g) provide for the implementation of measures required by any treaty, international convention or regional intergovernmental agreement, on matters of animal welfare and protection, ratified by Kenya.

Application of the Act.

4. This Act shall apply to the protection and welfare of animals with regard to—

- (a) ownership or custody of animals; and
- (b) handling of animals.

PART II—ANIMAL WELFARE

Basic care for animals.

5. (1) A person who owns, is in charge or has custody of an animal shall be liable for any act done by the animal and shall ensure that the animal—

- (a) is prevented from exposure to diseases and has access to appropriate veterinary care;
- (b) has access to adequate shelter, management and nutrition;
- (c) has access to a stimulating and safe environment;
- (d) is handled, slaughtered or killed in a humane manner;
- (e) not exposed to physical and thermal discomfort; and
- (f) expresses normal patterns of behaviour.

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(3) Where an authorised officer has reason to believe that a person has contravened this section, the officer may confiscate, and shall escort, the animal to an orphanage or such other safe legal premises, and shall report the matter to the relevant authority with immediate effect.

(3) Where a person is convicted of an offence under this section, the court may order that custody of the animal be granted to another person or institution.

(4) Where custody of an animal is granted to another person or to an orphanage due to an offence committed by the owner, the court may where there are reasonable grounds to believe that the person may not take good care of the animals, order that the owner provides compensation for cost incurred for such custody.

Confinement or
captivity of an
animal.

6. (1) A person who confines an animal shall—

- (a) provide the animal with feed, water, access to sunshine, air and shelter that is adequate; and
- (b) confine an animal in a manner that allows an animal to express natural behaviour.

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Farm animals.

7. (1) A person who keeps or has custody of a farm animal shall adopt practices of farming which ensure that —

- (a) the farm animal is inspected by the custodian at reasonable intervals to ensure the welfare and protection of the animal;
- (b) the structure used for keeping a farm animal is inspected at least three times a day or is inspected at reasonable intervals to ensure the welfare and protection of the animal; and
- (c) a farm animal that is sick is isolated, comfortable and provided with appropriate emergency care and a veterinary professional is notified of the sickness.

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Animal
accommodation.

8. (1) A person who keeps an animal in a structure for the purpose of accommodation shall ensure that such a structure —

- (a) allows the animal adequate space to stand, turn around, stretch, sit, or lie down comfortably;
- (b) has adequate space for the animal to move and engage in natural behavior;
- (c) allows the animal to interact with other animals that it is compatible with;
- (d) is stocked with a density of animals that—
 - (i) prevents excessive temperature and humidity;
 - (ii) prevents competition, stress and aggression among animals; and
 - (iii) enables efficient and regular management of waste.

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Slaughtering of an animal for human consumption.

9. (1) A person who slaughters an animal shall—

- (a) slaughter the animal in a manner that does not subject the animal to pain, distress or suffering before and during slaughter;
- (b) stun the animal or induce unconsciousness in a manner that is non-invasive, as prescribed by regulations;
- (c) ensure that an animal is bled within twenty seconds of entering a killing area to minimize pain or anxiety in the animal;
- (d) ensure that a veterinary surgeon or veterinary paraprofessional verifies the absence of signs of life before any other procedure is conducted on the animal;

- (e) ensure that an animal that is unable to walk or stand as a result of injury, fatigue, and any other reason while at the slaughterhouse is wheeled to the slaughter area; and
- (f) ensure that an animal that is alive is not exposed by sight to an animal being slaughtered or animals that have already been slaughtered.

(2) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Aquatic animals.

10. (1) A person who cares for or uses an aquatic animal shall ensure that the animal is—

- (a) kept in a manner that does not subject the animal to injury, pain or anxiety;
- (b) kept in water that is sufficiently oxygenated;
- (c) supplied with feed that is adequate; and
- (d) kept in a space that provides for free movement and enables expression of its natural behaviour.

(2) A person who contravenes a provision of this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

Transportation of animals.

