



REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES

STATE DEPARTMENT OF LIVESTOCK

DRAFT LIVESTOCK BREEDING BILL 2015

ARRANGEMENT OF SECTIONS

Part I: Preliminary

1. Short Title
2. Interpretation
3. Application of the Act

Part II: Establishment of the Kenya Animal Breeding and Improvement Board

- 4 – Establishment and juristic status of the **Board**
- 5 – Composition of the Board
- 6 – Tenure of the Chairman and other members of the Board

PART III- Powers, Duties, Functions and Remuneration of the Board

- 7 – Powers of the Board
- 8 – Delegation of powers of the Board
- 9 – Function of the Board
- 10 – Remuneration of the Board
- 11- Protection from personal liability
- 12- Liability of the Board for damages
- 13- Board Committees

PART IV: The Chief Executive Officer and staff of the Board

- 14- Appointment and qualifications of Chief Executive Officer

15- Tenure of the Chief Executive Officer

16- Other staff of the Board

**PART V: Promotion and co-ordination of animal Breeding
and Improvement activities**

17- Mobilization of stakeholders generally

18- Mobilization of pastoralists and indigenous animal keepers, their rights, etc.

**PART VI: Institutional framework and implementation of
breeding activities**

19- Establishment of the **National Animal Improvement Center**

20-Functions of the National Animal Improvement Center

21-Animal identification, registration and recording of data

22-Genetic evaluations

23-Conservation and establishment of Gene Bank

24-Biotechnologies for animal breeding and improvement

25-CBO Breeding Schemes

26-Service centers for reproductive and DNA technologies

27-Sire Schemes for areas without AI services

**PART VII: Government role, registration and other breeding
support measures**

28-Government role in promoting and strengthening breeding strategies

and institutions

29-Registrar, registration and licensing

30-Rights and obligations of mainstream animal breeders

31-Rights and duties of breed societies, CBOs, etc.

PART VIII: Inspection32-Appointment of inspector

33-Identification of inspector

34- Powers and duties of inspector

35-Presence of police officer required to enter dwelling house

36-Presence of breeder or custodian during inspection, etc.

37-Obstruction of inspector

38-Seizure and destruction of genetic material, machinery, etc

39- Inspection fees, confidentiality, etc.

Part IX: Financial Provisions

40- Funds of the Board

41- Financial Year of the Board

42- Annual estimates

43- Bank Accounts of the Board

44- Accounts and Audit

45- Annual Report

Part X: Miscellaneous Provisions

46-Development of Breeding Codes

47-Regulation of import and export of animal genetic materials

48-Animal welfare and ethics

49- Establishment and composition of the Tribunal

50- Power of Cabinet Secretary to make Regulations

51- Offences

52-Exclusions

SCHEDULES

First Schedule: Animal Identification, Recording and Registration
Systems

Second Schedule: Registration and Licensing of Breeders, etc.

Third Schedule: The Tribunal

Fourth Schedule: Animals with exceptional traits

Fifth Schedule: The handling and management of reproductive
technologies

Sixth Schedule: Dairy recording regulations

Seventh Schedule-Boran Cattle Regulations

Eighth Schedule -Prescribed Forms

LIVESTOCK BREEDING BILL, 2015

Date of Assent

Date of Commencement

A Bill for an Act of Parliament to provide for regulation of livestock breeding, establishment of a livestock breeding board 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 Livestock Breeding Act.

Interpretation

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

“**Act**” means this Act and all regulations made hereunder;

“**Artificial Insemination**” or AI means; the technique in which semen with living sperms is collected from the male and introduced into female reproductive tract

“**animal**” means cattle, camel, sheep, goats, pigs, buffalo, horse, rabbits, ass, poultry, mule, dogs and farmed game.

"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 pursuant to section 3..... to be a livestock to which this Act applies;

"livestock breed society" means a group of persons 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 this Act;

"livestock breeding" means the scientifically based identification of genetically superior animals by means of the integrated registration and genetic information system or in any other manner approved by the Board and the discerning use thereof for purposes of improving the production or performance ability of the animal population;

"animal genetic resources" means those animal species that are 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, and any conserved genetic material;

"Board" means the **Kenya Livestock Breeding Board** established under section 4 (1);

"breed" means a group of animals of the same species that has identifiable residual external characteristics that distinguish it from other breeds;

"breeder" means the owner of a breeding female or male animal at the time of natural or artificial conception or at the birth of progeny and may be used interchangeably with **"livestock keeper," "farmer"** or **"livestock owner"**;

“expert” means a formally trained practitioner in livestock breeding. **“breed standards”** means standards of excellence determined and applied in accordance with the constitution of livestock breed society;

“Bureau” means the **National Livestock Breeding Center** established by the Board under section 19 (1);

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

“donor animal” means an animal which has been approved in accordance with this Act for purposes of collecting or harvesting genetic material therefrom;

“embryo” means a fertilized ovum of an animal;

“embryo processor” means a skilled person in flushing, Identification, grading manipulation and loading embryos into straws or freezing them for future use

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

“embryo transferor” means a person who carries out the transferring of ova or embryos into recipient female animals and who is registered under the Veterinary Surgeons and Veterinary Paraprofessionals Act;

“emerging livestock” means an animal declared to be livestock for the purposes of this Act pursuant to the provisions of section 3(3)(d).

“endangered species” means an animal determined by the Board to be endangered pursuant to section 7 (2) (e);

“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 so taken or sent out;

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

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

“import agent” means a person who imports genetic material on behalf of another person and who is registered as such under this Act;

“inseminator” means a person who carries out the artificial insemination of animals and who is registered as such under Veterinary Surgeons and Veterinary Paraprofessionals Act ;

“integrated registration and genetic information system” means a system designed to integrate the pedigrees and performance data of animals for purposes this Act;

“In-vitro Embryo Production or IVEP” means the process of producing embryos in a laboratory setting;

“pastoralists” include nomads where practicable

“register” means a register kept pursuant to this Act;

“Registrar” means the officer designated or appointed as Registrar of Livestock Breeding under **section 29** of this Act;

“semen collection centre means a centre where collection, evaluation, processing, packaging or storage of semen is carried out.

“semen processor” means a person skilled in collecting ,processing and handling of semen

“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 any other person the Board may, from time to time, declare to be a service provider for the purposes of this Act;

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

“Tribunal” means the Tribunal established under [section 49](#); and

“veterinarian” shall have the same meaning assigned to it by the Veterinary Surgeons and veterinary Paraprofessionals Act.

