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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

PARLIAMENT
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REPORT ON:

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL
(SENATE BILL NO. 12 OF 2023)

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 19 AUG 2025

DAY.

TUESDAY

TABLED
BY:

CURTIS PEACOCKS DEPT. COMMITTEE
ON AGRICULTURE & LIVESTOCK

THE-TABLE:

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SPEAKER'S OFFICE
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LIST OF ABBREVIATIONS AND ACRONYMS

ASALs	-	Arid and Semi-Arid Lands
CAC	-	Codex Alimentarius Commission
Cap.	-	Chapter
CBS	-	Chief of the Burning Spear
CECM	-	County Executive Committee Member
CPA	-	Certified Public Accountant
CoG	-	Council of Governors
DDC	-	Directorate of Departmental Committees
Dr.	-	Doctor
EAPCCO	-	Eastern Africa Police Chiefs Cooperation Organisation
Hon.	-	Honourable
ID	-	Identification
LITS	-	Livestock Identification and Traceability System
MP	-	Member of Parliament
NA	-	National Assembly
No.	-	Number
NOPEU	-	National Ordinary People Empowerment Union
ODM	-	Orange Democratic Movement
PhD	-	Doctor of Philosophy
REF	-	Reference
SPS	-	Sanitary and Phytosanitary
UDA	-	United Democratic Alliance
WOAH	-	World Organization for Animal Health
WTO	-	World Trade Organisation

LIST OF ANNEXURES

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CHAIRPERSON'S FOREWORD

This Report contains proceedings of the Departmental Committee on Agriculture and Livestock on its consideration of the Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) which was published on 30th December, 2022.

The Bill was Read a First Time on 16th April ,2024 and thereafter committed to the Departmental Committee on Agriculture and Livestock for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The Bill has thirty-nine (39) clauses and seeks to provide for a legal framework for preventing, combating and eventually eradicating livestock and produce theft. It puts in place mechanism for identification of livestock; the movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; and the return of illegally acquired livestock.

Following placement of advertisements in the print media on Tuesday, 29th April 2024 requesting for memoranda on the Bill from members of the public and relevant stakeholders pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Committee received memoranda from four (4) stakeholders.

The Committee also invited stakeholders vide letter REF: NA/DDC/A&L/2024/034 dated 27th May, 2024 for a stakeholders' engagement meeting on the Bill which was held on Thursday, 6th May 2024 with two (2) stakeholders making oral presentations before the Committee.

Most stakeholders are in support of the Bill noting that livestock theft was prevalent in the Country and the measures proposed in the Bill will make it possible to trace and recover stolen livestock. They however observed that there is need to put in place a legal framework to govern the livestock sector in its entirety.

The State Department for Livestock Development on its part observed that the existent laws were sufficiently deterrent against cattle theft though the fines were low and this could be enhanced by Parliament through amendment of the laws. The laws are the Penal Code, the Stock and Produce Theft Act, Cap. 355 and the Branding of Stock Act, Cap. 357. They requested on the Committee to cease consideration of the Bill given that the Ministry was developing the Livestock Bill, the Animal Health Bill, the Animal Welfare Protection Bill and the Veterinary Public Health Bill that would sufficiently address the matters being proposed in the Prevention of Livestock Theft and Produce Bill, 2023.

Hon. Abdul Rahim Dawood, MP, co-sponsor of the Bill urged the Committee to consider the Bill because the Bills proposed by the State Department for Livestock Development could delay before be submitted to Parliament for consideration while livestock theft persisted in the Country.

In considering the Bill, the Committee observed that the Prevention of Livestock and Produce Theft Bill, 2023 did not address collaboration with neighbouring countries given that cattle rustling thrives across the shared borders of Kenya, Uganda, South Sudan, Ethiopia and Tanzania. There is need to pursue a

regional response to the transnational nature of cattle rustling by strengthening the existing legislative framework and security cooperation including border security among states in the Karamoja Cluster.

The Committee observed that the Bill had not proposed an institution that will have the mandate to conclusively address some of the root causes such as marginalization, commercial & political interests, proliferation of firearms, porous borders, illiteracy, unemployment, and shrinking grazing lands.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee also thanks the co-sponsor of the Bill, Hon. Abdul Rahim Dawood, MP, and the State Department for Livestock Development, the Council of Governors, and the State Department for Trade and the Kenya Veterinary Board for submitting views on the Bill.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*).

It is my pleasure to report that the Committee has considered the Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) and has the honour to report back to the National Assembly and recommends that the Bill **is approved with amendments** as contained in the Schedule under Chapter Seven of this Report.

Hon. (Dr.) John Kanyuthia Mutunga, PhD, CBS, MP
Chairperson,
Departmental Committee on Agriculture and Livestock

CHAPTER ONE

I.0 PREFACE

I.1 Establishment of the Committee

- I. The Departmental Committee on Agriculture and Livestock is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all the legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, agriculture, livestock, food production and marketing.
3. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

1.3 Committee Membership

4. The Departmental Committee on Agriculture and Livestock was reconstituted by the House on 5th March, 2025 and comprises the following Members:

Chairperson

Hon. (Dr.) John Kanyuthia Mutunga, PhD, CBS, MP
Tigania West Constituency

UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP
Konoin Constituency

UDA Party

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member
Jubilee Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency
UDA Party

Hon. Ferdinand Kevin Wanyonyi, MP
Kwanza Constituency
Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP
Lamu County
Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency
ODM Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency
UDA Party

Hon. Yussuf Mohamed Farah, MP
Wajir West Constituency
ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency
ODM Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency
Ford Kenya Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency
NOPEU Party

Hon. Ruth Adhiambo Busia Odinga, MP
Kisumu County
ODM Party

Hon. David Kiplagat, MP
Soi Constituency
UDA Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:

Ms. Laureen Omusa Wesonga
Clerk Assistant I/Head of Secretariat

Mr. Victor Kanda Kilimo
Clerk Assistant III

Mr. David Ng'eno
Principal Research Officer II

Ms. Brigitta Mati
Senior Legal Counsel

Mr. Shadrack Musyoki
Senior Research Officer

CPA Robert Ngetich
Fiscal Analyst I

Mr. Gerald Kadede
Legal Counsel II

Ms. Edith Chepngeno
Media Relations Officer III

Ms. Teresia Macharia
Intern

CHAPTER TWO

2.0 BACKGROUND ON LIVESTOCK THEFT BILL IN KENYA

2.1 Introduction

6. Livestock theft has been on the rise in Kenya. A more violent form involving firearms (cattle rustling) has also been a challenge for several decades and has led to the loss of numerous lives, destruction of property, loss of livelihoods, and insecurity which has made North-West Kenya a marginalized Region.
7. Despite the existence of the Stock and Produce Theft Act, Cap. 355 and provisions under the Penal Code prohibiting livestock and produce theft, the practice has continued unabated. It has therefore become necessary to address this issue comprehensively through several interventions including additional legislation. A legal framework for preventing livestock theft and cattle rustling as well as provision for documentation of livestock movement and verification of meat sources is needed.
8. The Bill seeks to fill the above gap by providing a legal framework for the identification of livestock and their movement, prevention of livestock theft, regulation of livestock trade, and the return of illegally acquired livestock and firearms.

2.2 Situational Analysis

9. Livestock theft has become widespread in Kenya over the recent past. A brief by the National Crime Research Centre paints a grim picture of livestock theft in Kenya. It is a significant threat to farmers' livelihoods and also threatens their food security and development and the country at large. Related to livestock theft is cattle rustling, common in the area called the "Karamoja Cluster".
10. The Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO) Mifugo Protocol defines cattle rustling as stealing or planning, organising, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the theft is accompanied by dangerous weapons and violence. This transnational crime has severely affected North and Northwest counties of West Pokot, Baringo, Laikipia, Turkana and Samburu; and has so far spread to more than 15 counties, pushing pastoralists into abject poverty.
11. The major drivers of cattle rustling were identified as marginalization, commercial & political interests, proliferation of firearms, porous borders, illiteracy, unemployment and shrinking grazing lands. It manifests in the form of armed conflicts, ambushes and political rivalry. Its impact includes loss of lives, food insecurity, orphan burden, human trafficking and poverty.

12. Ineffective state strategies, limited security presence in the ASALs and its transnational nature across porous borders underpin the failure to tackle this problem. While the communities yearn for a solution to end cattle rustling, their experience of collective punishment in the hands of security servicemen has bred a lack of trust in security agencies. This has undermined partnerships with communities in the fight against the menace.
13. Furthermore, laxity in enforcement of existing laws is said to be a challenge, where the police are accused of either turning a blind eye or benefiting from the unscrupulous trade.
14. In the spirit of cooperation to tame cross-border cattle rustling, Kenya initiated border collaborations as evidenced by the Moyale Border Post and Memorandum of Understanding signed with Uganda including the planned Turkana (Lokirima) Border Post.

2.3 Comparative Analysis

15. The countries sharing the Karamoja cluster have intervened to deal with the organized crime of cattle rustling, with different results. Kenya's intervention has probably been unsuccessful due to limited disarmament campaign with no concurrent actions on community partnership, livelihood diversification, border surveillance to stop smuggling of firearms and cross-border cattle rustling. Such intervention has not addressed the root causes of cattle rustling despite Kenya being the country most affected by the impact of cattle rustling in the region.
16. On the other hand, through a multi-pronged intervention, Uganda has been able to reduce cattle rustling. It has adopted community dialogue, mediation and peacebuilding initiatives; combined with disarmament, security force presence and border surveillance, ensuring community intelligence-sharing based on trust; and investment in development projects through Karamoja Integrated Disarmament and Development Project, thus availing alternative economic opportunities, and reducing the need for raiding livestock.
17. Uganda was the only country that ratified the 2008 Protocol on Cattle Rustling and is now one of the two countries that are in the process of ratifying the 2021 revised version of the same Protocol.

2.4 Policy and Legal Framework of Livestock Theft

18. **Constitutional rights:** Article 27 on non-discrimination in law enforcement, Article 29 on individual security, Article 40 on protection of civilian property and Article 56 on the rights of the marginalized.
19. **Nairobi Protocol on the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (2004):** was crafted to prevent and combat the proliferation of illicit small arms and light weapons, through

measures such as legislative intervention, strengthening sub-regional co-operation of state security agents and control of civilian possession.

20. **EAPCCO Mifugo Protocol:** The protocol seeks to address cattle rustling by, among other steps, enhancing regional cooperation, harmonizing legislation and adopting livestock identification systems and records. It is yet to come into force as the government raised the procedural issue of ratification before implementation even though police chiefs agreed to the clause requiring immediate implementation at the EAPCCO meeting.
21. **The Penal Code:** Cattle rustling is not recognized as a crime in the Penal Code. Section 278 provides for a maximum sentence of 14 years for the theft of stock.
22. Cattle-rustling has, however, been recognised in other Acts such as the Hide, Skin and Leather Trade Act, Branding of Stock Act, Meat Control Act, Stock and Produce Theft Act and Firearms Act.

CHAPTER THREE

3.0 OVERVIEW OF THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023)

3.1 Introduction

23. The Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) is a Bill of an Act of Parliament to provide a framework for the establishment of mechanisms for preventing, combating and eventually eradicating livestock and produce theft by putting in place mechanism for identification of livestock; the movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; and the return of illegally acquired livestock.
24. The Bill also provides a framework for the branding of livestock and the requirement to obtain a removal permit when livestock is to be moved from one premises to another. This is geared towards facilitating tracing and recovery of livestock. It also creates a number of offences relating to livestock and produce theft and imposes stiffer penalties on commission of the offences.

3.2 Objectives of the Bill

25. The objectives of the Bill are to:
- a) Provide a framework for:
 - i) Prevention, combating and eradication of livestock theft to promote security and stability;
 - ii) Registration and management of livestock by livestock owners;
 - iii) Regulation of activities of livestock owners in relation to their livestock; and
 - iv) Disarmament and return of illegally acquired firearms and ammunition.
 - b) Enhance social and economic development amongst livestock keeping communities
 - c) Provide a framework for tracking and returning of stolen livestock; and
 - d) Provide a platform for collaboration amongst the government, communities and relevant agencies in preventing, combating and eradicating livestock theft.

3.3 Institutional Framework Proposed in the Bill

26. The Bill does not propose a new institution. The implementation of the Bill is shared between the Cabinet Secretary responsible for Livestock and the County Executive Committee Member responsible for Livestock.

3.4 Regulatory Frameworks

27. Clause 36 (1) of the Bill provides that the Cabinet Secretary, in consultation with the Council of Governors, may make regulations for the better carrying out of the provisions of this Bill.

3.5 Impact of the Bill

28. The Bill has the potential to reduce the theft of livestock and livestock products.

3.6 Clause by Clause Provisions of the Bill

29. **Part I (clauses 1 to 3):** Provide for preliminary provisions, that is the short title, interpretation of terms as used in the bill and objects of the Bill.
30. **Part II (clauses 4 to 10):** Outline the responsibilities of the Cabinet Secretary with regards to branding of livestock which include formulating a national policy and standards on identification and movement of livestock, establishing a national livestock data base, collaboration with security agencies and capacity building to county governments on livestock identification and movement. It also provides for the functions of the county executive committee member responsible for agriculture in the counties, application for registration of a brand, certificate of registration of a brand, transfer of a brand cancellation of a registered brand and appeals to the High Court by aggrieved persons with respect to registration, transfer or cancellation of a brand.
31. **Clauses 11 and 12** of the Bill provide for the obligation to brand livestock with a registered brand before the livestock attain six months or the use of permanent identification devices instead of a brand.
32. **Part III (clauses 13 to 16):** Provide for the permit for removal of livestock from their ordinary premises for purposes of sale or slaughter, retention of removal permit by the owner of livestock and an inspector for a period of three months, keeping of books of records by the owner of an abattoir of every livestock slaughtered and carcass or produce leaving the abattoir. It also provides for appointment of inspectors by county governments to coordinate the implementation of the Act at the ward well.
33. **Part IV (clauses 17 to 21):** Provide for an offence for use of unregistered brand, branding another person's livestock, offences on livestock and livestock produce theft, trespass with intention to steal livestock or livestock produce, conveyance of livestock or livestock produce without lawful authority and tampering with livestock identification brand.
34. **Clauses 22 to 30** of the Bill provide for prohibition of delivery or sale of livestock or livestock produce at night, illegal possession of livestock, killing of livestock with intention to steal and failure to failure to report an offence of livestock theft. It also provides for issuance of search warrants, seizure and arrest, forfeiture of assets derived from livestock theft and detention of livestock seized in relation for any offence committed under the Act.