11. (1) A person who transports an animal shall—

- (a) ensure that an animal spends minimal time on a journey;
- (b) ensure that a person that handles the animal during transit has experience and competence in handling the animal;
- (c) provide a loading or an unloading facility that is appropriate, as prescribed in

Cap. 364.

regulations, to the species being transported;

- (d) provide a vehicle, a vessel or a container that is designed, constructed and fitted in a manner that is appropriate for a species, size and weight of an animal that is to be transported;
- (e) provide water and feed suitable for the species of animal; and
- (f) ensure that an animal is accompanied by necessary documentation required in transit as provided under the Animal Diseases Act.

(2) A person who contravenes a provision of this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

PART III—ANIMAL WELFARE ADVISORY COMMITTEES

The National Animal Welfare Advisory Committee.

Establishment and membership of the National Animal Welfare Advisory Committee.

12. (1) There is established a committee to be known as the National Animal Welfare Advisory Committee.

(2) The Committee shall comprise of—

- (a) the Director General or a person nominated in writing by the Director General;
- (b) three County Directors, one of whom shall be the Chairperson of the County Veterinary Services Committee, nominated in writing by the Chairperson of the Council of governors;
- (c) the Director General of the Kenya Wildlife Service or a person appointed in

writing by the Director General of the Kenya Wildlife Service;

- (d) the Inspector-General of Police or a person appointed in writing by the Inspector-General of Police;
- (e) the Director of Livestock Production or a representative appointed in writing;
- (f) three persons nominated by an umbrella body representing public benefit organisations that advocate for matters relating to animal welfare;
- (g) a person nominated in writing by the Kenya Veterinary Association;
- (h) a person nominated in writing by the Kenya Veterinary Paraprofessional Association;
- (i) a person nominated in writing by the Animal Production Society of Kenya;
- (j) a person nominated in writing by an animal research institution; and
- (k) the Chief Executive Officer of the Kenya Veterinary Board.

(3) The Cabinet Secretary shall appoint persons under subsection (2) by notice in the *Gazette*.

(3) The members appointed under subsection (1)(f) shall hold office for a term of three years but may be eligible for a reappointment for a further single term of three years

(4) The Chairperson shall be elected from a member nominated under paragraph (f).

(5) The Director-General shall be the Secretary to the Committee.

13. The functions of the Committee shall be to advise the Cabinet Secretary on matters of policy relating to animal welfare and animal protection including —

Functions of the
National Animal
Welfare Advisory
Committee.

- (a) identifying, developing and promoting strategies for co-operation between the national or county governments and a public benefit organization in matters relating to animal welfare; and
- (b) creating awareness on matters relating to animal welfare.

County Animal Welfare Advisory Committees

Establishment and composition of a County Animal Welfare Advisory Committee.

14. (1) Every county government shall establish a County Animal Welfare Advisory Committee whose membership shall comprise of —

- (a) the County Chief Officer responsible for veterinary matters who shall be the Chairperson of the Committee;
- (b) the County Director or a person appointed in writing by the County Director;
- (c) three persons nominated in writing by animal producer organizations;
- (d) two persons nominated in writing by a slaughterhouse owners' association;
- (e) two persons nominated in writing by animal transporters;
- (f) one person nominated in writing by a livestock research organization;
- (g) one person nominated in writing by veterinary paraprofessionals;
- (h) the County Warden in charge of Kenya Wildlife Service or a person appointed in writing by the County Warden in charge of Kenya Wildlife Service;
- (i) the County Director of Livestock Production or a person appointed in writing by the County Director of Livestock Production;

Functions of a
County Animal
Welfare Advisory
Committee.

Conduct of
meetings of the
Animal Welfare
Advisory
Committees.

- (j) the County Director of Education or a person appointed in writing by the County Director of Education;
- (k) the County Police Commander or a person appointed in writing by the County Police Commander; and
- (l) two persons nominated in writing to represent a public benefit organization that advocates for animal welfare and protection.

(2) A County Executive Committee Member shall appoint members of a County Animal Welfare Advisory Committee by notice in the *Gazette*.

(3) The County Director shall be the secretary to the County Animal Welfare Advisory Committee.

15. A County Animal Welfare Advisory Committee shall advise a County Executive Committee Member on the implementation of policies relating to animal welfare and animal protection within the county including —

- (a) identifying, developing or promoting strategies for co-operation between a county government and public benefit organizations in matters relating to animal welfare;
- (b) creating awareness on matters relating to animal welfare; and
- (c) monitoring and evaluating the implementation of this Act.