3 (1) This Act applies to -

(a) all matters and activities of breeding of “livestock” as defined in this Act to the exclusion of any other meaning of “livestock” that may be contained in any other written law for purposes of such other written law;

(b) Livestock breeders, including indigenous breeders and pastoralists and to all service providers to the extent herein provided;

(c) animal genetic resources in both *in situ* and *ex situ* conditions;

(d) the derivatives of animal genetic resources; and

(e) any new kind of livestock or a new breed of such livestock or emerging livestock which the Cabinet Secretary has, in accordance with subsection (3), declared to be livestock to which this Act applies.

(2) The Act shall not apply to-

(a) plant breeding or any matter related thereto provided that the Board may consider any aspect of plant breeding and even collaborate with the body for the time being in charge of plant breeding for the beneficial application of this Act; and

(b) notwithstanding the provisions of subsection (1) (b), traditional or cultural animal breeding and improvement knowledge, technologies, practices, access or

knowledge exchange between indigenous communities which the Board may consider and declare from time to time to be undesirable for the purposes of this Act.

(3) The Cabinet Secretary may declare an animal pursuant to sub section (1) (e) to be livestock to which this Act applies if-

(a) the Board advises him to so declare, or

(b) any person, whether a breeder or not, makes a written application, addressed to the Chief Executive Officer, requesting for a declaration.

(c) (i) upon receiving an application under subsection (3) (b) and before making a decision thereon, the Cabinet Secretary shall invite comments on the application from the Board or its authorized agent and from any interested person or stakeholder and, after due consideration of the applicants' reasons for the application and comments thereon, if any, he shall make and communicate his decision to the applicant within ninety (90) days from the date of receipt of the application.

(ii) whether he grants or declines the application, the Cabinet Secretary shall state the reasons therefor in writing and, in the case of a decline the applicant shall be furnished with an official copy of the reasons for the decline.

(iii) if he grants the application the Cabinet Secretary shall proceed to gazette the animal in question as livestock to which this Act shall apply.

(d) An animal which may be the subject of an application under subsection (1) (e) may be an imported animal or one bred or domesticated in the country or an emerging animal.

(e) Any person who is aggrieved by the decision of the Cabinet Secretary under subsection (3) (c) may appeal to the Tribunal.

(4) In consultation with the Board, the Cabinet Secretary may exempt any animal from the provisions of this Act and may suspend the application of any provision

of the Act on any breeder or a group thereof, service provider, animal or breeding zone with or without conditions.

PART II – Establishment of the Kenya Livestock Breeding Board

Establishment and juristic status of the Board

4(1) There is hereby established a board to be known as the Kenya Livestock Breeding Board to regulate livestock breeding in Kenya.

(2)The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing ; and

(d) doing or performing all such other acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(3) The common seal shall not be affixed to any instrument except pursuant to a resolution of the Board and the affixing of the seal shall be attested by two members of the Board.

Composition of the Board

5 (1) The Board shall consist of not more than nine members as follows-

(a) a non-executive chairman appointed by the Cabinet Secretary from among three candidates nominated by the members themselves during their first meeting, for appointment and for the purposes of this meeting, the Cabinet Secretary shall designate one of his officers to preside over the meeting until a chairman is appointed;

- (b) the Director responsible for veterinary Services or his representative;
- (c) the Director responsible for livestock resources or his representative;
- (d) Seven people nominated by their respective organizations for appointment by the Cabinet Secretary as follows-
 - (i) two people representing associations of livestock breeders
 - (ii) one person who is a professional animal breeder or a quantitative geneticist representing research;
 - (iii) one person representing pastoralists;
 - (iv) one person representing the Livestock Genetic Society; and
 - (v) one person representing the interests of livestock producers
 - (vi) one person representing the interests of livestock products' processors
- (2) to qualify for election as chairman under subsection (1) (a) a person shall possess a basic degree in the field of Animal Sciences from a university recognized in Kenya.
- (3) The Chief Executive Officer shall be an *ex officio* member of the Board.

Tenure of the Chairman and other members of the Board

- 6(1) Appointment of the Chairman of the Board shall be through a Gazette Notice and he shall hold office for a period of three years, but shall be eligible for reappointment for a further and final term.
- (2) A member of the Board appointed under section 5 (1) shall cease to be a member of the Board if he-

(a) resigns from the Board by notice in writing addressed to the Cabinet Secretary;
or

(b) absents himself, without the permission of the Chairman, from three consecutive meetings of the Board; or

(c) is convicted of a criminal offence; or

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board; or

(e) conducts himself in a manner deemed to be inconsistent with membership of the Board;

(g) is declared bankrupt or enters into composition with his creditors;

(h) accepts and takes up an office of profit with the Board; or

(i) dies;

(3) Without prejudice to the provisions of subsection (2), a Board member other than an *ex officio* member, shall also cease to be a member of the Board if his membership violates any provisions of Chapter six of the Constitution or any other written law.

(4) As soon as a person ceases to be a member of the Board, the Chief Executive Officer shall notify the Chairman of the cessation of membership and upon notification, the Chairman shall require the constituency from which the person was nominated to nominate a replacement who shall be appointed by the Cabinet Secretary.

(5) The Cabinet Secretary shall gazette from time to time the name and designation of any person appointed or elected under this Part soon after the appointment.

PART III: Powers, duties, functions and remuneration of the Board

Powers of the Board

7(1) Subject to this Act and in consultation with the Cabinet Secretary from time to time as circumstances may require, the Board shall have and exercise all the powers conferred upon it under this Act and may take any such necessary measures connected therewith for purposes of attaining the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Board shall have power to-

(a) enforce this Act by regulating and coordinating livestock breeding;

(b) act as the registrar for all livestock breeders, breeding service providers, importers and exporters of breeding live animals or animal genetic materials and all other players in the industry who are required by this Act to register before engaging in any breeding activity, and in that regard;

(c) license reproductive and genetic technologies service centres;

(d) be the focal or reference point for receiving enquiries, making verifications and processing applications for access to animal genetic materials or data or information related thereto;

(e) determine, with reference to any requirement of any international oversight agency or convention, the threshold of numbers of the population of any livestock below which it may declare and gazette the animal as endangered for the purposes of this Act;

(f) in consultation with the Cabinet Secretary, impose any reasonable levy, fee or charge on breeding activities in consideration for services rendered to breeders and service providers under this Act;

(f) work, cooperate, or liaise with any department or institutions of the national and county governments, any public or private institution or person or institution outside the country for reasons of attaining the purposes of this Act;

(g) acquire, control and supervise the application of the funds and assets of the Board in such manner that best enables and empowers the Board to attain the objects of this Act;

(h) hire the Chief Executive Officer, senior officers, other staff and agents of the Board, or contract such consultants and other experts, on such terms and conditions of hire as is provided for under this Act;

(i) invest any funds of the Board not immediately required for its purposes in the manner allowed by law for investment of trust funds;

(j) approve financial estimates of the Board and determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;

(k) in accordance with the relevant financial regulatory laws, open and maintain a bank account or accounts, as circumstances may require, for the funds of the Board; and

(l) Whenever it is provided in this Act, the Board may exercise any power or perform any duty upon the advice of, in consultation with or with the assistance of breed organizations, the Board may in addition, consult with any other relevant organization in the livestock breeding industry as the Board may consider appropriate.