35. **Part V (clauses 31 to 39):** Provide for public awareness and sensitization, dispute resolution mechanism, trial of offences under the Act, general penalty legislation by county governments and powers of the Cabinet Secretary to make regulations.

CHAPTER FOUR

4.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

36. Following the call for memoranda from the public through the placement of advertisements in the print media on 29th April, 2024 and vide a letter REF: NA/DDC/A&L/2024/034 dated 27th May, 2024 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- i. Hon. Abdul Rahim Dawood, MP;
- ii. The Council of Governors;
- iii. The State Department for Livestock Development;
- iv. The State Department for Trade; and
- v. The Kenya Veterinary Board

The stakeholders submitted as follows:

4.1 Hon. Abdul Rahim Dawood, MP

37. Hon. Abdul Rahim Dawood, MP, co-sponsor of the Bill appeared before the Committee on 11th June, 2024 and urged the Committee to proceed with processing of the Bill since other Bills and solutions as proposed by the State Department for Livestock Development may take longer , meanwhile the stock theft problem persists.

Committee Observation/Recommendation

The Committee had given the State Department for Livestock Development time to submit the legislation to Parliament for consideration but it took inordinate time. The Committee therefore agreed with the Honourable Member to proceed with consideration of the Bill.

4.2 Council of Governors

The Council of Governors, in a letter, Ref: COG/6/48 Vol. 62 dated 3rd June 2024, submitted the following comments on the Prevention of Livestock and Produce Theft Bill, 2023:

38. They support the enactment of the Bill into law because it establishes a framework to prevent, combat, and ultimately eradicate livestock and produce theft, a problem affecting various counties across Kenya.

39. The proposed framework for branding of livestock and the requirement to obtain a removal permit when livestock is being moved from one premises to another, would facilitate tracing and recovery of livestock.
40. The law would put in place measures that will not only protect livestock keeping communities from livestock theft but also enhance the socio-economic welfare of pastoral communities through education and the promotion of alternative means of livelihoods.
41. The urged Parliament to ensure that there is a national legal framework to govern the livestock sector in its entirety.

4.3 The State Department for Livestock Development

Dr. Christopher Wanga, Director for Policy, Research and Regulations in a meeting with the Committee held on 11th June, 2024, submitted as follows on the Bill on behalf of the State Department for Livestock Development:

42. The benefits of the Bill will be attained if the challenges along the entire value chain involving livestock identification and traceability systems; livestock production; and livestock health are fully addressed to achieve prevention of cattle theft.
43. Livestock theft thrives due to economic and cultural realities where they are aided by lack of a Livestock Identification and Traceability System (LITS) considering that the current laws are sufficiently deterrent against cattle theft save for the low fines which can be enhanced by Parliament. The current laws comprise of the Penal Code, the Stock and Produce Theft Act, Cap. 355 which provides for the recovery of fines imposed for the theft of stock or produce and to make persons liable to account for the possession of stock or produce in certain cases and the Branding of Stock Act, Cap. 357 which makes provision for the registration of brands for stock.
44. Globally, livestock identification facilitates traceability of animals and animal products for the purposes of disease control, animal health services, ownership, livestock trade, animal welfare, certification, food safety, production, breeding and genetics, and security. Identification of animals is an ancient practice where it was motivated by ownership rather than health reasons unlike today where animal ID and traceability are generally motivated by animal health and food safety. In many countries, especially, those trading in animals and animal products, traceability of animals and products of animal origin is a legal requirement, where the traceability system is founded on the ability to identify individual animals or homogenous groups of animals, the ability to track their movements, proper identification of premises, and recording information in appropriate registers.
45. Effective animal ID and traceability system is dependent on participation of all stakeholders where animal ID and traceability system should achieve traceability throughout the animal production and food chain in line with international standards set by the World Organization for Animal Health (WOAH) and the Codex Alimentarius Commission (CAC) for food safety.
46. The acceptable legal framework comprises of a Veterinary Authority, with relevant governmental agencies and in consultation with the private sector established for the implementation and

enforcement of the LITS based on International Standards - WOAH Terrestrial Code Chapter 4.1 and 4.2 of the CAC/GL 60-2006.

47. Critical components in livestock identification and traceability comprise of:

- a) **Animal identification:** Means combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier.
- b) **Animal traceability:** Means the ability to follow an animal or group of animals during all stages of its life.
- c) **Registration:** Is the action by which information on animals (such as identification, animal health, movement, certification, epidemiology and establishment) is collected, recorded, securely stored and made appropriately accessible and able to be utilised by the competent authority.
- d) **Animal identification system:** Means the inclusion and linking of components such as identification of establishments/owners, the person(s) responsible for the animal(s), movements and other records with animal identification.
- e) **Traceability/product tracing:** This is the ability to follow the movement of a food through specified stages of production, processing and distribution.

In view of the above, the State Department observed that:

- 48. They had developed the Livestock Bill which was awaiting publication by the Leader of the Majority Party of the National Assembly which provides for the development of the livestock sector and regulation of livestock inputs and livestock products, research and capacity building in the livestock sector, and the establishment of livestock agencies and training agencies.
- 49. They had developed an Animal Health Bill which was awaiting approval by the Cabinet before presentation to Parliament. The Bill provides for the promotion and protection of animal health; detection, prevention and control of animal diseases; to provide for a sustainable management of animal health; and to provide a framework for consultation and co-operation on the management of veterinary services.
- 50. They had developed an Animal Welfare and Protection Bill which was awaiting approval by the Cabinet before presentation to Parliament. The Bill provides for the welfare and protection of animals, and establishment of the National and County Animal Welfare Advisory Committees.
- 51. They had developed a Veterinary Public Health Bill which was awaiting approval of the Cabinet before presentation to Parliament. The Bill provides for safe production, processing and distribution of food and non-food products of animal origin.
- 52. They had developed the Livestock Identification and Traceability Regulations under the Branding of Stock Act, Cap. 355, that will holistically address the animal identification and traceability needs of

the country in line with the international protocols ratified by Kenya to support trade in livestock and livestock products and help in controlling livestock theft.

53. They are expected to comply with international treaties and protocols such as the one guiding global trade in livestock and livestock products developed by the World Trade Organization (WTO) such as the Sanitary and Phytosanitary (SPS) enforceable through the standards set by the WOA for animal health and welfare and the CAC for food safety.
54. The State Department therefore proposed that:
- a) The National Assembly stands down processing of the Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) in favour of the above proposed legislative agenda.
 - b) They endeavoured to enforce the Penal Code and Stock and Produce Act, Cap. 355 to address the challenges that the current Bill envisages to address in the immediate future.

Committee Observation/Recommendation

The Committee gave the State Department for Livestock Development time to submit the legislation to Parliament for consideration but it took inordinately long. The Committee therefore resolved to proceed with consideration of the Bill.

4.4 The State Department for Trade

Mr. Lucas Mwago, Deputy Director for Trade, in a meeting with the Committee held on 11th June 2024, proposed the following amendments to the Bill on behalf of the State Department for Trade:

55. There was need to specify where the Act is domiciled given that in the preliminary the "*Cabinet Secretary*" means the Cabinet Secretary responsible for the matters relating to livestock; while the "*Ministry*" means the Ministry responsible for the matters relating to internal security.

Committee Observation/Recommendation

The proposal was adopted by the Committee. Clause 2 of the Bill was amended accordingly to align to the relevant Ministry which is the Ministry of Agriculture and Livestock Development.

Clause 6

56. Amend the clause to provide for online registration of a brand.

Committee Observation/Recommendation

The proposal was rejected by the Committee. The clause was amended to enable counties to make county specific regulations on application of a brand hence the details of the application were left for county legislation.

Clause 8

57. Amend the clause to reduce the period for transfer of a registered brand from 30 days to 15 days. Alternatively, the system should be developed in a way that it is instant if the applicant meets all requirements built in the system.

Committee Observation/Recommendation

The proposal was rejected by the Committee because thirty (30) days is a reasonable period for the counties to comply with an application for a brand.

Clause 13

58. Amend paragraph 13 (2) (a) by clarifying the particulars of livestock owners and paragraph 13 (2) (e) by inserting the words “*permanent identification device to*” before the words “*particulars of the brand*”.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the details of the livestock owner will be provided for in the form while a brand does not have to be necessarily permanent.

Clause 14

59. Amend sub-clause 14 (2) by increasing the period for removal permit from three months to six months.

Committee Observation/Recommendation

The proposal was rejected by the Committee because six months is a long time. Three months is sufficient.

Clause 15

60. Amend sub-clause 15 (2) to provide for standard record keeping books for uniformity and accountability given that there are aspects of security being guarded. The templates developed can be availed and used as software for ease of recording and may be interlinked to authorizing agencies for real time monitoring.

Committee Observation/Recommendation

The proposal was rejected by the Committee because it is a function of county governments and more details can be provided for in county specific legislation and the regulations.

61. Amend sub-clause 15 (4) to increase the period for keeping records from three months to either six months or 1 year because there are aspects of security being guarded.

Committee Observation/Recommendation

The proposal was rejected by the Committee because six months is a long time. Three months is sufficient

Clause 17

62. Amend the clause by increasing fines for offences for using unregistered brands because the ones provided are too lenient and do not have lower limits hence prone to abuse. There is need to make them more punitive and prescribing a lower limit.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the fine that is provided is commensurate to the offence.

63. Amend the clause to include "*failure to keep records of livestock*" as an offence.

Committee Observation/Recommendation

The proposal was rejected by the Committee because it is covered under the general penalty.

Clause 19

64. Amend sub-clause 19 (2) to reduce the penalty from life imprisonment to not less than 50 years because the penalty is relatively high.

Committee Observation/Recommendation

The proposal was rejected because the Bill provides for a general penalty which covers any offence not mentioned specifically.

Clause 23

65. Amend sub-clause 23 (1) to provide that livestock can be delivered between 6.30 pm and 6.00 a.m. with strict permits issued to trustworthy traders so that trade is not hindered because of a few culprits. The country is aiming to become a 24-hour economy.

Committee Observation/Recommendation

The proposal was adopted by the Committee hence section 23 was deleted.

Clause 28

66. Amend sub-clause 28 (3) to provide for the establishment and management of livestock centres.

Committee Observation/Recommendation

The proposal was rejected by the Committee, that is a function of the county government and more details can be provided for in the county specific legislation and the regulations.

Other submissions include:

Clause 2

67. Amend definition of the following terms to avoid ambiguity in interpretation and for clarity:

- a) Logo, name, number etc. are their unique identifiers in the brand for ease of identification of a brand in a County?

Committee Observation/Recommendation

The proposal was rejected by the Committee because more details can be provided for in county specific legislation and the regulations.

- b) CEC Member, amend definition to specify the docket, either livestock or security.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the Act ought to make reference to the county government and not the Chief Executive Committee Member.

- c) Define the term livestock centre

Committee Observation/Recommendation

The proposal was rejected because the term has only been used once in clause 28 and the Committee has proposed to amend it by replacing it with another term.

68. Amend the clause to provide a clear demarcation of the functions of the two Ministries. To provide clear demarcation/collaborative structures between the two Ministries. Whereas components such as branding, transfers, movement and inspection are functions within the livestock docket, the Bill also envisages a greater role to be played by the Ministry of Internal Security.

Committee Observation/Recommendation

The proposal was adopted with amendment by aligning the Bill to the Ministry of Agriculture and Livestock Development and not the Ministry of Interior and National Administration.

Clause 6

69. Amend the clause to provide that the Cabinet Secretary in consultation with Council of Governors can develop a uniform fees schedule/guideline. This is for maintenance of uniformity and standards.

Committee Observation/Recommendation

The proposal was rejected by the Committee because it is already covered under clause 36(2)

Clause 8

70. Amend the clause to clearly define the term transfer, and whether the usage of this term can also encompass the exchange of branded livestock from one person to another. To avoid ambiguity in the use of the term.

Committee Observation/Recommendation

The proposal was rejected by the Committee because more details can be provided in county specific legislation and regulations

Clause 11

71. Amend the clause to provide a clear guideline that preserves the quality of leather required for the leather industry. The BETA model aims at manufacturing 4 million pairs of shoes annually for domestic consumption and export. The government has pumped money in the revival of Kenanie Leather Factory and the leather plant in Narok. This effort needs to be supported by all other actors.

Committee Observation/Recommendation

The proposal was rejected by the Committee because more details can be provided in county specific legislation and regulations.

Clause 13

72. Amend the clause to provide clarity on whether fees will be levied on this service. The counties can take advantage of this lacuna to use the Bill as a revenue collection tool rather than trade facilitating instrument. Care needs to be taken not to add unnecessary burden to the traders leading to increased cost of doing business.

Committee Observation/Recommendation

The proposal was adopted with amendments by the Committee by ensuring that the issue of fees is covered by the provision on regulations under clause 36(2)

Clause 15

73. Amend the clause to provide for proper records being maintained for longer periods. Investigations into theft of livestock may take longer than three months hence the need for the records to be kept for longer periods. This will deter the temptation to falsify or not to keep proper records

Committee Observation/Recommendation

The proposal was rejected by the Committee because six months is a long time. Three months is sufficient.

Clause 36

74. The clause should be amended to provide clarity on whether these livestock centres are temporary holding centres for animals which have been seized or recovered after theft. The Bill does not mention how, when and where they should be established neither does it indicate who is responsible for establishment.