16. (1) The National or a County Animal Welfare Advisory Committee shall conduct and regulate its business and affairs in the manner provided in the Schedule.

(2) Except as provided in the Schedule, The National or a County Animal Welfare Advisory Committee may regulate its own procedure.

PART IV—INSPECTION

Designation of inspector.	<p>17. (1) The Director General shall, in writing, designate an inspector who shall be a registered veterinary surgeon or veterinary paraprofessional at the national government.</p> <p>(2) A county Director shall, in writing, designate an inspector who shall be a registered veterinary surgeon or veterinary paraprofessional at the county government.</p>
Appointment of authorized officers.	<p>18. (1) The Cabinet Secretary may in writing, appoint authorised officers under this Act for the national government.</p> <p>(2) A County Executive Committee Member may, in writing, appoint authorised officers for a county government.</p> <p>(3) A person may be appointed under this section if the person meets the requirements set out in the instrument of appointment.</p> <p>(4) An appointment of an authorised officer may be revoked by the Cabinet Secretary or by the County Executive Committee Member, as the case may be, if the authorised officer contravenes any provision of this Act, or any other written law.</p>
Functions of an inspector or authorized officer.	<p>19. A person appointed as an inspector or authorized officer under this Act shall ensure compliance with the provisions of this Act and the functions, roles and responsibilities prescribed by the Cabinet Secretary under regulations.</p>
Prohibition of cruelty to animals.	<p>PART V—PROTECTION OF ANIMALS</p> <p>20. (1) A person commits an offence of cruelty if the person—</p> <ul style="list-style-type: none">(a) beats, kicks, treats, over-rides, over-drives, over-loads in a manner that is cruel or tortures an animal;(b) uses an animal which is diseased, injured or in such physical condition that in the opinion of a veterinary professional is unfit to be used;

- (c) conveys, carries, confines or impounds an animal in a manner that causes an animal suffering that is unnecessary;
- (d) without sufficient cause, starves, underfeeds or denies water to an animal;
- (e) being the owner of an animal, without reasonable cause or excuse, abandons it, in a manner that causes the animal suffering;
- (f) being the owner of an animal, keeps it in a dirty or verminous condition;
- (g) being the owner of an animal, without reasonable cause or excuse, fails to procure or administer veterinary treatment or attention for the animal in case of disease, injury or delivery of young;
- (h) willfully, without reasonable cause or excuse, administers a substance that injures an animal;
- (i) subjects an animal to a veterinary procedure by a person that is not authorized under the Veterinary Surgeons and Veterinary Professionals Act;
- (j) subjects an animal to a veterinary procedure that causes the animal suffering;
- (k) being the owner of an animal, fails to have it destroyed when the animal is injured or diseased that to prolong its life would cause it unnecessary suffering;
- (l) hunts, kills or destroys an animal in such a manner as to cause that animal more suffering than is necessary; or
- (m) being the owner of an animal, without reasonable cause or excuse, does or omits

to do an act which causes unnecessary suffering to the animal.

(2) A person who contravenes subsection (1) shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

(3) Nothing in subsection (1) shall render illegal—

Cap. 376.

(a) killing or destruction of an animal under the provisions of the Wildlife Conservation and Management Act; or

(b) subject to the provisions of Part II of this Act, the performance of any experiment on an animal, where the compliance with any provisions of that Part would necessarily frustrate the object or purpose of the hunting and killing or destruction, coursing and hunting, slaughtering, training, or the performance of an operation or experiment.

(4) For the purpose of subsection (3b), “coursing” means hunting an animal with a dog using sight rather than scent.

Fighting and
baiting of animals
an offence.

21. A person who—

(a) causes, promotes or assists the fighting or baiting of an animal;

(b) owns or manages a premise where fighting or baiting of an animal takes place; or

(c) receives, causes or procures any person to receive any money for the admission of a person to a premises where fighting or baiting of an animal takes place,

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

Offences relating to poisoned grain and flesh.

22. A person who supplies grain or seed or flesh which is poisonous with the intention of baiting an animal except a vermin or for a purpose authorised by legislation, commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

Offences relating to use of traps and other devices.