(m) exercise any other powers conferred upon the Board by this Act or any other written law.

9. Functions of the Board

(1) The Board shall perform functions assigned to it under this Act or any other written law.

(2) Without prejudice to the generality of subsection (1), the Board shall-

(a) assign roles as may be appropriate to institutions in livestock breeding for purposes of achieving all its goals under this Act;

- (b) initiate the development of standards for selected livestock breeding processes and enforce such standards for purposes of product quality assurance and multiplication;
- (c) through an association of breeders, encourage breeders who have not yet formed breed societies or such stakeholder organizations, particularly the indigenous breeders and pastoralists, to form such organizations.
- (d) undertake data and information management for livestock breeding in liaison with county governments and other relevant organizations.
- (e) in collaboration with the relevant authorities and stakeholders, ensure that imports and exports of genetic materials, equipment and facilities meet set standards and exchange in animal genetic materials is sufficiently monitored.
- (f) promote and support the identification, performance recording, evaluation, and use of genetically superior animals and the transfer and adoption of appropriate technologies in livestock breeding.
- (g) advise the Cabinet Secretary on appropriate measures to be taken and policies to be formulated and applied for sustainable realization of national benefits intended from livestock breeding;
- (h) pursuant to its powers to regulate access to national animal genetic materials, ensure that industry players are sensitized on the regulations governing access to livestock genetic materials in order to deter actual or possible biopirates from accessing such materials; and further ensure that those who are permitted to have access, pay appropriate monetary fixations to and deliver or share benefits equitably with livestock keepers whose genetic materials are accessed;
- (i) monitor livestock identification, registration and recording for purposes of this Act;
- (j) facilitate genetic evaluation, where necessary, in terms of the provisions of section 22;

(k) monitor trends in and threats to livestock resources and make recommendations as appropriate;

(l) promote community based breeding schemes in terms of the provisions of section 25;

(m) provide advice on reproductive and genomic technologies in terms of section 26.

(n) perform any other function conferred upon the Board by this Act or any other written law and matters connected therewith.

(3) The provisions of sections 7 (3), (4), (5) and 8 (1) and (2) shall, *mutatis mutandis*, apply to the Board in the performance of its functions under this Act.

(4) The Board shall determine and regulate the conduct of its business and affairs and those of its committees in accordance with the requirements of the State Corporations Act.

Remuneration of the Board

10 (1) Subject to the provisions of the Salaries and Remuneration Commission Act as may be amended from time to time, or any other written law, and in consultation with the Cabinet Secretary, the Board shall determine and pay its members such remuneration, fees, allowances or expenses as circumstances may justify from time to time.

Protection from personal liability

11. No matter, or thing done by a member or agent of the Board shall, if the matter or thing is done *bona fide*, without negligence or fraudulent intention on the part of the member or agent, and if the matter or thing is done in the course of executing the functions, powers or duties of the Board pursuant to this Act, render the member or agent personally liable to any action, claim or demand whatsoever.

Liability of the Board for damages

12. The provisions of section 11 shall not relieve the Board of the liability to pay compensation to any person for any injury to him or damage to or loss of his property or to any of his interests caused by the exercise of any powers or the performance of any function conferred by this Act on the Board or by failure, whether wholly or partially, of such exercise or performance.

Board Committees

13. the Board may establish such number of committees of the Board as may be necessary to deal with such matters of the Board as the Board may specify from time to time and may, by resolution and under such terms and conditions as they may deem fit, delegate any powers or functions conferred upon the Board by this Act.

PART IV: The Chief Executive Officer and Staff of the Board

Appointment, qualification and duties of the Chief Executive Officer

14 (1) The Board shall appoint a Chief Executive Officer of the Board on such terms and conditions of service as the Board shall determine in the instrument of appointment.

(2) The Chief Executive Officer shall be selected through a process of competitive interviews which interviews may be conducted on behalf of the Board by a committee of the Board or a consultancy firm dully instructed to that effect and, at the end of the interviews, the Board may appoint a person recommended for appointment by the Committee or firm to be Chief Executive Officer.

(3) No person shall be appointed under this section to be Chief Executive Officer unless he holds a basic degree from a university recognized in Kenya in the field of animal sciences and has relevant post graduate training and practical experience of five years.

(4) The Chief Executive Officer shall, subject to the general direction of the Board:-

(a) be responsible for the day to day management of the affairs of the Board and accordingly be in charge of the Secretariat and the management staff of the Board and shall in that capacity exercise general superintendence over and supervision of and give guidance to the staff of the Board in the performance of their duties;

(b) act as the Registrar to the Board;

(c) be secretary at all Board meetings and, under the direction of the Chairman, be responsible for convening all Board meetings and all meetings of the Board Committees, ensure the proper maintenance of minute books, recording of proceedings, decisions and resolutions taken at those meetings and implementation of those decisions and resolutions.

(5) The Chief Executive Officer shall be an *ex officio* member of the Board but, without prejudice to his rights under section 8 (2) of the State Corporations Act [Cap. 446], he shall have no right to vote at any meeting of the Board.

Tenure of the Chief Executive Officer

15(1) The Chief Executive Officer shall serve for a period of three (3) years and shall be eligible for re-appointment for a second and final term of three (3) years.

(2) The Chief Executive Officer may vacate office on any ground including-

- a. death
- b. resignation
- c. bankruptcy
- d. insanity; or
- e. retirement on any ground.

(3) The Board may prematurely terminate the services of a Chief Executive Officer and remove him from office on grounds of incompetence, insubordination, corruption, failure to observe terms and conditions of his appointment or gross misconduct.