Committee Observation/Recommendation

The proposal was rejected because the term has only been used once in clause 28 and the Committee has proposed to amend it by replacing it with another term. This can be left for the county specific legislation and regulations

4.5 The Kenya Veterinary Board

The Kenya Veterinary Board has proposed the following amendments to the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023):

Title

75. To review the existing legislations for example Branding Act, Cap. 357, Stock and produce Act, Cap. 355 and Animal Diseases Act, Cap. 364. This is because Animal Health Bill will address most concerns of the current Bill.

Committee Observation/Recommendation

The proposal was adopted with amendments to ensure that the Bill is aligned accordingly, however, the Committee noted that the Bill intends to repeal some of the existing laws referred to.

Interpretation

76. Expand interpretation of the word “*identifier*” to provide for other means of identification prescribed by the relevant minister because the interpretation as provided in the Bill is limiting. It does not recognize marks by owners or communities.

Committee Observation/Recommendation

The proposal was rejected because the combination is developed by counties and not individuals or communities.

77. Amend interpretation of the word “*livestock*” to clarify the right ministry. To avoid conflicts of mandates between Ministry of Interior and Ministry of Agriculture and Livestock Development.

Committee Observation/Recommendation

The proposal was adopted with amendments to align the Bill with the functions of the Ministry of Agriculture and Livestock Development without redefining the meaning of livestock.

78. Redefine or redraft the word “*Ministry*” to mandate the Ministry of Interior to provide security, track, trace and recover stolen animals.

Committee Observation/Recommendation

The proposal was adopted with amendments to align the Bill with the functions of the Ministry of Agriculture and Livestock Development.

79. Amend definition of the word “*register*” to appropriate the role to be carried out by an officer designate or technical head at the county.

Committee Observation/Recommendation

The proposal was rejected. The Committee proposed an amendment to remove the use of register in the Bill.

Clause 11

80. Amend the clause by enhancing the roles of the CS to prescribe any other means of identification of animals. The clause is limiting.

Committee Observation/Recommendation

The proposal was rejected because the clause deals with the obligation to brand and not the role of the Cabinet Secretary.

Clause 4

81. Amend the clause to provide clarity on which ministry the mandate falls. It should be under the Ministry of Agriculture and Livestock Development.

Committee Observation/Recommendation

The proposal was adopted and the Bill aligned to the Ministry of Agriculture and Livestock Development.

Clause 5

82. Amend the clause to assign the CECM a role to give records of registered animals with ownership. To avoid duplication, conflict and inefficiencies in the administration.

Committee Observation/Recommendation

The proposal was rejected because the Bill ought to recognize county governments and not CECMs.

Clause 6

83. Amend sub-clause 6 (1) since a brand as a means of identification may be used for other purposes and therefore multiple registration for forty seven (47) counties might not provide harmony in the use in registration.

Committee Observation/Recommendation

The proposal was rejected because it will be taken care of in county specific legislation and regulations.

Clause 14

84. Amend the clause by deleting sub-clause 14 (1) since abattoirs management is provided for in the Meat Control Act. This is to avoid duplication.

Committee Observation/Recommendation

The proposal was rejected because the Meat Control Act provides for regulation on abattoirs management and not in the substantive law.

Clause 15

85. Amend sub-clause 15 (1) to enhance the role of an inspector to include ascertaining absence of infectious animal disease and include qualifications of inspectors. To ensure that quality is maintained.

Committee Observation/Recommendation

The proposal was rejected because the details can be handled in county specific legislation.

Clause 19

86. Redraft sub-clause 19 (1) to provide a clear interpretation of what an enclosed land comprises of. To avoid ambiguity.

Committee Observation/Recommendation

The proposal was rejected because the details can be handled in county specific legislation.

Clause 20

87. Amend sub-clause 20 (1) to provide for a requirement for the owner to obtain a removable permit from the inspector. To provide harmony within the Bill itself.

Committee Observation/Recommendation

The proposal was rejected because it is covered by the provision as is.

Clause 30

88. Amend the clause to show clarity on which CECM is being referred to be specific.

Committee Observation/Recommendation

The proposal was rejected because the Bill ought to recognize county governments and not CECMs.

CHAPTER FIVE

5.0 COMMITTEE OBSERVATIONS

Having considered the Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*), the Committee observed as follows:

1. The Bill establishes a comprehensive legal framework for preventing, combating, and eradicating livestock and produce theft, with provisions on livestock identification, regulation of movement and trade, prevention of theft, and recovery of illegally acquired livestock.
2. The Bill does not adequately address cross-border collaboration, despite cattle rustling being prevalent along Kenya's borders with Uganda, South Sudan, Ethiopia, and Tanzania. There is need for a regional approach through stronger legislative frameworks, enhanced border security, and greater inter-state cooperation within the Karamoja Cluster.
3. The Bill does not provide for the establishment or designation of an institution to address the root causes of livestock theft and cattle rustling, including marginalization, political and commercial interests, proliferation of firearms, porous borders, illiteracy, unemployment, and diminishing grazing lands.
4. In compliance with Article 118 (1) (b) of the Constitution and Standing Order 127(3), public participation was undertaken through placement of advertisements in the print media on 29th April 2024, which attracted four (4) memoranda. A stakeholder engagement forum was subsequently held on 6th May 2024, during which oral submissions on the Bill were presented to the Committee.
5. Stakeholders generally supported the Bill, noting its potential to curb widespread livestock theft through improved tracing and recovery of stolen animals, while also highlighting the need for a comprehensive legal framework for the livestock sector. The State Department for Livestock Development, however, maintained that existing laws were adequate but hampered by low penalties, and advised against progressing with the Bill due to the Ministry's ongoing development of broader livestock legislation.

CHAPTER SIX

6.0 COMMITTEE RECOMMENDATION

The Committee having reviewed the Prevention of Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) recommends that the House **approves the Bill with amendments** as proposed in the Schedule in Chapter Seven of this Report.

CHAPTER SEVEN

7.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

Long Title

1. **THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide for: a legal framework for the identification of livestock; the prevention of livestock theft; the regulation of trade in livestock, the return of illegally acquired livestock; and for connected purposes.”

Justification

Return of illegally acquired firearms is a security function which falls under the Ministry of Interior.

Clause 2

2. **THAT**, Clause 2 of the Bill be amended—
 - (a) by deleting the definition of the term “ammunition”;
 - (b) by deleting the definition of the term “county executive committee member”;
 - (c) by deleting the definition of the term “firearm”;
 - (d) by deleting the definition of “Ministry” and substituting therefor the following new definition—*“Ministry” means the Ministry of Agriculture and Livestock Development*”; and
 - (e) by deleting the words “county executive committee member in the respective county” in the definition of the word “register” and substituting therefor the words “county government”.

Justifications

- a) **The Committee has proposed amendments to delete the terms from the Bill and thus no need to define them as they haven’t been used in the Bill.**
- b) **To specify that the Ministry that is being referred to is the Ministry of Agriculture and Livestock Development.**

Clause 3

3. **THAT**, Clause 3 of the Bill be amended in paragraph (a)—
- (a) by deleting subparagraph (i) and substituting therefor the following new subparagraph—
“(i) the prevention, combating and eradication of livestock theft through reliable and verifiable identification mechanism”.
 - (b) by deleting subparagraph (iii) and substituting therefor the following new subparagraph—
“(iii) the regulation of livestock movement from one place to another.” and
 - (c) by deleting subparagraph (iv).

Justification

To align the object of the Bill to the intention of the Bill and to delete functions that fall within the Ministry of Interior.

Clause 4

4. **THAT**, Clause 4 of the Bill be amended by deleting paragraph (d).

Justification

This is a security function which falls under the Ministry of Interior.

Clause 5

5. **THAT**, Clause 5 of the Bill be amended—
- (a) by deleting the marginal note and substituting therefor the following new marginal note—
“Functions of the county government”
 - (b) by deleting the opening statement and substituting therefor the following new opening statement—
“(5) Every county government shall—
 - (c) by deleting paragraph (a) and substituting therefor the following new paragraph—
“(a) establish and maintain a county specific register of livestock brands in collaboration with the Ministry;”
 - (d) by deleting paragraph (c) and substituting therefor the following new paragraph—
“(c) design, formulate and implement strategies and mechanisms for the prevention, combating and eradicating livestock theft;”
 - (e) by deleting paragraph (e) and substituting therefor the following new paragraph—
“(c) promote the abandonment of livestock theft by collaborating with relevant agencies in sensitizing livestock owners on alternative sustainable forms of livelihood;” and

- (f) By deleting paragraph (f).

Justifications

- (a) **The Bill being a national legislation, emphasis is on county governments and not CECMs;**
- (b) **To ensure that county governments develop livestock brands in consultation with the Ministry so that the brands are well differentiated;**
- (c) **To introduce implementation by county governments after designing and formulating strategies; and**
- (d) **Paragraph (f) is covered under paragraph (c).**

Clause 6

- 6. **THAT**, Clause 6 of the Bill be amended—
 - (a) by deleting subclause (1) and substituting therefor the following new subclause —
“(1) Every livestock owner shall apply to the county government for registration of their livestock.”
 - (b) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) An application for registration under this section shall be in accordance to county specific legislation.”
 - (c) by deleting subclause (3) and substituting therefor the following new subclause—
“(3) A county government shall ensure registration of livestock within thirty days from the date of an application for registration by a livestock owner upon compliance with the registration requirements.”
 - (d) by deleting subclause (4); and
 - (e) by deleting subclause (5).

Justifications

- (a) **The Bill being a national legislation, emphasis is county governments and not CECMs;**
- (b) **To ensure that details on the application for the registration can be left for the county specific legislations since counties have different and unique challenges;**
- (c) **To ensure that brands are developed by the county in consultation with the Ministry and not the livestock owner;**
- (d) **To ensure that application to the county government is for registration of livestock and not brands, the counties to develop the brands.**

Clause 7

7. **THAT**, the Bill be amended in Clause 7—
- (a) by deleting subclause (1) and substituting therefor the following new subclause—
“(1) Upon registration of a brand, a county government shall issue to the applicant a certificate of registration in the form prescribed in the county specific legislation.”
 - (b) in subclause (2)—
 - (i) by deleting the phrase “under subsection (2)” appearing immediately before the word “made” and substituting therefor the words “under this section”; and
 - (ii) by deleting the phrase “county executive committee member” and substituting therefor the phrase “county government”.
 - (c) in subclause (4) by deleting the phrase “subsection (2)” in the opening statement and substituting therefor the words “under this section.”
 - (d) in subclause (5) by deleting the words “under subclause (3)” appearing immediately before the word “certificate”.

Justifications

- (a) **The Bill being a national legislation, emphasis is on county governments and not CECMs; and**
- (b) **To avoid a lot of cross referencing of sections in the Bill.**

Clause 8

8. **THAT**, Clause 8 of the Bill be amended—
- (a) in subclause (1) by deleting the words “county executive committee” and substituting therefor the words “county government”;
 - (b) in subclause (3)—
 - (i) by deleting the words “county executive committee” and substituting therefor the words “county government”; and
 - (ii) by deleting the phrase “subsection (1)” and substituting therefor the word “this section”.
 - (c) in subclause (5) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Justifications

- (a) **The Bill being a national legislation, emphasis is on county governments and not CECMs; and**
- (b) **To avoid a lot of cross referencing of sections in the Bill.**

Clause 9

9. **THAT**, Clause 9 of the Bill be amended—

- (a) in subclause (1)
 - (i) by deleting the words “*county executive committee*” appearing in the opening statement and substituting therefor the words “*county government*”;
 - (ii) in paragraph (a) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (iii) in paragraph (c) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 10

10. **THAT**, Clause 10 of the Bill be amended in subclause (1) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 11

11. **THAT**, Clause 11 of the Bill be amended—

- (a) in subclause (1) by deleting the word “*six*” appearing immediately after the phrase “*of*” and substituting therefor the word “*three*”;
- (b) in subclause (2) by deleting the word “*three*” appearing immediately after the word “*within*” and substituting therefor the word “*six*”;
- (c) in subclause 3—
 - (i) by deleting the word “*conspicuous*” in paragraph (a) and substituting therefor the word “*traceable*”;
 - (ii) by deleting the words “*county executive committee member*” appearing immediately after the phrase “*the*” in paragraph (c) and substituting therefor the words “*county government*”;
- (d) by deleting subclause (4) and substituting therefor the following new subclause—

“(4) A county government may prescribe further requirements on branding taking into consideration the unique circumstance within the respective county.”

Clause 12

12. **THAT**, the Bill be amended by deleting Clause 12.

Justification

Branding ought to be permanent and identifiable whether it is visible or invisible.

Clause 13

13. **THAT**, Clause 13 of the Bill be amended—
- (a) in subclause (1) deleting the words *“the purpose of sale and slaughter or any other purpose”* appearing immediately after word *“for”* and substituting therefor the words *“any purpose”*;
 - (b) in subclause (2) by deleting paragraph (h) and substituting therefor the following new paragraph—
“(h) in the case of sale, transactional market;”

Justifications

- (a) **To ensure that removal permit is obtain in all circumstance of livestock movement.**
- (b) **To indicate the market where the sale is intended to take place since the seller may not know details of the purchase at the time of removal of livestock.**

Clause 16

14. **THAT**, Clause 16 of the Bill be amended—
- (a) in subclause (1) by deleting the words *“county executive committee member”* and substituting therefor the words *“county government”* and
 - (b) in subclause (2)—
 - (i) by deleting the words *“county executive committee member”* in the opening statement and substituting therefor the words *“county government”*; and
 - (ii) by deleting the words *“county executive committee member”* in paragraph (e) and substituting therefor the words *“county government”*.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 17

15. **THAT**, Clause 17 of the Bill be amended by deleting the words *“one year”* appearing immediately after the word *“exceeding”* in the closing statement and substituting therefor the words *“six months”*.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 18

16. **THAT**, Clause 18 of the Bill be amended in the closing statement—

- (a) by deleting the words “*of theft*” appearing immediately after the word “*offence*”; and
- (b) by deleting the word “*fourteen*” appearing immediately after the word “*exceeding*” and substituting therefor the words “*one*”; and

Justification

To ensure that the penalty is commensurate to the offence.