23. (1) A person who, for the purpose of capturing or killing an animal, uses, or causes or procures to be used, a device that causes an animal to suffer, commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

(2) Where any person is convicted of an offence under this section the court may, in addition to any penalty that may be imposed, order a device used by such person for the capturing or killing of any animal to be confiscated and forfeited to the State.

Hunting of injured or captive animal an offence.

24. (1) A person who, for the purpose of coursing or hunting, liberates any captive animal —

(a) in an exhausted, injured or mutilated condition;

(b) in such a manner or place as to expose it to immediate attack, or danger of attack, by other animals;

(c) in an enclosed space from which it has no reasonable chance of escape,

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

(2) For the purposes of this section, a captive animal shall not be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

Training of
animals in a cruel
manner an
offence.

25. (1) A person who trains any animal—

- (a) by inflicting pain or terror that is cruel;
- (b) by whipping, goading or use of an instrument to whip or goad; or
- (c) by applying of heat, electrical shock, or other similar appliance or agency,

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

(2) A court may issue an order for confiscation and forfeiture of any instrument used by a person for training of an animal where such a person is convicted of an offence under subsection (1).

(3) This section shall not apply to training of an animal for military or police purposes.

Prohibition of
certain public
contests,
performances and
exhibitions
involving animals.

26. (1) A person shall not promote, or take part in, or cause, a public performance which includes —

- (a) throwing or casting, with ropes or other appliances, of any unbroken or untrained animal;
- (b) riding, or wrestling, fighting or struggling with, any untrained animal; or
- (c) riding, or attempting to ride, any animal which by the use of any appliance or treatment involving cruelty is or has been stimulated with the intention of throwing off the rider.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

Prohibition of
films involving
cruelty to animals.

(3) In this section, “public performance” does not include a performance presented to the public by means of a cinematograph.

27. (1) A person shall not exhibit to the public, nor supply to any person for public exhibition, any cinematograph film or pictographic display, if in connection with the production of the film or pictographic display any scene represented in the film was organized or directed in such a way as to involve the cruel infliction of pain on or terror to an animal or the cruel goading of any animal to fury with the exception of media information and education purposes.

(2) For purposes of this section, a cinematograph film or pictographic display shall be deemed to be exhibited to the public when, it is exhibited in a place or social media site to which, for the time being, members of the public have access, whether on payment of money or otherwise, and the expression “public exhibition” shall be construed accordingly.

(3) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months, or both.

Peddling, vending
or displaying of
animals
prohibited.

28. A person who peddles, vends or displays an animal for sale in a place that is not authorised by law commits an offence and shall be liable, on conviction to a fine not exceeding fifty thousand shillings or imprisonment not exceeding three months, or both.

Prohibition of
unnatural act with
an animal.

Cap. 63.

29. Any person who has carnal knowledge of an animal commits a felony and is liable on conviction, to the penalty provided under the Penal Code.

Use of animals in
experiment or
research.

PART VI— CONTROL OF EXPERIMENTS

30. A person who performs an experiment on an animal or uses an animal in an experiment or research, shall ensure that —

- (a) the animal is kept and used for an experiment that is authorised;
- (b) a minimum number of animals, as determined by the researcher in consultation with the inspector, is used for the experiment or research; and
- (c) the animal that is used for an experiment is subjected to the least amount of pain, suffering, distress or genetic anomaly, or lasting harm.

Prohibition of performance of experiments subject to certain conditions.

31. (1) A person who wishes to perform an experiment on an animal under section 31 shall obtain a licence from the Board.

(2) A person who performs an experiment using an animal without a licence commits an offence and shall be liable, on conviction to a fine not exceeding three hundred thousand shillings or to a term of imprisonment not exceeding six months, or to both.

Authority to perform an experiment.

32. The Cabinet Secretary shall prescribe regulations relating to the care and use of animals in experiments and research which shall include provisions relating to—

- (a) conditions for the person authorised to conduct the research or experiment;
- (b) conditions for the period of conducting the research or experiment;
- (c) conditions for conduct of the experiment;
- (d) conditions for performance of the experiment under anesthesia;
- (e) conditions for killing of an animal on which an experiment is performed before it recovers from the influence of an anesthetic;
- (f) records to be kept by a person authorised to perform an experiment or research; and

(g) any other condition as the Cabinet Secretary may deem fit.