(4) Before prematurely removing the Chief Executive Officer from office, the Board shall afford him ample opportunity to be heard.

Other Staff of the Board

16 (1) The Board may appoint such officers and other staff as are necessary for the proper discharge of its duties and functions under this Act, upon such terms and conditions of service as it may determine and such officers and staff shall constitute the Secretariat or the Management of the Board.

(2) The Board shall pay its officers and staff salaries and allowances in accordance with the terms and conditions of service set forth in the the Salaries and Remuneration Commission Act.

(3) The provisions of sections 11 and 12 shall, *mutatis mutandis*, apply to the officers and employees of the Board in the performance of their duties under this Act.

Part V: Promotion and coordination of Livestock Breeding and Activities

Mobilization of stakeholders generally

17(1) In consultation with associations of breeders, the Board shall recognize, mobilize and work with all dully registered breed societies, companies, cooperatives or such organizations, service providers or individual breeders in the country by whatever name called, for purposes of this Act and such societies, companies, cooperatives, organizations, service providers or individual breeders shall cooperate with the Board when called upon for any relevant purpose of this Act and shall formalize their registration status both under this Act and under their respective constitutive laws.

(2) Where a group of breeders are working together but are not registered as a society or such organization under the relevant constitutive law, the Board 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 Board.

(3) If any individual breeder chooses not to join any breed group, notwithstanding the provisions of subsections (1) and (2), the Board shall allow him to so operate and shall work with him as such.

(4) The Board, breed societies, companies, cooperatives, service providers or individual breeders may from time to time consult among themselves through meetings, exchange of information and activities supportive of one another and consequent thereupon the Board may offer any assistance from time to time to the societies, companies, cooperatives and individual breeders as may be necessary.

Mobilization of pastoralists and indigenous animal keepers

18 (1) (a) In consultation with associations of breeders, the Board shall develop programmes for the gradual mobilization of the pastoralists and indigenous animal keepers into breeder associations;

(b) In consultation with respective counties the Board may, from time to time, encourage or help the pastoral and indigenous animal keepers to conduct cultural activities, animal shows or field days;

(2) (a) In the mobilization of pastoral and indigenous animal keepers, the Board shall accord and assist the pastoral and indigenous animal keepers to articulate their rights over their animal genetic resources.

(b) Subject to section 3 (2) (b), rights of the pastoralists and indigenous people are inalienable and they include the right to-

(i) have their breeds recognized as products of their communities and pastoral and indigenous knowledge and culture and accordingly part of the animal genetic resources in public domain and of the Country;

(ii) be recognized and enjoy the protection of their status as indigenous or pastoral breeders and therefore be left to protect their diverse animal genetic resources, knowledge and technologies;

(iii) continue using their indigenous and pastoral knowledge concerning the conservation and sustainable use of animal genetic resources without the fear of its appropriation by the state or any other person;

(iv) access, save, 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;

(v) benefit equitably from the use of their animal genetic resources in their own communities;

(vi) be mainstreamed into animal breeding and improvement activities provided for under this Act or in any international Convention, Protocol or Treaty to which Kenya is a signatory in order to empower them in the management of animal genetic resources;

(vii) demand from the Board appropriate 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 whatever form and in particular, to be protected from unfair exploitation of their livestock genetic resources;

(c) In making provision for the mobilization of pastoralists, the Board shall take into account requirements of any regional accord that impacts animal breeding and improvement activities by trans-boundary pastoralists.

PART VI: Institutional framework and implementation of breeding activities

Establishment of the Kenya Livestock Breeding Bureau

19 (1) The Board shall establish an institution to be known as the Kenya Livestock Breeding Bureau which shall work under the general direction of the Board in the performance of duties and functions assigned to it under this Act.

(2)(a) the Board shall appoint a person to be the head of the Bureau and the person so appointed shall direct the Bureau in the performance of its functions under this Act.

(b) The Head of the Bureau shall be responsible to the Board in the performance of his duties under this Act.

Functions of the Kenya Livestock Breeding Bureau

20 (1) The Board shall, from time to time, assign such duties and functions to the Bureau as it shall consider appropriate for the effective implementation of this Act and may, pursuant to section 8, delegate to the Bureau such powers as it has under this Act to enable the Bureau perform its duties and functions satisfactorily.

(2) Without prejudice to the generalities of subsection (1), the Bureau shall:

(a) monitor livestock identification, registration and recording in accordance with the provisions of section 21;

(b) facilitate or carry out genetic evaluation, where necessary, in terms of the provisions of section 22;

(c) monitor trends in and threats to livestock resources and recommend as appropriate;(d) promote community based breeding schemes in terms the provisions of section 25;

(e) provide advice on reproductive and genomic technologies in terms of section 26.

(f) any other duties assigned to it under this Act.

Animal identification, registration and recording (*Cross-reference with the Branding of Stock Act*)

21(1) The Bureau shall be responsible for designating and gazetting each county in the country as a recording region for purposes of animal identification, registration and recording under this Act. *Cross-reference with the Branding of Stock Act*

(2) The Bureau shall, for purposes of collecting data relating to animal identification, registration and recording in each gazetted county assign to each such county a recording code which may consist of a combination of letters and numbers as the Bureau may consider appropriate and such code shall be used to identify, register and record each breeding animal in the Region.

(3) Through the process of identification, registration and recording of data on each breeding animal, the Board shall receive from, the Registrar of livestock, individual breeders and breed societies, data relating, but not limited, to-

(a) animal identity and pedigree information;

(b) Summaries of animal performance data; and

(c) any other information required under the **First Schedule** to this Act.

(4) any person who-

(a) fails to use any code or number when eligible so to do under this Act;

(b) uses a false code and or number; or

(c) alters in a material particular, any code or number approved and issued by the Bureau commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings.

(5) (a) Each livestock breeder, unless exempt under any provision of this Act or by an order of the Board made pursuant to any of its powers under this Act, shall have all his breeding animals identified and registered in accordance with this Act, whether or not he is a member of any breed organization;

(b) Any person who violates the provision of this subsection shall be, on conviction, be liable to a fine not exceeding one hundred thousand shillings.

(6) The provisions of **Schedule I** to this Act shall apply to the generation of codes, identification, registration and recording procedures and all other matters related thereto.