Clause 19

17. **THAT**, Clause 19 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
“*(1) A person who steals livestock or livestock produce, or receives any livestock or livestock produce knowing or having reason to believe it to be stolen commits an offence and shall be liable, on conviction for, to a term of one year or a fine of twice the value of the livestock or livestock produce.*”
- (b) in subclause (2) by deleting the word “*is liable on conviction to a life term of imprisonment*” appearing immediately after the word “*person*” and substituting therefor the words “*shall be charged with the offence of robbery with violence*”; and
- (c) by deleting subclause (3); and
- (d) in subclause (4) by deleting the words “*a term of imprisonment of not less than fifteen years*” and substituting therefor the words “*term not exceeding five years, or a fine amounting to twice the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 20

18. **THAT**, Clause 20 of the Bill be amended in subclause (1)—

- (a) by deleting the words “*seven years*” appearing immediately after the “*exceeding*” and substituting therefor the word “*six months*”; and
- (b) by deleting the words “*five*” appearing immediately after the “*exceeding*” and substituting therefor the word “*one*”.

Justifications

To ensure that the penalty is commensurate to the offence.

Clause 21

19. **THAT**, Clause 21 of the Bill be amended—

- (a) in subclause (3) by deleting the words *“registrar or any officer”* and substituting therefor the words *“county government”*; and
- (b) by deleting subclause (5).

Justification

To replace the registrar with the county government because there is no registrar in the Bill.

Clause 22

20. **THAT**, Clause 22 of the Bill be amended--

- (a) by deleting the words *“of three years”* appearing immediately after the words *“term”* and substituting therefor the word *“not exceeding six months”*; and
- (b) by deleting the words *“of one million”* appearing immediately after the *“exceeding”* and substituting therefor the word *“not exceeding one hundred thousand”*.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 23

21. **THAT**, the Bill be amended by deleting Clause 23.

Justification

Interfering with the movement of livestock will disrupt the markets which currently operate for 24 hours.

Clause 24

22. **THAT**, Clause 24 of the Bill be amended—

- (a) by deleting the words *“may be reasonably be suspected of being stolen”* and substituting therefor the words *“is confirmed to be stolen”*; and

- (b) by deleting the words “*not less than fifteen years*” and substituting therefor the words “*not exceeding five years, or to a fine amounting to twice the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 25

23. **THAT**, Clause 25 of the Bill be amended—

- (a) in subclause (1)—

- (i) by deleting the words “*may be reasonably be suspected of being stolen*” and substituting therefor the words “*is confirmed to be stolen*”; and
(ii) by deleting the words “*not less than ten years*” and substituting therefor the words “*not exceeding five years, or to a fine amounting to twice the value of the livestock*”.

- (b) by deleting subclause (2).

Justifications

(a) To provide clarity of the offences;

(b) To ensure that the penalty is commensurate to the offence; and

(c) To delete an ambiguous clause.

Clause 26

24. **THAT**, Clause 26 of the Bill be amended by deleting the words “*of not less than ten years*” and substituting therefor the words “*not exceeding five years, or to a fine amounting to twice the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 27

25. **THAT**, Clause 27 of the Bill be amended by inserting the words “*commits and offence and shall be liable, on conviction, for a term not exceeding two years, or to a fine amounting to the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 28

26. **THAT**, Clause 28 of the Bill be amended is subclause (3) by deleting the words “nearest livestock centre” and substituting therefor the words “nearest law enforcement agency”.

Justification

To term livestock centre has not been defined hence not clear and it is more practical to hold the animals in a law enforcement agency in this context.

Clause 31

27. **THAT**, Clause 31 of the Bill be amended—
- (a) in paragraph (a) by deleting the word “develop” and substituting therefor the word “promote”; and
 - (b) in paragraph (d) by deleting the word “develop” and substituting therefor the word “promote”.

Justifications

- a) To align the functions of county governments.
- b) To assign the function to county governments and not CECMs.

Clause 32

28. **THAT**, Clause 32 of the Bill be amended by deleting the words “county executive committee member” and substituting therefor the words “county government”.

Justifications

To place emphasis on county governments and not CECMs.

Clause 34

29. **THAT**, Clause 34 of the Bill be amended—
- (a) by deleting the words “not less than five hundred” and substitute therefor the words “not exceeding one hundred”; and
 - (b) by deleting the words “two years” and substituting therefor the words “six months”.

Justification

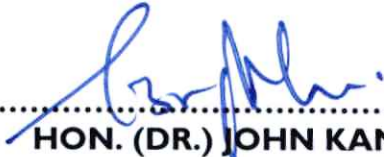
To ensure that the penalty is commensurate to the offence.

Clause 36

30. **THAT**, Clause 36 of the Bill be amended in subclause (2) by deleting paragraph (e) and substituting therefor the following new paragraph—
(e) “for charges and fees to be paid to the two levels of government”.

Justification

To ensure uniformity in the process of coming up with the fees charged by counties by enabling the CS to make regulations.

SIGNED.......... DATE 19/08/2025
HON. (DR.) JOHN KANYUTHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 AUG 2025	
DAY: 	
TABLED BY:	
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REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 12 of 2023)

**THE PREVENTION OF LIVESTOCK AND
PRODUCE THEFT BILL, 2023**



(A Bill published in the Kenya Gazette Supplement No. 40 of 31st March, 2023 and passed by the Senate, with amendments, on Thursday, 21st March, 2024.)

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL,
2023

ARRANGEMENT OF CLAUSES

Clause

PART I - PRELIMINARY

- 1— Short title.
- 2— Interpretation.
- 3— Object of the Act.

PART II –BRANDING OF LIVESTOCK

- 4 — Functions of the Cabinet secretary.
- 5 — Functions of the county executive committee member.
- 6 — Application for registration of a brand.
- 7 — Certificate registration of a brand.
- 8 — Transfer of a registered brand.
- 9 — Cancellation of registered a brand.
- 10 — Appeals
- 11 — Obligation to brand livestock.
- 12 — Use of a permanent identification device.

PART III – MOVEMENT OF LIVESTOCK

- 13—Removal of livestock.
- 14—Retention of a removal permit.
- 15— Owner of an abattoir to keep records.
- 16— Appointment of inspectors.

PART IV - OFFENCES

- 17— Use of unregistered brand.
- 18— Branding another person's livestock
- 19— Offence of livestock or produce theft.
- 20— Trespass with intent to steal livestock or produce.
- 21—Conveyance of livestock or produce.
- 22—Tampering with identification brand.
- 23—Prohibition of the delivery or sale of livestock or produce at night.
- 24—Illegal possession of livestock.
- 25—Illegal possession of produce.
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**THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL,
2023**

A Bill for

AN ACT of Parliament to provide for: a legal framework for the identification of livestock; the movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; the return of illegally acquired livestock and firearms; 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 Prevention of Livestock and Produce Theft Act, 2023.
Interpretation	2. In this Act, —
Cap. 144.	“ammunition” has the meaning assigned to it under the Firearms Act;
	“Cabinet Secretary” means the Cabinet Secretary responsible for the matters relating to livestock;
	“county executive committee member” means a county executive committee member responsible for matters relating to livestock;
	“firearm” has the meaning assigned to it under the Firearms Act;
	“identifier” means an official permanent mark, or permanent representation on livestock, which consists of a designated combination of numbers, codes or signed as may

be prescribed under this Act;

“Inspector” means the person designated as an inspector under section 16;

“livestock” means cattle, camel, donkey, pig, sheep, goat poultry and any other animal which the Cabinet secretary may by order declare to be livestock for purpose of this Act;

“livestock keeping community” means a community designated by the Cabinet Secretary as such for the purposes of this Act and whose main occupation involves the keeping of livestock;

“Ministry” means the Ministry responsible for the matters relating to internal security;

“permanent identification device” means a device, which bears a unique code, approved by the director of veterinary services appointed under the Veterinary Surgeons and Veterinary Para-Professionals Act and is intended to remain attached to or inserted in a livestock;

“produce” means the whole or any part of any skin, hide, horn, or carcass of livestock and includes wool, mohair and ostrich feathers; and

“register” means a register of livestock brands established and maintained by the county executive committee member in the respective county.

Object of the Act.

3. The objects of this Act are to —

(a) provide a framework for —

(i) the prevention, combating and eradication of livestock theft to promote security and stability;

(ii) the registration and management of livestock

by livestock owners;

- (iii) the regulation of the activities of livestock owners in relation to their livestock; and
- (iv) the disarmament and the return of illegally acquired firearms and ammunition;
- (b) enhance social and economic development amongst the livestock keeping communities in Kenya;
- (c) provide a framework for the tracking and return of stolen livestock; and
- (d) provide a platform for collaboration amongst the governments, communities and relevant agencies in preventing, combating and eradicating livestock theft.

PART II –BRANDING OF LIVESTOCK

Functions of the
Cabinet Secretary.

4. The Cabinet Secretary shall be responsible for –

- (a) formulating a national policy and national standards on identification and movement livestock;
- (b) developing and co-ordinating intergovernmental relations mechanisms in the delivery of services related to identification and movement of livestock;
- (c) establishing a national data base system for communication, sharing and analysis of information relating to livestock;
- (d) in collaboration with the security and other relevant agencies, establishing mechanisms for the disarmament and confiscation of firearms and

ammunition illegally held by livestock owners; and

- (e) providing capacity building to the county governments on matters touching on identification and movement of livestock.

Functions of the
county executive
committee member.

5. Every county executive committee in the respective county shall —

- (a) establish and maintain a county register of livestock brands;
- (b) receive application for and register brands;
- (c) design and formulate strategies and mechanisms for the prevention, combating and eradicating livestock theft;
- (d) establish systems for the tracking of stolen livestock;
- (e) promote the abandonment of livestock theft by collaborating with the relevant agencies in sensitizing members of livestock owners on alternative sustainable forms of livelihood;
- (f) facilitate the acquisition of equipment for monitoring and managing the movement of livestock; and
- (g) carry out such duties or functions as may be necessary for the achievement of the objects of this Act.

Application for
registration of a
brand.

6. (1) Every livestock owner shall apply to the county executive committee member for the registration in their name of a brand of such nature and dimensions as shall be prescribed in county legislation.

(2) An application under this section for the registration of a brand shall —

- (a) be in the prescribed form;
- (b) be accompanied by a design of the brand;
- (c) be accompanied by the prescribed fee; and
- (d) contain such particulars as shall be prescribed in county legislation.

(3) The county executive committee member shall, within thirty days from the date of receipt of the application, register a brand if satisfied that the requirements for registration have been complied with.

(4) The county executive committee member may reject an application for registration of a brand if –

- (a) the application has not complied with the provisions of this section; or
- (b) the design accompanying the application –
 - (i) is the same as the design of a registered brand;
 - (ii) in the opinion of the county executive committee member, so nearly resembles the design of a registered brand as to cause or be likely to cause confusion; or
 - (iii) is, in the opinion of the county executive committee member, unsuitable for any other reason.

(5) Where an application for registration is rejected, the county executive committee member shall, within thirty days from the date of receipt of the application give written notification with reasons for rejection to the applicant.

Certificate of
registration of a

7. (1) On the registration of a brand as provided for under section 5(3), the county executive committee member shall

The Prevention of Livestock and Produce Theft Bill, 2023

brand.

issue to the applicant a certificate of registration in the form prescribed in the county legislation.

(2) Where the holder of a certificate claims that the certificate has been lost or destroyed, the holder of a certificate may make an application in accordance with subsection (4) to the county executive committee member for the issue of a duplicate certificate.

(3) On receipt of an application made under subsection (2), the county executive committee member shall, if satisfied that the certificate has been lost or destroyed, issue a duplicate certificate to the applicant in place of the original certificate.

(4) An application under subsection (2) shall –

(a) be in the form and contain such information as shall be prescribed in the county legislation; and

(b) be accompanied by the fee prescribed in the county legislation.

(5) Upon the issue of a duplicate certificate under subsection (3), the original certificate shall be deemed to be cancelled and the duplicate certificate has the same effect as the original certificate.

Transfer of a
registered brand.

8. (1) A proprietor of a registered brand may apply to the county executive committee to transfer the right to that brand to another person.

(2) An application under subsection (1) shall –

(a) be in the form and contain such information as shall be prescribed in the county legislation;

(b) contain the consent of the person to whom the proprietor of the registered brand wishes to transfer the right to that brand; and

(c) be accompanied by the fee prescribed in the county

legislation.

(3) The county executive committee member shall, within thirty days from the date of receipt of the application under subsection (1), approve the application if satisfied that the application complies with this section or reject the application where the application does not comply with this section.

(4) Where the county executive committee member approves an application under subsection (1), he or she shall issue to that person a certificate of the transfer in the form prescribed in the county legislation.

(5) Where an application for transfer of a brand is rejected, the county executive committee member shall, within thirty days from the date of receipt of the application give written notification with reasons for rejection to the applicant.

Cancellation of a
registered brand.

9. (1) The county executive committee member may cancel a registered brand if -

- (a) the proprietor no longer requires the use of that brand and has notified the county executive committee member;
- (b) the proprietor has died; or
- (c) the proprietor is a body corporate and the county executive committee member is satisfied that the body corporate has been wound up or dissolved.

(2) Notwithstanding the provisions of subsection (1)(b), where the proprietor of a registered brand dies, his personal representative may use the brand until -

- (a) the appointment as a personal representative is terminated; or
- (b) the distribution of the estate of the deceased is completed.

Appeals

10. (1) A person who is aggrieved by the decision of the county executive committee member with respect to

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registration, transfer or cancelation of a brand, may appeal to the High Court.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received the notice of the decision

Obligation to brand livestock.

11. (1) Every livestock owner shall, before the livestock attains the age of six months, brand it or cause it to be branded with a registered brand of which the livestock owner is the proprietor.

(2) Every livestock owner shall, in the case of livestock which is older than six months at the commencement of this Act, within three months of the commencement of this Act brand it or cause it to be branded with a registered brand of which the livestock owner is the proprietor.

(3) A person branding livestock with a brand under subsection (1), ensure that such brand –

- (a) is conspicuous;
- (b) is safe to the livestock and a consumer of the final product of the livestock; and
- (c) meets such other criteria as the county executive committee member may, by notice in the *Gazette*, prescribe under subsection (4).