Teaching permit.

33. (1) A person shall apply to the Board for a permit to perform an experiment for the purpose of illustrating a lecture on grounds that —

- (a) an experiment is necessary for instruction of a person attending a lecture;
- (b) an experiment is necessary for the purpose of acquiring knowledge that may be used for saving or prolonging life, alleviating suffering, or combating any disease whether of human beings, animals or plants; and
- (c) an experiment is for a short term as prescribed by Regulations.

(2) The Board may issue a permit to teach under subsection (1) on terms specified in the permit for a period not exceeding twelve months.

Revocation of a licence or a permit.

Cap. 511.

Cap. 7L.

34. Subject to the provisions of the Science, Technology and Innovation Act and the Fair Administrative Action Act, the Board may revoke a licence under section 32 and a permit under section 34 where a person does not comply with terms prescribed by Regulations to the extent that there is a failure to demonstrate that an experiment complies with principles of animal welfare under this Act.

Records.

35. (1) A person who holds a permit under section 34 shall—

- (a) keep records of all experiments performed;
- (b) permit a person authorized in writing by the Board to inspect records; and
- (c) report results of an experiment to the Board in a manner prescribed by Regulations.

(2) Any person who being a permit holder contravenes, or fails to comply with, the provisions of this section commits an offence and shall, on

Inspection of activities of a licence or permit holder.

conviction, be liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Absolute prohibition of public exhibition of experiments.

36. (1) A person appointed as an inspector may at any time enter and inspect a place specified in any permit for the performance of experiments to ascertain whether the provisions of this Act are being complied with.

(2) A person who obstructs an inspector under subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year, or to both.

Consent to prosecute.

37. (1) A person shall not perform an experiment on an animal in public.

(2) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

PART VII—MISCELLANEOUS PROVISIONS

Liability of owners.

38. The Director of Public Prosecutions may by a notice in the *Gazette*, appoint a qualified person, to be a public prosecutor for the purposes of prosecuting an offence under this Act.

Destruction of injured animals by an inspector or an authorized officer without consent of owner.

39. A person who owns, cares for, uses or has custody of an animal, and fails to comply with the provisions of this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

40. (1) A person who has reason to believe that, an animal is diseased or is in a physical condition that, in his opinion, renders it necessary for destruction, shall inform an inspector who shall examine the animal and may—

(a) resolve to destroy the animal that has been examined and established to be

diseased or is in a physical condition that it is cruel to keep it alive; or

(b) move the animal in a manner that does not cause unnecessary suffering, where he determines that the animal is diseased or is in a physical condition that is certified as mortal injury or a severe injury.

(2) A veterinary surgeon or a veterinary paraprofessional shall destroy an animal under subsection (1) in a manner that does not cause unnecessary suffering.

(3) An animal that is destroyed shall be removed from a place that is public under supervision of an inspector or authorized officer.

Custody of animals pending proceedings.

41. (1) Where a person is charged with an offence under this Act, the court may, by order authorize an inspector to seize the animal and cause it to be removed to a sanctuary or some place of custody where the needs of the animal and welfare shall be met, pending the hearing of the charge, if the court is satisfied, from information given on oath, that such a seizure and removal are necessary in order to prevent the animal being exposed to further damage, injury or suffering.

(2) Where any person is convicted of an offence committed in relation to an animal which has been seized and placed in custody under subsection (1), the court may, in addition to any penalty that may be imposed, order the person convicted to pay a sum equal to the cost which the court finds to have been incurred in connection with the seizure and custody of that animal and the sum so ordered to be paid shall be recoverable as if it were a civil debt.

(3) Where proceedings are concluded in respect of an offence committed in relation to an animal which has been seized and placed in custody in terms of this section, the said animal may be delivered to the owner thereof or dealt with in such other manner as the court directs.

(4) A county government shall provide a place that complies with provisions of section 5 to hold an animal under subsection (1).

(5) A police officer, an inspector or an authorized officer shall not hold an animal under subsection (1) beyond forty-eight hours.