(7)(a) An identification code under this section shall be attached on every breeding animal for purposes of the identification of that animal and may be so attached, in the case of an animal intended for local commercial purposes only, by -

(i) ear tag which may be plastic or metal,

(ii) iron branding,

(iii) tattoo,

(iv) ear notching,

(v) freeze branding,

(vi) sketching, or

(vii) electronic device which may include transponders and implanted devices;

(b) For an animal intended for export, attachment to such animal may be by-

(i) tattoo; or

(ii) photographs, which photographs shall comprise photographs of both sides of the animal and of the head thereof;

(c) The Bureau, in consultation with breed organizations, may from time to time review any method of attachment under this subsection and require the use of any other method as it shall consider appropriate.

(8) A livestock breeder may use any one or more of the identification methods provided under subsection (7) to identify the same animal if he so wishes.

(9) Every breeder submitting data to his breed organization or directly to the Board, in the case of individual breeders, shall retain a copy of such data.

(10) After every six months, the Board shall provide to originators of breeding data, feedback on population and livestock performance trends.

(11) For purposes of improving the accuracy of the data collected pursuant to this section, the Board, in consultation with breed organizations, shall -

(a) advice on setting standards for registration of animals and performance data to be recorded; (b) license genetic evaluators;

(c) advice on recording methods.

(12) Before sharing any information or data collected pursuant to this Act, the Board shall be obliged to obtain consent from the owners of such intention.

Genetic evaluations

22(1) For purposes of genetic evaluations under this section, the Board shall require genetic evaluators to meet criteria in the First Schedule

(2) Any genetic evaluations conducted by any person or organization contrary to this subsection shall constitute an offence punishable, *mutatis mutandis*, in accordance with the provisions of section 52 (2) and (3).

(3) The genetic evaluations undertaken pursuant to subsection (1)(b) shall be conducted using the most up to date genetic evaluation method, which method shall be selected based on, *inter alia*, its fit and predictive ability.

(4) Without prejudice to the provisions of subsection (3), in undertaking the data analysis the Bureau or an institution contracted for that purpose with the permission of the Board in writing, shall use an integrated data set which may combine any or all of the following -

(a) performance data;

(b) genomic data; and

(c) pedigree data.

(5) The Bureau or the institution contracted shall, using the data obtained under subsection (4), 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 the results of the evaluation as follows-

(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, which expression shall include Estimated Breeding Value and Predicted Transmitting Ability of each animal evaluated;

(e) the evaluation units in kilograms or any other unit of evaluation; and

(f) the reliability of the estimated breeding values.

(6) Upon completion of the analysis of the data and preparation of the evaluation report, the Bureau shall submit the official report to the Registrar designated for that purpose under [section 29](#) 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 centers established under [section 26](#)

(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.

Conservation and establishment of a Gene Bank

23(1) In consultation with the Genetics Research Institute of KALRO, KAGRC and other institutions, the Bureau shall develop 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 Bureau may identify and recommend suitable national and county government farms to be designated as conservation farms.

(3)(a) The overall objectives of programmes developed by the Bureau pursuant to subsection (1) for the collection and conservation of animal genetic materials shall be to-

(i) Assess, protect and conserve genetic diversity of animal genetic resources;

(ii) contribute to food and nutrition security;

(iii) contribute to the development of new opportunities for livestock;

(iv) develop new techniques to conserve and regenerate animal and microbial germplasm to maintain genetic integrity and minimize genetic erosion;

(v) create new phenotypic and genotypic information including new sources of disease resistance, abiotic stress resistance, nutritional quality and bioactive compounds, through characterization and evaluation of bio-resource attributes;

(vi) assess genetic diversity changes in livestock germplasm; and

vii) contribute to access and benefit sharing regimens by way of acquiring, donating, maintaining and regenerating germplasm consistent with Kenya's commitments to international treaties including the Convention on Biological Diversity and the FAO Global Plan of Action on animal genetic resources.(b) Special objectives of the conservation programmes shall include-

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

(ii) targeting collection and conservation of genetic materials from specific animals determined by the Bureau to have unique and beneficial traits worth of conserving and such animals shall, for the time being, include animals listed in the Fourth Schedule to this Act.

Biotechnologies for livestock breeding

24 (1) In consultation with relevant stakeholders, the Bureau shall from time to time, evaluate and approve biotechnologies to be used in the country for commercial animal breeding and improvement.

(2) The biotechnologies which, for the time being, are approved by the Bureau 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 (AI)

(ii) embryo transfer

(iii) OPU and IVM/IVF

(iv) sexing and

(v) cloning; and

(b) molecular biotechnologies which include-

(i) DNA technologies in animal nutrition and growth,

(ii) DNA technologies in animal genetics and breeding, and

(iii) DNA technologies in animal health.

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

(4) The Bureau shall formulate appropriate standards and guidelines for the regulation of the proper use and application of biotechnologies approved under this section 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) Without prejudice to the provisions of subsection (4) and for purposes of promoting the proper use and application of the biotechnologies, the Bureau shall educate, encourage and assist farmers and breeders to-

(a) adhere to guidelines and standards set pursuant to subsection (4);

(b) embrace the technologies approved and promoted by the Bureau under this section; and

(6) In promoting the use of biotechnologies under this section, the Bureau shall-

(a) adhere to the provisions of the **Biosafety Act [No. 2 of 2009]**; and

(b) In collaboration with the Genetics Research Institute of KALRO regularly undertake research in matters relating to the biotechnologies in terms of section 7 (2) (i) 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 Bureau under subsections (1) and (2), and

(b) violate the provisions of subsection (5) (a)

and such person shall, on conviction, be liable to pay a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding one year.

Community based breeding schemes

25 (1) The Bureau shall promote community based breeding schemes by requiring the community based groups to undertake measures which include-

(a) mobilization of animal 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 breeding and improvement objectives and strategies;

(b) setting up, in consultation with the Bureau, rules for the self-regulation of a community based group.

(c) registration of the breeding animals involved in a community based scheme with the nearest Regional Recording Center and

(d) undertaking to carry out performance recording whose record they shall submit to the Regional Recording Center

(2)(a) The Regional Recording Center shall ensure that the recording done at the - community level conforms to the standards set for recording and registration and the Regional Recording Center shall thereafter submit to the National Herd Registry for evaluation, the data submitted to them by the community based group as is required by section 21 (9) and the provisions of subsection section 21 (7) shall, *mutatis mutandis*, apply to persons submitting information under this subsection.