(4) The county executive committee member may prescribe further requirements on branding including branding of livestock which have not attained six months.

Use of a permanent identification device.

12. (1) The Cabinet Secretary, in consultation with the council of county governors, may make regulations on the use of permanent identification devices.

(2) Where a permanent identification device is used instead of a brand, a reference to brand in any of the provisions of this Act shall be construed to mean a permanent identification device.

PART III – MOVEMENT OF LIVESTOCK

Removal of
livestock.

13. (1) A livestock owner who intends to remove livestock of which he is the owner from the premises where they are ordinarily kept to other premises for the purpose of sale and slaughter or any other purpose shall obtain a removal permit from the inspector.

(2) A removal permit issued by the inspector shall be in triplicate and clearly indicate –

- (a) particulars of the livestock owner;
- (b) the date of removal of the livestock;
- (c) the purpose for the removal;
- (d) the number and type of livestock to be moved;
- (e) particulars of the brand of which the owner of the livestock is the proprietor;
- (f) the premises from which the livestock are being moved from;
- (g) the destination of the livestock; and
- (h) in the case of sale –
 - (i) particulars of the purchaser; and
 - (ii) a document evidencing such sale.

(3) The inspector shall not issue a removal permit if –

- (a) the premises the livestock are being moved from or destination of the livestock is within an area declared to be an area infected by a notifiable disease; or
- (b) this Act or any other written law has not been

complied with.

(4) An inspector may at any time inspect livestock being removed from the premises they are ordinarily kept and require the production of a removal permit for inspection.

Retention of a
removal permit.

14. (1) The livestock owner shall retain the original removal permit and each of the copies shall be retained by the inspector and the purchaser of the livestock respectively.

(2) The removal permit shall be kept for a period of three months from the date of the removal of the livestock from the premises where they were kept immediately before the removal.

Owner of an
abattoir to keep
records.

15. (1) Every owner of an abattoir shall keep books and records of every livestock slaughtered, and carcass or produce leaving the abattoir.

(2) The books and records, of every livestock slaughtered, to be kept by an owner of an abattoir shall clearly indicate –

- (a) particulars of the brand on the livestock;
- (b) the type of livestock including a brief description of the livestock;
- (c) particulars of the livestock owner;
- (d) if the person delivering the livestock is not the livestock owner –
 - (i) particulars of the person delivering the livestock; and
 - (ii) capacity of such a person whether agent, carrier or purchaser;
- (e) the date of delivery of the livestock;

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- (f) the number and type of livestock to be moved;
- (g) the immediate previous premises where the livestock was ordinarily kept; and
- (h) the date the livestock was slaughtered.

(3) The books and records, of every carcass or produce leaving an abattoir, to be kept by an owner of an abattoir shall clearly indicate –

- (a) particulars of owner of the carcass or produce;
- (b) particulars of the brand the produce, where applicable;
- (c) the nature of the produce;
- (d) if the person conveying, carrying or transporting the carcass or produce is not the owner –
 - (i) particulars of the person conveying, carrying or transporting the carcass or produce; and
 - (ii) capacity of such a person whether agent or carrier;
- (e) the date the carcass or produce is removed from the abattoir; and
- (f) particulars of the premises of destination of the carcass or produce.

(4) The books and records to be kept under subsection (1), shall be kept for a period of three months from the date of receipt of a livestock for slaughter, or the carcass or produce leaves the abattoir.

Appointment of
inspectors.

16. (1) The county executive committee member shall designate such persons to be inspectors for each ward in the respective county for the purpose of enforcement of this Act.

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(2) The inspector shall co-ordinate the implementation of this Act at the ward level and in particular –

- (a) be responsible for approving, issuing and inspecting removal permits;
- (b) collaborate with the relevant investigative agencies in the recovery of stolen livestock;
- (c) facilitate the application for and registration of brands;
- (d) co-ordinate and facilitate citizen participation in the development of policies and plans, and delivery of services on matters related to livestock development at the ward level; and
- (e) carry out such duties as may be assigned by the county executive committee member from time to time.

PART IV - OFFENCES

Use of unregistered brand.

17. A person who, being a livestock owner, -

- (a) fails to apply for registration of a brand;
- (b) fails to brand his or her livestock;
- (c) brands his or her livestock with an unregistered brand,

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

Branding another person's livestock.

18. A person who wilfully and knowingly –

- (a) brands, or causes to be branded any livestock belonging to another with his or her brand, or any brand which is not the recorded brand of the livestock owner; or

- (b) alters, defaces or obliterates any brand on a livestock belonging to another so as to conceal or disguise the identification of such livestock,

commits an offence of theft and is liable, on conviction to imprisonment for a term not exceeding fourteen years or to a fine not exceeding one million shillings, or to both such fine and imprisonment.

Offence of
livestock or
produce theft.

19. (1) A person who steals livestock or produce, or receives any livestock or produce knowing or having reason to believe it to be a stolen livestock or produce, commits an offence and shall be liable, on conviction, to a term of not less than twenty years.

(2) Where, for the purpose of stealing any livestock or produce, or in the course of stealing any livestock or produce, violence or the threat of violence is used, such person is liable, on conviction, to a life term of imprisonment.

(3) A person charged under subsection (1) may be convicted of the offence of stealing any livestock or produce or of receiving any livestock or produce notwithstanding that the person stated in the charge to be the owner of the livestock or produce is wrongly named as the owner of the livestock or produce.

(4) Any person who procures, incites, hires, directs, instigates, or colludes with, another person to contravene the provisions of subsection (1) commits an offence and is liable, on conviction to a term of imprisonment of not less than fifteen years.

Trespass with intent
to steal livestock or
produce.

20. (1) A person who enters any enclosed land with the intention of stealing livestock or produce on such land commits an offence and shall be liable, on conviction, to imprisonment for a term not exceeding seven years or to a fine not exceeding five hundred thousand shillings, or to both such fine and imprisonment.

(2) A person who enters and is found on such land under subsection (1) shall, unless such person—

- (a) satisfies the court that they had reasonable and lawful

The Prevention of Livestock and Produce Theft Bill, 2023

excuse for their presence in the land; or

(b) was proceeding along a road or thoroughfare traversing such land or part of such land,

be presumed to have entered the land with the intention of stealing livestock unless such person proves that they did not enter such land with the intention to steal the livestock or produce therein.

Conveyance of
livestock or
produce.

21. (1) No person shall, without lawful authority, drive, convey or transport any livestock or produce along a public road unless that person is in possession of –

(a) the document of identification issued by the owner of such stock or produce or the duly authorized agent of such owner; and

(b) a removal permit issued by the registrar for the conveyance of the livestock or produce, in which is stated–

(f) the name and address of the person who issued the certificate;

(ii) the name and address of the owner of such stock or produce;

(iii) the place from which and the place to which such stock or produce is being driven, conveyed or transported;

(iv) the name of the driver, conveyor or transporter;

(v) the date of issue of the permit; and

(vi) where applicable, the registration number, model and make of the vehicle with which the stock or produce is being conveyed or transported.

(2) No person shall cause or permit any livestock or produce of which he is the owner to be driven, conveyed or transported by any other person without furnishing him with a removal permit which he is required to have in terms of subsection (1).

(3) A registrar or any officer may demand from any person who is required in terms of subsection (1) to have in his or her possession a removal permit, an inspection of such permit, and upon such demand the person having possession of such permit shall produce it for inspection to the person making the demand.

(4) A person who-

- (a) contravenes any provision of this section;
- (b) wilfully makes any false statement in a removal permit furnished under subsection (1); or
- (c) falsely declares that he or she is the owner of stock or produce which is being driven, conveyed or transported by him or her,

commits an offence.

(5) For the purposes of this section "livestock owner" includes any person who obtained livestock or produce by virtue of an agreement of sale in terms of which such person does not become the owner of such stock or produce merely by virtue of the delivery to him of such stock or produce.

Tampering with
identification
brand.

22. A person who tampers with, alters, or assists in tampering with, alteration of any identification brand or ear mark on stock or produce so as to conceal or disguise the identification of such stock or produce commits an offence and shall be liable, on conviction, to imprisonment for a term of three years, to a fine of one million Shillings, or both.

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Prohibition of the
delivery or sale of
livestock or
produce at night.

23. (1) A person shall not deliver or sell or otherwise trade in, or accept the delivery of any livestock between 6:30 p.m. and 6:00 a.m.

(2) A person who contravenes the provision of subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term of not more than twelve months or to a fine not more than eight hundred thousand or to both.

Illegal possession
of livestock.

24. A person who has in his or her possession any livestock which may reasonably be suspected of being stolen or unlawfully obtained shall, if that person fails to prove to the satisfaction of the court that he or she came by the livestock lawfully, commits an offence and is liable on conviction to imprisonment for a term of not less than fifteen years.

Illegal possession
of produce.

25. (1) A person who has in their possession produce which may reasonably be suspected of being stolen or unlawfully obtained commits an offence and is liable on conviction, to imprisonment for a term of not less than ten years.

(2) For the purposes of this section it shall be sufficient, in order to raise a reasonable suspicion that any produce is stolen or unlawfully obtained, if, when required by the person who arrests him to account for the possession of the produce, the person arrested fails to account therefor or gives an account which the person who arrests him or her reasonably finds insufficient.

Killing of livestock
with intent to steal
such livestock.

26. A person who kills any livestock with intent to steal the skin or carcass, or any part of the skin or carcass commits an offence and shall be liable on conviction, to imprisonment for a term of not less than ten years.

Failure to report
commission of an
offence.

27. A person commits an offence if the person, being aware that an offence of stock theft has been, is in the process of being, or intends to be, committed, fails to report

accordingly to a law enforcement officer.

Issuance of warrant
for search, seizure
and arrest.

28. (1) The court, upon being informed on oath that any livestock has been stolen, may by warrant under his or her hand authorise a law enforcement officer to –

- (a) seize or impound or cause to be seized or impounded such livestock;
- (b) to arrest and search any person found, or suspected of being, in possession or charge or control of livestock or produce; and
- (c) may seize the stock and produce and any documents relating to it.

(2) A warrant issued under subsection (1) shall not authorise the retention of livestock for longer than –

- (a) twenty - one days; or
- (b) if, before the expiry of twenty - one days, a person has been charged with the theft of such livestock or with receiving or retaining of such livestock or of being an accessory after the fact to the theft, receiving or retaining, fourteen days after the conclusion of the trial of that person or after the determination of any appeal against any order or sentence made or imposed as a result of the trial or against any order made on appeal, whichever is later.

(2) Any livestock and documents relating to the livestock seized under subsection (1), may, for the safe custody of such livestock and for the period of the seizure, be removed from the place of seizure to the nearest livestock centre.

Forfeiture of assets
derived from
livestock theft.

29. (1) Upon an application made by a law enforcement officer to the court, the court may make an order for the investigation by the law enforcement into the dealings and assets of any person reasonably suspected of being engaged in the business of receiving or stealing livestock or

produce, or dealing in stolen livestock or produce, or any other fraudulent activities in relation to livestock or produce.

(2) If, upon such investigation, it is found that any assets of such person have been derived from or are attributable to any of the activities referred to in subsection (1), the court shall make an order the forfeiture of such assets to the Government.

(3) For the purposes of subsections (1) and (2), the court may make an order-

- (a) authorizing the law enforcement officer to search for and seize any assets of the person concerned, pending the investigation;
- (b) requiring any person to make available to the law enforcement officer any document relevant to the location or identification of any assets of such person;
- (c) prohibiting any dealing in any assets of such person without an order of the court; or
- (d) requiring any bank or other financial institution to produce to the law enforcement officer, any information relevant to any assets of such person.

(4) A person who has any interest in any assets seized or forfeited under this section may apply to the court to have such assets released.

(5) A person who deals with any assets, which are subject to an order of the court under this section, contrary to the terms of such order commits an offence and is liable, on conviction to imprisonment for a term of five years or to a fine of one million shillings or to both.

Detention of
livestock.

30. (1) Any livestock or produce seized in relation to an offence committed under this Act shall be released to the owner within seventy-two hours from the time of seizure.

(2) Notwithstanding the provisions of subsection (1), where livestock or produce seized in relation to an offence committed under this Act and ownership of such livestock or

produce is in dispute, or the owner is not known or cannot be found such livestock or produce shall be dealt with as may be directed by a court of competent jurisdiction.

PART V - MISCELLANEOUS PROVISIONS

Public awareness
and sensitization.

31. The county executive committee member shall, in consultation with the relevant security agencies –

- (a) develop and implement public education and awareness programmes on the prevention and eradication of livestock and produce theft;
- (b) promote the disarmament of members of livestock owners;
- (c) sensitise the members of livestock keeping communities on the negative socio-economic development and security consequences of livestock theft and the need to respect the property and livelihood of other persons;
- (d) develop programmes aimed at affording the concerned communities with additional means of livelihood; and
- (e) facilitate the formation of cross-border committees with a focus on preventing and addressing the consequences of livestock.

Dispute resolution.

32. The county executive committee member shall collaborate with the elders and gate keepers of communities in promoting the use of community dispute resolution mechanisms including mediation in the determination of any disputes regarding livestock theft, the identification of livestock or any other dispute arising under this Act.

Trial of offences.

33. (1) Offences under this Act or under any rules made there under shall be tried by any subordinate court.

(2) A court of law shall have jurisdiction in any case brought before it under this Act against any person being at the time within its jurisdiction, whether the offence is alleged to have been committed within such area or not, or whether the

The Prevention of Livestock and Produce Theft Bill, 2023

person accused of the offence is in the accused person's usual place of abode or residence within that area or not.

General penalty.

34. If a person contravenes any provisions of this Act where no penalty is provided for, that person shall, on conviction and notwithstanding the provisions of any other written law, be liable, in the case of a misdemeanour to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both, and in the case of a felony to a fine of not less than one million or imprisonment for a term of not less than five years or to both.

Legislation by
county government.

35. Each county government shall, with respect to implementation of the provisions of this Act, enact county specific legislation or put in place such administrative measures and policies for better carrying into effect the provision of this Act within the respective county.