(6) A police officer shall make a recording of an animal in custody in the form of a video or photograph and such evidence shall be admissible as evidence before a court, without the presentation of the animal.

Power of a court to order destruction of animals.

42. (1) Where the owner of an animal is charged with an offence under this Act or against any regulation made thereunder in relation to any animal, it shall be lawful for a court of law, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy the animal, or cause or procure the destruction of the animal, in his presence, without suffering.

(2) Any reasonable expenses incurred in destroying an animal may be ordered by the court to be paid by the owner, or may be recovered summarily as a civil debt.

Forfeiture.

43. (1) A court may order that the animal in respect of which the offence concerned was committed be forfeited to a public benefit organization that deals with matters relating welfare of animals or to be disposed of as the court shall direct.

(2) A court may order a person convicted of an offence involving an animal to pay the cost of disposing of an animal provided for under subsection (1).

Compensation in certain cases.

44. (1) A court may order a person convicted of an offence involving an animal to pay to a person the cost of—

- (a) treating an injury of a person;
- (b) damage to property by an animal; or
- (c) expenses incurred providing care for an animal in relation to an offence committed,

a sum of money which the court finds to have been incurred and the sum ordered to be paid shall be recoverable as if it were a fine.

(2) Nothing in this section shall—

- (a) prevent a person from instituting legal proceedings in respect of damage or injury or expenses incurred provided that a person who has been convicted shall not be charged twice in respect of the same offence; or
- (b) affect the liability of a person to be charged and punished under this Act for an offence under this Act.

Any person authorized to prevent an offence.

45. A person who has reason to believe that an offence is being committed or is about to be committed under this Act may take reasonable steps necessary to prevent the commission of an offence and present an offender to the nearest police station for appropriate action.

Power to enter and inspect land, premises or vehicle.

46. (1) An inspector, authorised officer or a police officer of or above the rank of Sub-Inspector, may enter without warrant and inspect any land, premises or vehicle in or upon which an inspector or authorized officer, has reason to believe an offence under this Act has been or is about to be committed and may—

- (a) seize an animal, a vehicle or any other thing which he has reasonable grounds for believing to be evidence of an offence; or
- (b) require the owner or occupier of land or premises or an owner or a driver of a vehicle to render an explanation or

information relating to an animal as may be reasonably required by an inspector or a person authorized to act as an inspector in the performance of their duty,

but no person may answer a question which exposes him to a criminal charge, penalty or forfeiture.

(2) An inspector or a person authorized to act as an inspector shall issue a receipt in writing for an item that is seized, to a person who was in custody of such item.

(3) An inspector or a person authorized to act as an inspector who seizes an item under this section shall report without unnecessary delay to a magistrate.

Employers and owners to produce drivers or animals if so required.

47. (1) Where proceedings are instituted under this Act against a driver or a conductor of a vehicle, a court may summon the employer of a driver or a conductor, as the case may be, requiring the employer, where possible, to produce a driver or a conductor at the hearing of a case.

(2) Where proceedings are instituted under this Act, a court may summon an owner of an animal to produce an animal for the inspection of a court, where such production is possible without cruelty.

(3) A person who fails to comply with the provisions of this section may be found in contempt and may be subjected to summary proceedings.

Straying animals.

48. (1) A person shall not subject an animal to injury or treatment that is cruel for causing damage to or straying into, a property except where a life of a person or an animal is at risk.

(2) A person who owns or has custody of an animal that causes damage to a property shall pay the sum of the cost of damage to a person who owns the property.

(3) A person who finds an animal that has caused damage to a property—

- (a) may detain an animal, maintain such an animal and is entitled to claim the sum of any cost incurred in maintaining the animal from a person who is an owner of the animal; or
- (b) shall report the incident to the County Director or to the nearest police station.

(4) A County Director or an officer authorised by the County Director by notice in the *Gazette* shall investigate a complaint under subsection (3) within forty-eight hours and resolve the issue through mediation or forward a recommendation to prosecute to the Director of Public Prosecutions.

(5) A County Director or an officer authorised by the County Director by notice in the *Gazette* may—

- (a) confiscate an animal that is straying in a public place whose owner cannot be found within forty-eight hours; and
- (b) put such an animal in a place that is designated by gazette to be sold or destroyed.