(b) The Regional Recording Center shall closely work with the community based groups within their jurisdiction to ensure that-

(i) the performances of breeding animals are evaluated,(ii) breeding animals are constantly placed under disease surveillance, and

(iii) the owners of such breeding animals are registered as breeders and conform to requirements for registration of breeders as is provided under section 29.

Service centers for Reproductive and Genetic technologies

26(1) The Bureau, under the general guidance of the Board, shall issue licenses on such terms and conditions as it shall consider appropriate, to any person or organization wishing to establish a service center which shall be known as a **Reproductive and Genetics Technology Service Center** for purposes provided under subsection (3).

(2) The Bureau shall regulate all Reproductive and Genetic Technology Service Centers established pursuant to subsection (1).

(3) The functions of a Reproductive and Genetic Technologies Service Center shall be to –

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

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

(ii) embryos, oocytes, tissues and ova; or

(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, in addition to information received from the National Center under section 22 (3) (c), research in animal and technologies related to animal reproduction; and

(d) establish DNA and embryo libraries.

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

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

(6) The Reproductive and Genetics Technology Service Centers shall, as far as circumstances may permit, advance further the effort of indigenous animal keepers to improve the breeding of their animals under section 18 (1) (a), by gradually involving them in the reproductive and DNA technologies provided for under this section.

(7) Before being licensed under this section to start a Reproductive Service Center, a person or organization shall satisfy the minimum requirements provided in **the Fifth Schedule**.

(8) The provisions of section 23 (3) (a) and (b) shall, *mutatis mutandis*, apply to the storage of the reproductive materials sourced out of reproductive technologies.

Sire Schemes for regions without assisted reproductive Services

27(1) The Bureau 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 at all available.

(2) The Community Based Organization shall cause the sires to be progeny tested in accordance with the provisions of section 24 and 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) monitor the performance of the sire and undertake recording in terms of sections 21 and 31;

(c) retire and replace sires as circumstances shall require until assisted reproductive services come; and

(d) encourage public, private sectors and development partners to help the schemes with necessary resources.

PART VII: Registration and other breeding support measures

Registration and licensing

29 (1) The Registrar shall prepare and maintain a register for every matter requiring registration or licensing under this Act, as the case may be, in the manner and form prescribed by the Board.

(2) No person shall conduct any business of livestock breeding unless he has been registered and issued with a certificate of registration and holds a current license issued by the Registrar under this Act to operate as such.

(3) no business other than livestock breeding or related activities and processes shall be conducted at the premises, place or facility specified in the registration certificate and license nor shall the machinery, plant article or thing specified therein be used to do any other business unless that other business is closely related to livestock breeding and the Registrar has granted permission in writing therefor;

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

(5) Any farmer, breeder or service provider who contravenes the provisions of this section in regard to registration and licensing commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand Kenya shillings or imprisonment for a term not exceeding six months.

(6) Every farmer, breeder or service provider registered and licensed pursuant to this section shall conduct his livestock breeding operations in accordance with this Act and any regulations made thereunder.

Rights and obligations of livestock breeders

30 (1) A livestock breeder, other than an indigenous breeder, shall enjoy the rights and have obligations provided under this section.

(2) The provisions of section 18 (2) shall, *mutatis mutandis*, apply to the rights of a livestock breeder.

(3) Without prejudice to the provisions of subsection (2) 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 signs any International Treaty, Convention, Agreement, Protocol or any such arrangement touching on animal genetic resources, trade therein or any other issue related thereto and to be protected from harsh, discriminatory, unconscionable or unfair provisions of any such International Treaty, Convention, Agreement, Protocol or arrangement.

(4) The obligations or responsibilities of a livestock breeder shall be to-

(a) where a breeder is a member of a breed society or a CBO, and for purposes of self-regulation, adhere to all rules and regulations of the breed society or CBO regarding breeding and improvement practices, and any other matter specified by the society or CBO;

(b) strictly observe the requirements of the law regulating animal feedstuffs by applying good feeding practices;

(c) consult an animal breeding expert or an extension officer on any matter concerning livestock breeding

(d) 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;

(e) report to the Board any suspicious matter, activity or circumstances likely to affect or actually affecting breeding and improvement of animals in his area;

(f) keep all and proper records and registers concerning breeding as is required by this Act, 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 modified 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;

(g) enforce any measures or directives that may be given to him from time to time by the Board, on any matter concerning livestock breeding;

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

31 (1) A breed society, community based livestock breeding groups or any group of livestock breeders registered by the Board pursuant to the provisions of section 29, shall be recognized as a juristic person from the date of that registration for the purposes of this Act.

(2) Pursuant to subsection (1) a breed society, CBO 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 ; and also record in their normal way and stud books the pedigree and performance of their members' breeds in compliance with the provisions of sections 21 and 29 (7);

(b) represent its members in any forum and on any matter requiring representation under this Act or its constitution;

(c) 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 this Act;

(d) be consulted on such matters of breeding relevant to their activities, and breeds as provided for under this Act or advise the Board on matters of interest to them under this Act in the interest of their members or breeds;

(e) defend and advance the interests of their members, so long as those interests are not in any way contrary to any provision of this Act, in order to achieve the objectives of their organizations;

(f) participate in any policy formulation and making on issues relevant to their activities;

(g) subject to this Act, 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 under this Act;

(h) at any appropriate time, suggest to the Board any measures the Board may take to protect, promote, coordinate or assist in the advancement of livestock breeding programmes generally or their genetic materials specifically under this Act; and

(i) engage any person or organization, within or without the country, and do anything they can do under their constitutions without contravening the provisions of this Act, for purposes of promoting their interests generally or in any specific respect.

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

(a) observe the provisions of this Act and regulations made thereunder;

(b) perform such functions as are assigned to them under this Act;

(c) observe any measures touching on breeding activities under this Act which may be required by any agency or authority responsible for environmental regulation, public or animal health, animal welfare and ethical concerns;

(d) assist their members, either as farmers or animal keepers, articulate their rights and perform their duties under this Act

(f) submit to the Board a duly certified copy of its constitution and certificate of registration, if any, for record and necessary action.

PART: VIII-Inspection

Appointment of inspector

32 (1) The county governments in consultation with the Board shall, appoint qualified persons, whether by name or by title of office, to be inspectors for the purposes of this Act 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 Act.

(2) The Board 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 this Act; and

(c) prior to the commencement of his duties under this Act, the inspector has undergone induction course in laid down procedures in sample taking and *modus operandi* of the inspection process itself including facilitatory engagement techniques for dealing amicably with breeders and breeding service providers as the Board may deem fit.