Regulations.

36. (1) The Cabinet Secretary, in consultation with the council of governors, may make regulations generally for the better carrying out of the provisions of this Act.

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

- (a) for the registration and identification of livestock;
- (b) for the removal or conveyance of livestock or produce under this Act;
- (c) for the management of livestock centres under this Act;
- (d) the conduct of sensitization programmes and the publication and dissemination of information under this Act; and

The Prevention of Livestock and Produce Theft Bill, 2023

(e) for charges and fees to be paid to the Registrar under this Act.

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

(a) the authority of the Cabinet Secretary to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and

Cap. 2.

Cap 2A.

(b) the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, in relation to subsidiary legislation shall apply to regulations made under this Act.

Amendment to Cap.
63.

37. The Penal Code is amended by repealing section 278.

Repeal of Cap. 357.

38. The Branding of Stock Act is repealed.

Repeal of Cap. 355.

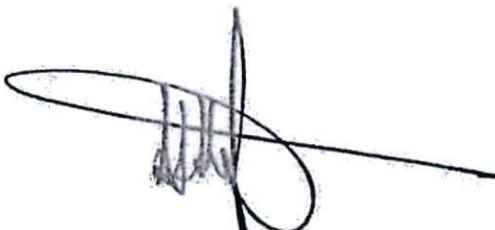
39. The Stock and Produce Theft Act is repealed.

The Prevention of Livestock and Produce Theft Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Thursday, 21st March, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.


Speaker of the Senate



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Saturday, 16th August 2025 do hereby affix our signatures to this **Report on the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUTHIA MUTUNGA, PhD, CBS, MP - CHAIRPERSON	
2.	HON. BRIGHTON LEONARD YEGON, MP - VICE-CHAIRPERSON	
3.	HON. SABINA WANJIRU CHEGE, CBS, MP	
4.	HON. FERDINAND KEVIN WANYONYI, MP	
5.	HON. GEOFFREY MAKOKHA ODANGA, MP	
6.	HON. JUSTICE KIPSANG KEMEI, MP	
7.	HON. JARED ODOYO OKELO, MP	
8.	HON. LAWRENCE MPURU ABURI, MP	
9.	HON. DAVID KIPLAGAT, MP	
10.	HON. GABRIEL GATHUKA KAGOMBE, MP	
11.	HON. MONICAH MUTHONI MARUBU, MP	
12.	HON. PATRICK KIBAGENDI OSERO, MP	
13.	HON. YUSSUF MOHAMED FARAH, MP	
14.	HON. JOHN OKWISIA MAKALI, MP	
15.	HON. RUTH ADHIAMBO BUSIA ODINGA, MP	



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 23RD SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON TUESDAY, 17TH JUNE 2025 IN COMMITTEE ROOM 15, 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. Hon. (Dr.) John Kanyuthia Mutunga, PhD, CBS, MP
2. Hon. Brighton Leonard Yegon, MP
3. Hon. Sabina Wanjiru Chege, CBS, MP
4. Hon. Ferdinand Kevin Wanyonyi, MP
5. Hon. Geoffrey Makokha Odanga, MP
6. Hon. Justice Kipsang Kemei, MP
7. Hon. Jared Odoyo Okelo, MP
8. Hon. David Kiplagat, MP
9. Hon. Monica Muthoni Marubu, MP
10. Hon. Patrick Kibagendi Osero, MP

Chairperson

Vice-Chairperson

ABSENT WITH APOLOGY

1. Hon. Lawrence Mpuru Aburi, MP
2. Hon. Yussuf Mohamed Farah, MP
3. Hon. John Okwisia Makali, MP
4. Hon. Ruth Adhiambo Busia Odinga, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | |
|-------------------------|-------------------|
| 1. Mr. Nicodemus Maluki | Clerk Assistant I |
| 2. Mr. Gerald Kadede | Legal Counsel II |
| 3. Ms. Jacinta Maru | Sergeant-at-Arms |
| 4. Ms. Teresia Macharia | Intern |
| 5. Ms. Grace Watere | Attaché |
| 6. Ms. Veronica Kithuka | Attaché |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising
5. Confirmation of Minutes
6. **Clause by Clause Considerations on the Prevention of Livestock & Produce Theft Bill (Senate Bill No. 12 of 2023)**
7. Any other Business
8. Adjournment/Date of the Next Sitting

100
MIN. NO. NA/A&L/2025/096:

PRELIMINARIES/ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at twelve o'clock and prayed. He thereafter requested all present to make a self- introduction. The agenda of the day was adopted after being proposed and seconded by the Hon. Yussuf Mohamed Farah, MP and the Hon. John Okwisia Makali, MP respectively.

101
MIN. NO. NA/A&L/2025/097:

CLAUSE BY CLAUSE CONSIDERATIONS ON THE PREVENTION OF LIVESTOCK & PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023)

The Committee undertook a clause-by-clause consideration of the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) as follows:

LONG TITLE

1. **THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide for: a legal framework for the identification of livestock; the prevention of livestock theft; the regulation of trade in livestock, the return of illegally acquired livestock; and for connected purposes.”

Justification

Return of illegally acquired firearms is a security function which falls under the Ministry of Interior.

CLAUSE 3

2. **THAT**, Clause 3 of the Bill be amended in paragraph (a)—
 - (a) by deleting subparagraph (i) and substituting therefor the following new subparagraph—

“(i)the prevention, combating and eradication of livestock theft through reliable and verifiable identification mechanism.
 - (b) by deleting subparagraph (iii) and substituting therefor the following new subparagraph—

“(iii)the regulation of livestock movement from one place to another.” and
 - (c) by deleting subparagraph(iv).

Justification

To align the object of the Bill to the intention of the Bill and to delete functions that fall within the Ministry of Interior.

CLAUSE 4

3. **THAT**, Clause 4 of the Bill be amended by deleting paragraph (d).

Justification

This is a security function which falls under the Ministry of Interior

CLAUSE 5

4. **THAT**, Clause 5 of the Bill be amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Functions of the county government"

(b) by deleting the opening statement and substituting therefor the following new opening statement—

"(5) Every county government shall—"

(c) by deleting paragraph (a) and substituting therefor the following new paragraph—

"(c) establish and maintain a county specific register of livestock brands in collaboration with the Ministry;"

(d) by deleting paragraph (c) and substituting therefor the following new paragraph—

"(c) design, formulate and implement strategies and mechanisms for the prevention, combating and eradicating livestock theft;"

(e) by deleting paragraph (e) and substituting therefor the following new paragraph—

"(c) promote the abandonment of livestock theft by collaborating with relevant agencies in sensitizing livestock owners on alternative sustainable forms of livelihood;"

(f) By deleting paragraph (f);

Justification

(a) the Bill being a national legislation, emphasis is on the county government and not CECM;

(b) to ensure that county government develop livestock brands in consultation with the Ministry to ensure that the brands are well differentiated;

(c) to introduce implementation by county governments after designing and formulating strategies; and

(d) paragraph (f) is covered under paragraph (c).

CLAUSE 6

5. **THAT**, Clause 6 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause —
“(1) Every livestock owner shall apply to the county government for registration of their livestock”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) An application for registration under this section shall be in accordance to county specific legislation.”
- (c) by deleting subclause (3) and substituting therefor the following new subclause—
“(3) A county government shall ensure registration of livestock within thirty days from the date of an application for registration by a livestock owner upon compliance with the registration requirements.”
- (d) by deleting subclause (4); and
- (e) by deleting subclause (5).

Justification

- (a) the Bill being a national legislation, emphasis is on the county government and not CECM;
- (b) to ensure that details on the application for the registration can be left for the county specific legislations since counties have different and unique challenges;
- (c) to ensure that brands are developed by the county in consultation with the Ministry and not the livestock owner;
- (d) to ensure that application to the county government is for registration of livestock and not brands, the counties to develop the brands.

CLAUSE 7

- 6. **THAT**, the Bill be amended in Clause 7—
 - (a) by deleting subclause (1) and substituting therefor the following new subclause—
“(1) Upon registration of a brand, a county government shall issue to the applicant a certificate of registration in the form prescribed in the county specific legislation.”
 - (b) in subclause (2)—
 - (i) by deleting the phrase “under subsection (2)” appearing immediately before the word “made” and substituting therefor the words “under this section”; and
 - (ii) by deleting the phrase “county executive committee member” and substituting therefor the phrase “county government”.
 - (c) in subclause (4) by deleting the phrase “subsection (2)” in the opening statement and substituting therefor the words “under this section”
 - (d) in subclause (5) by deleting the words “under subclause (3)” appearing immediately before the word “certificate”.

Justification

- (a) the Bill being a national legislation, emphasis is on the county government and not CECM; and
- (b) to avoid a lot of cross reference of sections in the Bill.

CLAUSE 8

7. **THAT**, Clause 8 of the Bill be amended—

- (a) in subclause (1) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”;
- (b) in subclause (3)—
 - (i) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (ii) by deleting the phrase “*subsection (1)*” and substituting therefor the word “*this section*”.
- (c) in subclause (5) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”;

Justification

- (a) the Bill being a national legislation, emphasis is on the county government and not CECM; and
- (b) to avoid a lot of cross reference of sections in the Bill.

CLAUSE 9

8. **THAT**, Clause 9 of the Bill be amended—

- (a) in subclause (1)
 - (i) by deleting the words “*county executive committee*” appearing in the opening statement and substituting therefor the words “*county government*”;
 - (ii) in paragraph (a) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (iii) in paragraph (c) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation, emphasis is on the county government and not CECM;

CLAUSE 10

9. **THAT**, Clause 10 of the Bill be amended by in subclause (1) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The he Bill being a national legislation, emphasis is on the county government and not CECM;

CLAUSE 11

10. **THAT**, Clause 11 of the Bill be amended—

- (a) in subclause (1) by deleting the word "six" appearing immediately after the phrase "of" and substituting therefor the word "three";
- (a) in subclause (2) by deleting the word "three" appearing immediately after the word "within," and substituting therefor the word "six";
- (b) in subclause 3—
 - (i) by deleting the word "conspicuous" in paragraph (a) and substituting therefor the word "traceable";
 - (ii) by deleting the words "county executive committee member" appearing immediately after the phrase "the" in paragraph (c) and substituting therefor the words "county government";
- (c) by deleting subclause (4) and substituting therefor the following new subclause—

"(4) A county government may prescribe further requirements on branding taking into consideration the unique circumstance within the respective county."

CLAUSE 12

11. **THAT**, the Bill be amended by deleting Clause 12.

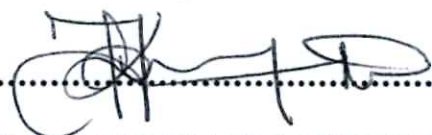
Justification

Branding ought to be permanent and identifiable whether it is visible or invisible

MIN. NO. NA/A&L/2025/098: ¹⁰²

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at half past passed one o'clock. The next meeting will be held on notice.

SIGNED:  DATE: 22/07/2025

**HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &
LIVESTOCK**



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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When replying, please quote

Ref: NA/DDC/A&L/2024/034

✓ **Dr. Kipronoh Ronoh, PhD**
Principal Secretary,
State Department for Agriculture
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

PS - Livestock
29 May 2024
Hon. Abdul Razib Dawood,
Member of Parliament,
North Baringo Constituency
Parliament Buildings
NAIROBI

Dr. Raymond Omolo, PhD, CBS
Principal Secretary,
State Department for Internal Security &
National Administration
Ministry of Interior & National Administration
Harambee House, Harambee Avenue
NAIROBI

Mr. Alfred Ombudo K'Ombudo
Principal Secretary,
State Department for Trade
Ministry of Investments, Trade & Industry
18th Floor, Teleposta Towers
Kenyatta Avenue
NAIROBI

Ms. Mary Mwiti
Chief Executive Officer,
Council of Governors
2nd Floor, Delta House
Waiyaki Way
NAIROBI

Ms. Grace Kyallo
Director General,
Agriculture and Food Authority
Tea House, Naivasha Road,
Off Ngong Road
NAIROBI

Dear **PS,**

REF: STAKEHOLDER ENGAGEMENT ON THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 and is mandated *inter alia* 'to study and review all legislation referred to it'.

Pursuant to the cited mandate, the Committee is in the process of considering the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) (copy attached).

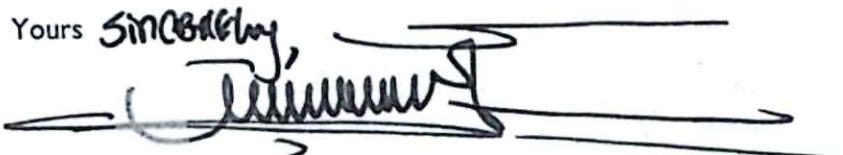
The Bill seeks provide a legal framework for the identification of livestock; the movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; and the return of illegally acquired livestock and firearms.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on **Thursday, 6th June 2024** in **Committee Room 26, Fifth Floor, Bunge Tower, Parliament Buildings** at **12.00 noon**.

You are requested to submit electronic copies of your submissions to the Committee through the Office of the Clerk via email address ena@parliament.go.ke by **Tuesday, 4th June 2024** and provide twenty (20) hard copies of the submissions during the meeting.

The liaison officers for this activity are **Ms. Laureen Omosa Wesonga** who may be contacted on Tel. No. **0710820442** or email: laureen.wesonga@parliament.go.ke and Mr. Victor Kilimo on Tel. No. **0724587091** or email: kilimo.simon@parliament.go.ke.

Yours

Sincerely,


Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

Copies to:

Hon. Mithika Linturi, EGH
Cabinet Secretary,
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

Hon. (Prof.) Kithure Kindiki, EGH
Cabinet Secretary
Ministry of Interior & National Administration
Harambee House, Harambee Avenue
NAIROBI

Ms. Rebecca Miano, EGH
Cabinet Secretary
Ministry of Investments, Trade & Industry
18th Floor, Teleposta Towers
Kenyatta Avenue
NAIROBI

COMMENTS/OBSERVATIONS TO SHARE DURING STAKEHOLDER ENGAGEMENT ON THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

1. GENERAL AND SPECIFIC COMMENTS/OBSERVATION

The Bill has in general provided a legal framework that will facilitate the identification of livestock; regulate the movement of livestock; prevention of livestock theft; regulate trade in livestock; and the return of illegally acquired livestock and illegally owned firearms.