(6) A County Director or an officer authorised by a County Director by gazette may recover the sum of the cost of maintaining an animal under subsection 5 from the owner of such an animal where such an owner is found.

Disposing of a carcass.

49. A County Director shall collect and dispose of a carcass of an animal found in a public place in manner to be provided by regulations.

Acts or omission not to be a defence on any ground.

50. A person who is charged under this Act for an offence under this Act shall not use a defence that an action or omission was an undertaking that is social, political, cultural, economic, religious or sports.

Awards.

51. A court that fines a person as a result of a criminal proceeding under this Act may award a sum not exceeding half the total fine to a person who is not a public officer, and recorded as a complainant during the course of a criminal proceeding under this

section or to such other person as the court may determine.

Obstruction of
inspector,
authorized officer
or police officer.

52. A person who obstructs an inspector, authorized officer or police officer in the exercise of his powers under this Act or conceals an animal with intent to defeat the exercise of such powers, or who withholds information or gives any information that is false, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or to both.

Duty to caution.

53. A veterinary surgeon or a veterinary paraprofessional may—

- (a) caution an animal owner on a violation relating to animal welfare; or
- (b) report a violation to the Director General or a County Director where an animal owner fails to comply, with repeated caution.

General Penalty.

54. A person who contravenes a provision of this Act for which no penalty has been prescribed commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

PART VIII— PROVISIONS ON DELEGATED POWERS

Regulations.

55. (1) The Cabinet Secretary, in consultation with the Council of Governors, shall make regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations relating to animal welfare prescribing—

- (a) licensing and inspection of premises that provide care for and use of animals including dogs, cats and horses;

- (b) transport of animals by land, air, sea or inland waters including loading and off-loading;
- (c) loading of an animal including maximum load, in relation to size, sex or type of animal;
- (d) drawing of a vehicle by an animal;
- (e) slaughtering, killing or destruction of an animal;
- (f) the care and use of an animal in research and experiments;
- (g) qualifications for the appointment of authorized officers;
- (h) any form to be used in connection to or any fee to be charged under this Act;
- (i) care and use of animals in sports and entertainment;
- (j) handling and keeping of sport and entertainment animals;
- (k) licencing and inspection of animal production farms and premises for working animals, companion animals or aquatic animals;
- (l) use of animals in science;
- (m) keeping and handling of an animal in captivity; and
- (n) any other matter deemed necessary for ensuring—
 - (i) implementation of required animal welfare practices in a county in accordance with this Act;
 - (ii) that any animal transported by sea, road, railway, air or inland water transport is fit for the journey and is properly supplied with feed, water and proper

ventilation during the loading, passage and on landing;

- (iii)the protection of an animal from ill treatment and suffering;
- (iv)humane slaughter of an animal for food or trade;
- (v) humane handling of a working, sporting or laboratory animal;
- (vi)preparation and submission of inspection reports on matters related to animal welfare to the Director-General or County Director and that a County Director or a County Director of Livestock Production is suitably advised on any matter concerning animal welfare.

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

- (a) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives of this Act; and
- (b) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

Repeal of Cap.
360.

56. The Prevention of Cruelty to Animals Act is repealed.

SCHEDULE

(s.18)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE NATIONAL AND COUNTY ANIMAL WELFARE ADVISORY COMMITTEE

1. Vacation of office.

A member who is appointed following a nomination in writing may—

- (a) at any time resign from office by notice in writing, to the appointing authority;
- (b) be removed from office by the County Executive Committee Member, if the member—
 - (i) has been absent from three consecutive meetings of the Committee without the permission of the Committee;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness;
 - (vi) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
 - (vii) fails to comply with the provisions of this Act relating to disclosure; or
 - (viii) is otherwise unable or unfit to discharge his or her functions as a member of the Committee.

2. Vice-chairperson.

At the first meeting of the Committee, the members shall elect a vice-chairperson, from among the members appointed.

3. Meetings.

- (1) The Committee shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.
- (2) Meetings shall be convened by the Chairperson or in the absence of the Chairperson, by the Vice-Chairperson.
- (3) Unless three quarters of the members otherwise agree, at least fourteen days' notice of a meeting shall be given to every member.
- (4) The Chairperson shall preside over all the meetings of the Committee or in absence of the Chairperson, the meetings shall be presided over by the vice-chairperson or in both their absences, by a person elected by the Committee at the meeting for that purpose.