Identification of an inspector33(1) Every inspector appointed under this section shall be issued with a photo identity card duly stamped and signed by the Board's duly authorized agent for purposes of officially identifying himself as is required under this section.

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

(3) The inspector shall ensure that the card is-

(a) immediately returned to the Board or its authorized agent upon ceasing to be inspector and if not returned for whatever reason, the card shall automatically cease to be of effect from the date of ceasing to be inspector.

(b) The Board shall take such action as it deems appropriate against an inspector who violates the provisions of this section.

Powers and Duties of inspector

34(1) In the performance of his duties under this Act, 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 to the

effect that breeding activities are being conducted or are about to be conducted therein or thereon, conduct an inspection for purposes of ascertaining whether or not the premises, facility or place are duly registered for purposes of livestock breeding under this Act; 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 under this Act;

(b) at any reasonable time, enter premises, facility or place in connection with which he has reason to believe that an offence under this Act 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 this Act 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 this Act;

(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 this Act 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 this Act and shall furnish the inspector with any information he may reasonably require with respect to the purposes of this Act.

(4) Any inspector who-

(a) directly or otherwise solicits for, or receives in connection with any of his duties, a payment or other reward whatsoever, 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 Board is or may be defrauded, or which is contrary to the provisions of this Act or the power of execution of the duty of that officer; or

(c) discloses, except for the purposes of this Act or when required to do so as a witness in a court of law or with the approval of the Board, 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 and any money, property or reward obtained fraudulently shall be forfeited to the Government.

(6) Any person who, with the intention of defrauding the Board or in any way defeating the successful enforcement of and or inspection under this Act-

(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 this Act are defeated, or which is contrary to the provisions of this Act 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 both.

Presence of police officer required to enter premises

35(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 this Act, or any record or thing connected therewith, is within the premises, he may request the occupant thereof for permission to instantly 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) Any inspector who is compelled to conduct an inspection under the provisions of subsection (2) may take from the premises any materials relevant for the inspection and shall endeavour to expeditiously complete the inspection so as not to cause undue inconvenience to the occupant.

Presence of breeder or custodian during inspection

36(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 this Act, 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)(a) In return for taking away of any book, record, document, material or anything taken away for purposes of inspection, the inspector shall give to the person from whose custody any book, record, document, material or anything has been taken away, the duplicate receipt and such receipt shall fully indicate what has been taken away by the inspector, be dully stamped by the inspector's official

rubber stamp and signed by the inspector; and the person to whom the receipt is given shall in turn sign the copy of the receipt retained by the inspector.

(b) 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

37 (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 under this Act;

(b) knowingly makes a false statement in terms of section 34(4);

(c) 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;

(d) in any way threatens the inspector or any person lawfully accompanying the inspector; or

(e) refuses or unreasonably delays to obey any instructions given to him by the inspector for the attainment of the purposes of this Act,

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

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

Seizure and destruction of genetic material

38(1) In consultation with the Board or its duly authorized agent, an inspector may at any time seize, with intent to destroy, any animal, genetic material, material, substance, article, feedstuff, substance, 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 this Act.

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

Confidentiality

39 (1) No inspector, analyst, the personnel of accredited laboratories involved in sample testing or any person who is accountable to the Board for the purposes of this Act shall, 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 this Act, except where the disclosure is-

(a) permitted by the owner or custodian himself in writing; or

(b) made to the Board for the purposes of this Act; or

(c) ordered by a court of law; or

(d) information which is already in public domain.

(3) The disclosure of information contrary to subsection (2) shall constitute an offence punishable, on conviction, by a fine not exceeding one hundred thousand shillings.

PART IX: Financial provisions

40. Funds of the Board

(1) The funds of the Board shall comprise:

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

(b) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or performance of its functions under this Act;

(c) any return on investment made by the Board; and

(d) all monies from any other sources provided for, donated, bequeathed or loaned to the Board.

(2) The use or expenditure of any funds of the Board shall be subject to Public Finance Management Act.

Financial Year of the Board

41. The financial year of the Board shall be the period of twelve months ending on the thirtieth day of June every year.

Annual Estimates

42. (1) Six months prior to the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for the financial year.

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

- (a) financing operations of the Board and its institutions;
 - (b) the payment of salaries, allowances and other charges in respect of the staff of the Board;
 - (c) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Board;
 - (d) the payment of allowances for the members of the Board;
 - (e) maintenance of buildings and grounds of the Board;
 - (f) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Board; and
 - (g) the reserve funds to meet future or contingent liabilities in respect of retirement, insurance or replacement of buildings or equipment, or in respect of such other matters as the Board may deem appropriate.
- (3) Annual estimates prepared under this section shall be submitted to the Cabinet Secretary for approval.

43. Bank Accounts of the Board

(1) With the approval of the Cabinet Secretary and National Treasury and pursuant to the power conferred to the Board by section 7 (2) (u), the Board shall, in its own name or under its authority, open and maintain a bank account or accounts with such bank or banks for the purposes of depositing and administering moneys accruing to it under this Act.

(2) (a) the Board shall prescribe procedures to be followed in withdrawing any moneys from any bank account opened and maintained in its name or under its authority and, any such procedures may specify-

- (i) who the signatories to an account are;
- (ii) limits to amounts of money to be withdrawn from an account at any given time;
- (iii) thresholds of amounts of money that need not have prior approval of the Board; and
- (iv) any other matter the Board may deem appropriate.

(b) Procedures or matters to be specified under paragraph (a) may differ from one account to the other as circumstances may warrant.

44. Accounts and audit

The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act.

45. Annual Report

The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediate preceding year and the Cabinet Secretary shall lay the report before the National Assembly within four months of receipt or when it next sits after receipt of the report.

Part X: Miscellaneous Provisions

Development of Breeding Codes

46 (1) The Cabinet Secretary, acting upon the advice of the Board, 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 this Act.

(2) A Code developed under subsection (1) shall be applied as an integral part of this Act but with such modifications as the Board may determine.

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

Regulation of import and export of animal genetic materials

47 (1) To import or export any live animal, semen or other genetic material, the person so intending shall first obtain authorization from the Board and upon obtaining the authorization in writing the person shall next obtain the necessary permits from the respective authorities.

(2) (a) It shall be an offence to import or export any animal, semen or any other animal genetic material without the authorization, permits and the prerequisite documentation and certifications required under this section, or to knowingly use permits, documentations or certifications that are false or misleading in any material particular; or without reasonable excuse, contravene or disobey any lawful order or directive given pursuant to this section.