The specific comments and observations are as highlighted below: -

PART I — PRELIMINARY

There is need to specify clearly where the act is domiciled given that in the preliminary the "Cabinet Secretary" means the Cabinet Secretary responsible for the matters relating to livestock; while the "Ministry" means the Ministry responsible for the matters relating to internal security.

PART II – BRANDING OF LIVESTOCK

Section/Clause 6 – Application for Registration of a Brand

(i) How about an Option of On-line Registration?

With Digital Superhigh Way and Creative Economy as one of the key pillars of our Transformation agenda, an option for online registration of a brand may be considered in the bill

(ii) Section/Clause 8 – Transfer of a Registered Brand in 30 days

If an option for online registration of a brand is considered in the bill as proposed above, 30 days is relatively longer to transfer a registered band. The time may be reduced by half. Alternatively, the system may be developed in such a way that it become instant if the applicant meets all the requirements built in the system.

PART III – MOVEMENT OF LIVESTOCK

(iii) Section/Clause 13 – Removal of Livestock

There is need to unpack for clarity the Particulars of Livestock owner [13 (2) a] and the need to consider adding "*Permanent Identification Device*" to "Particulars of the brand" in [13 (2) e]

(iv) Section/Clause 14 – Retention of a Removal Permit

There is need to review the period for removal permit from the proposed 3 months to six months [14 (2)]

(v) Section/Clause 15 – Owner of Abattoir to Keep Records

- Considering that there are aspects of security being guarded, there is need to design standard record keeping books for uniformity and accountability [15 (2)]. The templates developed can be availed and used as software for ease of recording and maybe interlinked to authorizing agencies for real time monitoring.
- Considering that there are aspects of security being guarded, there is need to ensure that the records are kept a little longer than three months. May be six months to 1 year may be appropriate [15 (4)]

PART IV – OFFENCES

(vi) Section/Clause 17 – Use of Unregistered Brand

The fines for offences for using unregistered brands are too lenient and do not have lower limits hence prone for abuse. There is need to make them more punitive by prescribing a lower limit.

Currently it seems that any period of a few hours to a maximum of one year or a few thousand to Ksh 100,000 may be decided by a Judge. It should start by "Not Less than to a maximum figure" so that it is not prone to abuse.

(vii) Inclusion of "Failure to Keep Records of Livestock" as an Offence

There is need to consider Inclusion of Failure to Keep Records of Livestock as an Offence.

(viii) Section/Clause 19 – Offence of Livestock or Produce theft

A “**Life term of Imprisonment** [Section 19 (2)] is relatively harsh. Life term imprisonment may be changed to “***Not Less than 50 years***”. By the time the youngest convict of say 18 years of age come out at 68 years, he shall have spent the energy and desire to continue with stealing livestock.

(ix) Section/Clause 23 – Prohibition of Delivery or Sale of Livestock or Produce at Night

Considering the Country’s quest for a 24-hour economy, delivery or sell or otherwise trade in or accept the delivery of any livestock between 6:30 p.m. and 6:00 a.m. [Section 23 (1)] may be reviewed. Permits should be strictly issued to trust worthy traders so that trade is not necessarily hindered due to a few culprits.

(x) Establishment and Management of Livestock Centres

There is the mention of “nearest livestock center in Section 28 (3). There is need to consider their establishment and management as implied in section 36 (c).

Submitted for consideration alongside other submissions

State Department for Trade

4th June 2024



REPUBLIC OF KENYA
MINISTRY OF INVESTMENTS, TRADE AND INDUSTRY
STATE DEPARTMENT FOR TRADE
Office of the Principal Secretary

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Email: psfortrade@gmail.com
When replying please quote:

TELPOSTA TOWERS
P.O. Box 30430 - 00100
NAIROBI GPO
KENYA

REF: MITI/SDT/DIT/84/137

Date: 11th June 2024

Mr. Samuel Njoroge, CBS
Clerk to the National Assembly
Kenya National Assembly
NAIROBI.

Dear CNA,

RE: STAKEHOLDER ENGAGEMENT ON THE PREVENTION OF LIVESTOCK AND
PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023) BY THE
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

Reference is made your letter No. NA/DDC/A&L/2024/ (034) dated 27th May, 2024, inviting the Principal Secretary, State Department for Trade, to a meeting with the Departmental Committee on Agriculture and Livestock to discuss the above mentioned Bill on 6th of June, 2024 at Bunge Towers at 12.00 noon.

The State Department for Trade has reviewed the Bill and made comments on various sections of the Bill.

Enclosed herewith, please find the State Department for Trade's comments on the Bill that will be presented during the meeting for your consideration.

Yours

Alfred K' Ombudo
PRINCIPAL SECRETARY

Encl.



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 35TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON SATURDAY, 16TH AUGUST 2025 AT HILTON GARDEN INN HOTEL, SUITE 6, 6TH FLOOR, MACHAKOS COUNTY AT 2:30PM

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, MP | - | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, MP | | |
| 4. Hon. Geoffrey Makokha Odanga, MP | | |
| 5. Hon. Justice Kipsang Kemei, MP | | |
| 6. Hon. Jared Oduyo Okelo, MP | | |
| 7. Hon. Lawrence Mpuru Aburi, MP | | |
| 8. Hon. David Kiplagat, MP | | |
| 9. Hon. Gabriel Gathuka Kagombe, MP | | |
| 10. Hon. Monicah Muthoni Marubu, MP | | |
| 11. Hon. Patrick Kibagendi Osero, MP | | |

ABSENT WITH APOLOGY

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. Yussuf Mohamed Farah, MP
3. Hon. John Okwisa Makali, MP
4. Hon. Ruth Adhiambo Busia Odinga, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|---------------------|
| 1. Mr. Nicodemu Maluki | - | Clerk Assistant I |
| 2. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 3. Mr. Gerald Kadede | - | Legal Counsel II |
| 4. Ms. Lydia Nyagol | - | Secretary |
| 5. Ms. Jacinta Maru | - | Serjeant-At-Arms |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes

4. **Consideration and adoption of the Tea (Amendment) Bill (Senate Bill No. 1 of 2023); the Pyrethrum (Repeal) Bill, 2024 (National Assembly Bill No. 40 of 2025); and the Prevention of Livestock and Produce Theft Bill, 2023 (Senate Bill, No. 12 of 2023)**
5. Any other Business
6. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2025/130:

**PRELIMINARIES/ADOPTION OF THE
AGENDA**

The Chairperson called the meeting to order at thirty minutes past two o'clock by prayed.

The agenda was adopted having been proposed and seconded by the Hon. David Kiplagat, MP, and the Hon. Monicah Muthoni Marubu, MP respectively.

MIN. NO. NA/A&L/2025/131:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next meeting.

MIN. NO. NA/A&L/2025/132:

**CONSIDERATION AND ADOPTION OF
THE TEA (AMENDMENT) BILL
(SENATE BILL NO. 1 OF 2023)**

The Committee adopted its report with the following proposed amendments to be considered by the House in the Committee Stage:

Clause 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of “*value addition*” and substituting therefor the following new definition—

“Value addition” means improvement on made tea through blending or flavouring or branding and packaging into a retail packet or a container holding not more than ten kilograms, or tea extracts, tea aroma and decaffeinated tea.”

- (b) by deleting the definition of “*tea limited factory*.”

- (c) by inserting the following new definitions in their proper alphabetical sequence—

“e-trader” means a person providing a platform for buying and selling of tea through an e-commerce platform;

“Small-scale tea grower” means a person cultivating tea in a parcel of land of less than ten acres supplying green leaf to a tea factory limited company;

“Medium-scale tea grower” means a person cultivating tea in a parcel of land supplying green leaf to a tea factory limited company;

Clause 3

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

“Section 5 of the principal Act be amended—

- (a) by deleting the words “commercial green leaf transporters” appearing immediately after the words “commercial tea nurseries”;
- (b) by deleting the words “commercial tea nurseries” appearing immediately the words “tea auction organizers”.

Justification

Registration of commercial tea nurseries is a function of county governments under section 38(1) of the Act.

Clause 6

THAT, Clause 6 of the Bill be amended—

- (a) by numbering the existing provision as (a);
- (b) by inserting the following new paragraph immediately after paragraph (a)—

“(b) Section 22 of the principal Act be amended by deleting subsection (1)”

Justification

To allow the constitution of company boards to be governed by their Memorandum and Articles of Association and the Companies Act

Clause 7

THAT, Clause 7 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) by inserting the following new subsection immediately after subsection (1)—

(1A) A large scale tea grower shall notify the Board of any intended sale or transfer of any intended sale or transfer of ownership of its holding three months before the commencement of the intended transaction.”

Justification

The notification to the Board of any intended sale is important to ensure that interest of the grower is taken care of. However, since such a transfer of sale is governed by other laws, it might not be possible to know with certainty when the transfer of sale will take effect hence a notification of three months before commencement is more reasonable.

Clause 11

THAT, Clause 11 of the Bill be amended in section 34A—

- (a) by inserting the following new paragraph immediately after paragraph (b) in subsection (1)—

“(c) e-commerce.”

(b) by inserting the following new subclause immediately after subclause (2)—

“(3) *The Cabinet Secretary may prescribe regulations providing for the sale of teas through the auction, direct sales and e-commerce.*”

(c) by inserting the following new section immediately after section 34A—

“34B (1) *A person who intends to establish an e-commerce platform for sale of tea shall register with the Board.*

(2) *A person shall not establish an e-commerce platform for tea unless the person is registered in accordance with this Act.*

(3) *The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of e-traders and the appeal process in case of refusal or denial of registration.*

(4) *A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or to both.”*

(d) by deleting subclause (2).

Justifications

(a) To incorporate e-commerce in the trade of tea and to operationalise the provision on e-commerce in the trade of tea.

(b) Requiring tea to be registered by the Board before export can lead to delays and loss of clients given the manner in which tea is sold. This is a process that can be done administratively without expressly stating in the Act.

Clause 12

THAT, Clause 12 of the Bill be amended by deleting paragraph (c).

Justification

The current system of paying the growers works well and the proposed mode might be impractical to implement.

Clause 13

THAT, Clause 13 of the Bill be amended in the proposed new Clause 36A—

(a) By deleting subclause (2) and substituting therefor the new subclause—

"(2) The prices offered at the direct sales shall be sold at a price above the average price recorded at the auction within the three months preceding the sale."

Justification

Tying direct sales to the highest auction prices will limit this flexibility. Requiring prices to exceed auction highs could make Kenyan tea less competitive in the international market, as buyers may shift to other tea-producing countries offering better pricing flexibility. Direct buyers may avoid Kenyan tea due to the artificial price floor, reducing demand and potentially leading to an oversupply in the market which could depress overall prices.

(b) By deleting subclause (3) and substituting therefor the following new subclause—

"(3) The Cabinet Secretary shall, in consultation with the Council of Governor prescribe regulations for the procedure of direct sale of tea."

Justification

Engaging with the county governments individually may lead to delays and inconsistencies in the formulation of regulations. Different counties may prioritize their unique interests, complicating the development of cohesive national-level policies for the tea sector. The Council of Governors serves as a collective representative body for all counties, providing a single platform for engagement with the national government. Consulting the Council of Governors will ensure that county-level interests are uniformly represented while maintaining a national perspective.

Clause 15

THAT, Clause 15 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) inserting the following new subsection immediately after subsection (2)—

"2A. Specialty tea, value added tea packed into packets or containers containing not more than ten kilograms, tea aroma, tea extracts and decaffeinated teas shall be exempted from tea levy.

Justification

To provide incentives for value addition of Kenya tea prior to export, branding and origin recognition of Kenya tea and include tea aroma, extracts tea and decaffeinated teas which are

high value in the teas to be exempted from tea levy.

Clause 16

THAT, Clause 16 of the Bill be amended—

(a) by numbering the existing provision as paragraph (a);

(b) by inserting the following new paragraph immediately after paragraph (a)

“(b) The principal Act be amended in section 74 by inserting the following new subclause immediately after subclause (2)—

(2A) The Cabinet Secretary may, in consultation with the Board, make Guidelines to provide for –

(a) Corporate Governance Guidelines for the tea industry;

(b) Code of Ethics and Conduct for tea Director(s);”

Justification

To ensure uniform practice by directors in the governance of the tea sector.

New Proposed Clauses

THAT, Section 25 of the principal Act is amended—

(a) in subsection (3) by deleting the words “after consultation with the Cabinet Secretary” in the opening statement.

(b) By inserting the following new subsections immediately after subsection (5)—

“(6) A holder of a tea manufacturing license shall notify the Board of any intended sale or transfer of ownership of its holdings before the transaction is affected.

(7) The Cabinet Secretary shall make regulations to provide for transfer of holdings of a tea manufacturer.”

Justifications

(a) Issuance of licence by the Board does not require consultation of the CS.

(b) To allow only a notification of change of ownership to the Board.

(c) To retain definition of “tea factory” as it is in the Act. A Factory is not necessarily a limited company.

THAT, Section 34 of the principal Act be amended by deleting—

(a) by deleting subsection (5) and substituting therefor the following new subsection—

“(5) The staff costs for personnel seconded to the tea factory limited company by a management agent shall be borne by the tea limited factory;”

(b) by deleting subsection (9).

Justifications

(a) To enable each factory to pay for the cost of their staff.

- (b) The directors of tea companies are elected to sit in the holding companies because of the interests they protect. Any potential conflict of interest is governed by the Companies Act.

THAT, Section 48 of the principal Act be amended by deleting subsection (1) and substituting therefor the following new subsection—

“(1) All tea buyers or exporters shall value add at least forty per centum of their annual Kenya tea exports within ten years of the commencement of their business.”

Justification

To increase the duration for value addition to ten years and peg to the date of commencement of business and not the commencement date of the Act.