(5) A decision of the Committee shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Committee shall be to elect a vice-chairperson.

4. Chairperson to preside.

(1) The Chairperson shall preside over all the meetings of the Committee. In the absence of the Chairperson, the meetings shall be presided over by the vice-chairperson or in the absence of both the Chairperson and Vice Chairperson, by a person elected by the Committee at the meeting for that purpose.

(2) A decision of the Committee shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(3) The first order of business of the Committee shall be to elect a vice-chairperson.

5. Quorum.

The quorum for the conduct of business of the Committee shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

6. Minutes.

Minutes of all meetings shall be kept and entered in books kept for that purpose.

7. Disclosure of interest.

(1) If a member is directly or indirectly interested in any matter before the Committee and is present at the meeting of the Committee at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

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

8. Allowances of the Committee.

The Chairperson and members of the Committee shall be paid such allowances as the appointing authority in consultation with the Salaries and Remuneration Commission shall determine.

9. Powers of the appointing authority.

(1) The Committee shall operate under the supervision of the appointing authority.

(2) Where the Committee fails to maintain any prescribed standard in the fulfilment of its functions under this Act, the appointing authority may give

general or special directions to the Committee describing the extent of the failure and stating the steps required to remedy the situation.

10. For purposes of this Schedule “appointing authority” means the Cabinet Secretary or the County Executive Committee Member.

MEMORANDUM OF OBJECTS AND REASONS

The principal objective of this Bill to provide for matters relating to principles of animal welfare, the National Animal Welfare Advisory Committee, the County Animal Welfare Advisory Committee, inspection, protection of animals, control of experiments and for connected purposes.

PART I contains provisions on preliminary matters including short title, interpretation, objects of the Act, and application of the Act.

PART II provides for principles of animal welfare. This Part contains provisions relating to: principles of animal welfare; care or use of an animal; animals in captivity or confinement; farm animals; animal accommodation; slaughtering of an animal for human consumption; and aquatic animals.

PART III provides for matters relating to the National Animal Welfare Advisory Committee and the County Animal welfare Advisory Committee.

PART IV provides for matters relating to inspection. This Part contains provisions relating to: Animal welfare inspectors; appointment of authorized officers and functions of an inspector or authorized officer.

PART V provides for matters relating to animal protection. This Part contains provisions relating to: prohibition of cruelty to animals; fighting and baiting of animal an offence; offences relating to poisoned grain and flesh; offences relating to the use of traps and other devices; hunting of injured or captive animal an offence; training of animals in a cruel manner an offence; prohibition of certain public contests, performances and exhibitions involving animals; prohibition of films involving cruelty to animals; hawking of animals and prohibition of an unnatural act with an animal.

PART VI provides for matters relating to control of experiments. This Part contains provisions relating to: use of animals in experiments or research; experiments only to be performed by licensed persons; prohibition of performance of experiments subject to certain conditions; authority to perform an experiment; teaching permits; revocation of a license or a permit; records; inspection of activities of a license or permit holder and prohibition of public exhibition of experiments.

PART VII provides for matters relating to miscellaneous provisions. This Part contains provisions relating to consent to: consent to prosecute; liability of an owner; destruction of injured animals by an inspector or an authorized officer without consent of owner; custody of animals pending proceedings; power of court to order destruction of animals; forfeiture;

compensation in certain cases; persons authorized to prevent an offence; power to enter and inspect land, premises or a vehicle; employers and owners to produce drivers or animals; straying animals; acts of omission not to be a defense on any ground; awards; obstruction of an inspector, authorized officer or police officer; and offences.

PART VII outlines provisions on delegated powers and contains provisions relating to Regulations and repeal of Cap. 360.

The enactment of this Bill may occasion additional expenditure of public funds to be provided for in the estimates.

The Bill delegates the power to make regulations to the Cabinet Secretary. This Bill concerns county governments and is an ordinary Bill.

Made on the....., 2024.

ANDREW MWIHIA KARANJA,
Cabinet Secretary for Agriculture & Livestock Development.