(b) Any person who commits or abates the commission of an offence specified under paragraph (a), 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 this Act, his registration certificate shall be cancelled.

Animal welfare and ethics

48. Any person or organization undertaking or otherwise involved in any livestock breeding activity shall observe the welfare and ethical concerns of any animal used in such activity in accordance with the provisions of the written law for the time being providing for animal welfare and ethics.

Establishment and composition of the Tribunal

49(1) There is established a tribunal to be known as the Livestock Breeding Tribunal for the purpose of resolving disputes and issues arising between parties from matters provided under this Act.

(2) The Tribunal shall consist of a chairman and two other members appointed by the Cabinet Secretary in consultation with the Board from five names submitted to him by the Board.

(3) To be appointed as chairman a person must have one of the following qualifications-

- (a) be an advocate of the High Court of Kenya of at least seven years' standing;
- or

(4) The other two members shall be persons with expertise and technical knowledge in matters likely to come before the Tribunal touching on the livestock breeding industry or related thereto.

(5) The Board shall appoint, on such terms and conditions of service as they shall consider appropriate, a person who is an advocate of the High Court of Kenya of at least five years' standing to be secretary to the Tribunal and an advocate so appointed, or his present or past law firm, shall be disqualified from appearing before the Tribunal for any person who is required to appear thereat.

(6) No member of the Board or an employee thereof may be appointed as a member of the Tribunal.

(7) The members of the Tribunal appointed under subsection (2) shall hold office for three years and, without prejudice to the provisions of subsections (3) and (4), on such terms and conditions of service as shall be specified by the Cabinet Secretary in the instrument of appointment but shall be eligible for re-appointment for one final term.

(8) The Cabinet Secretary may, upon the request of the Board, terminate the appointment of the chairman or member of the Tribunal.

(9) The Tribunal shall have unlimited pecuniary jurisdiction in matters of any dispute under this Act.

(10) The procedures of the Tribunal shall be in accordance with the provisions of the **Third Schedule** hereto in regulating the proceedings and procedures at its meetings.

(11) The Cabinet Secretary may, on the recommendation of the Board and, by order in the Gazette, amend the **Third Schedule**.

Power of Cabinet Secretary to make Regulations

50 (1) The Cabinet Secretary may make regulations from time to time generally for the better carrying into effect and enforcement of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may make provision for the-

- (a) prescription of certificate, form, record, register or returns to be kept or furnished under this Act, as the case may be;
- (b) exemption of any person, organization or livestock from the provisions of this Act;
- (c) registration of breeding animals, breeders, breed societies, plants, machinery, transportation and transportation vehicles, premises or anything requiring registration under this Act;
- (d) charging of fees or charges required to be paid under this Act;
- (e) packaging, labeling or the accuracy of any instrument used in certain genetic material undertakings, branding and the marking and sealing of the containers thereof, and for the proper declarations made at the time of sale;
- (f) prescription of the requirements for proper storage of animal genetic materials;
- (g) requirements for mandatory periodical animal census;
- (h) designation of additional animals and birds as “animal” for the purposes of this Act;
- (i) forfeiture, detention, and destruction of animals or animal genetic materials;
- (j) approval of reproductive technologies to be used in Kenya
- (k) prescription of regulations that are applicable to specific animals, and animal genetic materials or enforceable in a specific region of the Country;
- (l) regulation of import and export of animals and animal genetic materials;
- (m) putting in place Animal Identification, Registration and Recording systems;

- (n) registration of breeders, service providers, and process;
 - (o) listing of animals with unique traits;
 - (p) performance recording services and laboratories;
 - (q) functioning of the Tribunal;
 - (r) prescription or regulations for anything which under this Act requires regulation or prescription
- (3) In consultation with the Board, the Cabinet Secretary may from time to time amend any Schedule to this Act.

Offences

51(1) A person commits an offence under this Act if the person –

- (a) makes or causes to be made a false entry in a register, form or any document specified under and for the purposes this Act or makes or causes to be made a copy of such register, form or document which he knows or suspects or has reason to know or suspect contains a false entry or produces or tenders or causes to be produced or tendered such entry or copy thereof in any proceedings as evidence;
- (b) refuses or fails to furnish information or give an explanation or to answer to the best of his ability any question lawfully and properly put to him by a person performing his duties pursuant to this Act, or furnishes information, an explanation or answer to such person which he knows that is false or misleading in any material particular;
- (c) having been duly summoned to appear at any proceedings before the Tribunal pursuant to the provisions of section 49, fails without lawful cause so to appear or

having appeared as a witness at the proceedings, refuses without lawful cause to be sworn or to make an affirmation or to produce any document or answer any question which he may be lawfully required to answer;

(d) collects, evaluates, processes, packs, stores or handles genetic material in contravention of any provision of this Act;

(e) fails to produce or show satisfactory evidence of ownership of any animal or genetic material when so required by a person performing his duties under and for the purposes of this Act;

(f) exports or imports genetic material in contravention of section 47;

(g) advertises for sale or sells or donates any animal or genetic material through misrepresentation or falsehood;

(h) makes any false or misleading statement in or in connection with an application under section 29; or at the sale of any animal or genetic material or at the rendering of services relating to the artificial insemination or the transferring of ova or embryos to recipient female animals or the collection, evaluation, processing, packing or labelling of genetic material;

(i) establishes, lets, leases, uses or manages premises or facilities for any breeding activity when such premises or facility are not registered as required by section 29

or are not suitable for activities in connection with the collection, evaluation, processing, packing, labelling, transport and sale of genetic material;

(j) tampers with any sample taken or any animal, equipment, genetic material, book, document or other article seized under this Act; or

(k) in furnishing information and particulars in the circumstances referred to in sections 21, 22, 23, 24 and 25 makes a false statement relating to the pedigree or progeny of an animal or embryo and any particulars thereunder required.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding six months or both.(3) The Cabinet Secretary may prescribe penalties for offences under this Act for which penalties are not specified.

52 (1) Any person or organization attempting or purporting to regulate livestock breeding in Kenya commits an offence and the regulations so made contrary to the provisions of this section shall be void ab initio except to the extent the same may be permitted by the Board under this Act.

(2) Any person or organization that contravenes the provisions of this section shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding one year.

Transition

At the commencement of this Act, the Board shall inherit institutions currently performing genetic evaluation; and the breed societies shall take over the functions of milk analysis;