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amend by—

(a) deleting “Narok” from the East Block and inserting it under the West Block;

(b) adding “West Pokot” under the West Block

Justification

To correct mis-classification of Narok under the tea blocks and to incorporate all tea growing counties

MIN. NO. NA/A&L/2025/133:

CONSIDERATION AND ADOPTION OF THE PYRETHRUM (REPEAL) BILL, 2024 (NATIONAL ASSEMBLY BILL NO. 40 OF 2025)

Having reviewed the Pyrethrum (Repeal) Bill, 2024 (National Assembly Bill No. 40 of 2025, the Committee recommended that the House **approves the Bill without amendments.**

MIN. NO. NA/A&L/2025/134:

CONSIDERATION AND ADOPTION OF THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL, 2023 (SENATE BILL, NO. 12 OF 2023)

The Committee adopted the report with the following proposed amendments for consideration by the House in the Committee Stage:

Long Title

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide for: a legal framework for the identification of livestock; the prevention of livestock theft; the regulation of trade in livestock, the return of illegally acquired livestock; and for connected purposes.”

Justification

Return of illegally acquired firearms is a security function which falls under the Ministry of Interior.

Clause 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “ammunition”;
- (b) by deleting the definition of the term “county executive committee member”;
- (c) by deleting the definition of the term “firearm”;
- (d) by deleting the definition of “Ministry” and substituting therefor the following new definition—
“Ministry” means the Ministry of Agriculture and Livestock Development”; and
- (e) by deleting the words “county executive committee member in the respective county” in the definition of the word “register” and substituting therefor the words “county government”.

Justifications

- a) **The Committee has proposed amendments to delete the terms from the Bill and thus no need to define them as they haven’t been used in the Bill.**
- b) **To specify that the Ministry that is being referred to is the Ministry of Agriculture and Livestock Development.**

Clause 3

I. **THAT**, Clause 3 of the Bill be amended in paragraph (a)—

- (a) by deleting subparagraph (i) and substituting therefor the following new subparagraph—
“(i) the prevention, combating and eradication of livestock theft through reliable and verifiable identification mechanism”.
- (b) by deleting subparagraph (iii) and substituting therefor the following new subparagraph—
“(iii) the regulation of livestock movement from one place to another.” and
- (c) by deleting subparagraph (iv).

Justification

To align the object of the Bill to the intention of the Bill and to delete functions that fall within the Ministry of Interior.

Clause 4

THAT, Clause 4 of the Bill be amended by deleting paragraph (d).

Justification

This is a security function which falls under the Ministry of Interior.

Clause 5

THAT, Clause 5 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—

“Functions of the county government”

- (b) by deleting the opening statement and substituting therefor the following new opening statement—

“(5) Every county government shall—

- (c) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) establish and maintain a county specific register of livestock brands in collaboration with the Ministry;”

- (d) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) design, formulate and implement strategies and mechanisms for the prevention, combating and eradicating livestock theft;”

- (e) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(c) promote the abandonment of livestock theft by collaborating with relevant agencies in sensitizing livestock owners on alternative sustainable forms of livelihood;” and

- (f) By deleting paragraph (f).

Justifications

- (a) The Bill being a national legislation, emphasis is on county governments and not CECMs;**

- (b) To ensure that county governments develop livestock brands in consultation with the Ministry so that the brands are well differentiated;**

- (c) To introduce implementation by county governments after designing and formulating strategies; and**

- (d) Paragraph (f) is covered under paragraph (c).**

Clause 6

THAT, Clause 6 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause —

“(1) Every livestock owner shall apply to the county government for registration of their livestock.”

- (b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) An application for registration under this section shall be in accordance to county specific legislation.”

(c) by deleting subclause (3) and substituting therefor the following new subclause—
“(3) A county government shall ensure registration of livestock within thirty days from the date of an application for registration by a livestock owner upon compliance with the registration requirements.”

(d) by deleting subclause (4); and

(e) by deleting subclause (5).

Justifications

(a) The Bill being a national legislation, emphasis is county governments and not CECMs;

(b) To ensure that details on the application for the registration can be left for the county specific legislations since counties have different and unique challenges;

(c) To ensure that brands are developed by the county in consultation with the Ministry and not the livestock owner;

(d) To ensure that application to the county government is for registration of livestock and not brands, the counties to develop the brands.

Clause 7

THAT, the Bill be amended in Clause 7—

(a) by deleting subclause (1) and substituting therefor the following new subclause—
“(1) Upon registration of a brand, a county government shall issue to the applicant a certificate of registration in the form prescribed in the county specific legislation.”

(b) in subclause (2)—

(i) by deleting the phrase “under subsection (2)” appearing immediately before the word “made” and substituting therefor the words “under this section”; and

(ii) by deleting the phrase “county executive committee member” and substituting therefor the phrase “county government”.

(c) in subclause (4) by deleting the phrase “subsection (2)” in the opening statement and substituting therefor the words “under this section.”

(d) in subclause (5) by deleting the words “under subclause (3)” appearing immediately before the word “certificate”.

Justifications

(a) The Bill being a national legislation, emphasis is on county governments and not CECMs; and

(b) To avoid a lot of cross referencing of sections in the Bill.

Clause 8

THAT, Clause 8 of the Bill be amended—

- (a) in subclause (1) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”;
- (b) in subclause (3)—
 - (i) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (ii) by deleting the phrase “*subsection (1)*” and substituting therefor the word “*this section*”.
- (c) in subclause (5) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justifications

(a) The Bill being a national legislation, emphasis is on county governments and not CECMs; and

(b) To avoid a lot of cross referencing of sections in the Bill.

Clause 9

THAT, Clause 9 of the Bill be amended—

- (a) in subclause (1)
 - (i) by deleting the words “*county executive committee*” appearing in the opening statement and substituting therefor the words “*county government*”;
 - (ii) in paragraph (a) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (iii) in paragraph (c) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 10

THAT, Clause 10 of the Bill be amended in subclause (1) by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 11

THAT, Clause 11 of the Bill be amended—

- (a) in subclause (1) by deleting the word “*six*” appearing immediately after the phrase “*of*” and substituting therefor the word “*three*”;
- (b) in subclause (2) by deleting the word “*three*” appearing immediately after the word “*within*” and substituting therefor the word “*six*”;

(c) in subclause 3—

- (i) by deleting the word “conspicuous” in paragraph (a) and substituting therefor the word “traceable”;
- (ii) by deleting the words “county executive committee member” appearing immediately after the phrase “the” in paragraph (c) and substituting therefor the words “county government”;

(d) by deleting subclause (4) and substituting therefor the following new subclause—
“(4) A county government may prescribe further requirements on branding taking into consideration the unique circumstance within the respective county.”

Clause 12

THAT, the Bill be amended by deleting Clause 12.

Justification

Branding ought to be permanent and identifiable whether it is visible or invisible.

Clause 13

THAT, Clause 13 of the Bill be amended—

- (a) in subclause (1) deleting the words “the purpose of sale and slaughter or any other purpose” appearing immediately after word “for” and substituting therefor the words “any purpose”;

- (b) in subclause (2) by deleting paragraph (h) and substituting therefor the following new paragraph—

“(h) in the case of sale, transactional market;”

Justifications

- (a) **To ensure that removal permit is obtain in all circumstance of livestock movement.**

- (b) **To indicate the market where the sale is intended to take place since the seller may not know details of the purchase at the time of removal of livestock.**

Clause 16

THAT, Clause 16 of the Bill be amended—

- (a) in subclause (1) by deleting the words “county executive committee member” and substituting therefor the words “county government” and

- (b) in subclause (2)—

- (i) by deleting the words “county executive committee member” in the opening statement and substituting therefor the words “county government”; and
- (ii) by deleting the words “county executive committee member” in paragraph (e) and substituting therefor the words “county government”.

Justification

The Bill being a national legislation, emphasis is on county governments and not CECMs.

Clause 17

THAT, Clause 17 of the Bill be amended by deleting the words “one year” appearing immediately after the word “exceeding” in the closing statement and substituting therefor the words “six months”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 18

THAT, Clause 18 of the Bill be amended in the closing statement—

(a) by deleting the words “of theft” appearing immediately after the word “offence”; and

(b) by deleting the word “fourteen” appearing immediately after the word “exceeding” and substituting therefor the words “one”; and

Justification

To ensure that the penalty is commensurate to the offence.

Clause 19

THAT, Clause 19 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A person who steals livestock or livestock produce, or receives any livestock or livestock produce knowing or having reason to believe it to be stolen commits an offence and shall be liable, on conviction for, to a term of one year or a fine of twice the value of the livestock or livestock produce.

(b) in subclause (2) by deleting the word “is liable on conviction to a life term of imprisonment” appearing immediately after the word “person” and substituting therefor the words “shall be charged with the offence of robbery with violence”;

(c) by deleting subclause (3); and

(d) in subclause (4) by deleting the words “a term of imprisonment of not less than fifteen years” and substituting therefor the words “term not exceeding five years, or a fine amounting to twice the value of the livestock”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 20

THAT, Clause 20 of the Bill be amended in subclause (1)—

- (a) by deleting the words “seven years” appearing immediately after the “exceeding” and substituting therefor the word “six months”; and
- (b) by deleting the words “five” appearing immediately after the “exceeding” and substituting therefor the word “one”.

Justifications

To ensure that the penalty is commensurate to the offence.

Clause 21

THAT, Clause 21 of the Bill be amended—

- (a) in subclause (3) by deleting the words “*registrar or any officer*” and substituting therefor the words “*county government*”; and
- (b) by deleting subclause (5).

Justification

To replace the registrar with the county government because there is no registrar in the Bill.

Clause 22

THAT, Clause 22 of the Bill be amended--

- (a) by deleting the words “*of three years*” appearing immediately after the words “*term*” and substituting therefor the word “*not exceeding six months*”; and
- (b) by deleting the words “*of one million*” appearing immediately after the “*exceeding*” and substituting therefor the word “*not exceeding one hundred thousand*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 23

THAT, the Bill be amended by deleting Clause 23.

Justification

Interfering with the movement of livestock will disrupt the markets which currently operate for 24 hours.

Clause 24

THAT, Clause 24 of the Bill be amended—

- (a) by deleting the words “*may be reasonably be suspected of being stolen*” and substituting therefor the words “*is confirmed to be stolen*”; and
- (b) by deleting the words “*not less than fifteen years*” and substituting therefor the words “*not exceeding five years, or to a fine amounting to twice the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 25

THAT, Clause 25 of the Bill be amended—

(a) in subclause (1)—

- (i) by deleting the words *“may be reasonably be suspected of being stolen”* and substituting therefor the words *“is confirmed to be stolen”*; and
- (ii) by deleting the words *“not less than ten years”* and substituting therefor the words *“not exceeding five years, or to a fine amounting to twice the value of the livestock”*.

(b) by deleting subclause (2).

Justifications

(a) To provide clarity of the offences;

(b) To ensure that the penalty is commensurate to the offence; and

(c) To delete an ambiguous clause.

Clause 26

THAT, Clause 26 of the Bill be amended by deleting the words *“of not less than ten years”* and substituting therefor the words *“not exceeding five years, or to a fine amounting to twice the value of the livestock”*.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 27

THAT, Clause 27 of the Bill be amended by inserting the words *“commits and offence and shall be liable, on conviction, for a term not exceeding two years, or to a fine amounting to the value of the livestock”*.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 28

THAT, Clause 28 of the Bill be amended is subclause (3) by deleting the words *“nearest livestock centre”* and substituting therefor the words *“nearest law enforcement agency”*.

Justification

To term livestock centre has not been defined hence not clear and it is more practical to hold the animals in a law enforcement agency in this context.

Clause 31

THAT, Clause 31 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “*develop*” and substituting therefor the word “*promote*”; and
- (b) in paragraph (d) by deleting the word “*develop*” and substituting therefor the word “*promote*”.

Justifications

- a) **To align the functions of county governments.**
- b) **To assign the function to county governments and not CECMs.**

Clause 32

THAT, Clause 32 of the Bill be amended by deleting the words “*county executive committee member*” and substituting therefor the words “*county government*”.

Justifications

To place emphasis on county governments and not CECMs.

Clause 34

THAT, Clause 34 of the Bill be amended—

- (a) by deleting the words “*not less than five hundred*” and substitute therefor the words “*not exceeding one hundred*”; and
- (b) by deleting the words “*two years*” and substituting therefor the words “*six months*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 36

THAT, Clause 36 of the Bill be amended in subclause (2) by deleting paragraph (e) and substituting therefor the following new paragraph—

- (e) “*for charges and fees to be paid to the two levels of government*”.

Justification

To ensure uniformity in the process of coming up with the fees charged by counties by enabling the CS to make regulations.

MIN. NO. NA/A&L/2025/135:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at thirty minutes past one O'clock.
The next meeting will be communicated on notice.

SIGNED: DATE:

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &
LIVESTOCK

National News

Gloom and doom Weatherman warns of more rains which have left a trail of destruction as parents' and teachers'

Kenya Airways diverts flights due to heavy rains, poor visibility

BY HILARY KIMUYU

Kenya Airways (KQ) on Saturday night diverted flights to other airports due to heavy rains and poor visibility at Jomo Kenyatta International Airport (JKIA).

In a statement, the national carrier also warned of potential delays in departures from JKIA due to poor visibility caused by the torrential downpours on Saturday night.

"Due to the heavy rains and poor visibility in Nairobi, we have diverted a number of our flights, which may lead to extended delays for some of our departures from Nairobi," KQ said.

The airline apologised for the inconvenience caused but emphasised that safety remains the top priority.

"We apologise for the inconvenience caused to our customers. The safety and well-being of our crew and customers is our number one priority," it added.

The flight disruption came at the same time when the Kenya Airports Authority (KAA) announced that all vehicles must use the main gate of JKIA to enter and exit the airport indefinitely.

In a statement yesterday, KAA said that persistent heavy rains in Nairobi have led to flooding at JKIA's Tower Avenue underpass.

"Normal flight operations at the airport are still ongoing and access to all terminals remains available. However, due to the situation, traffic is expected to be heavier than normal. We recommend that all vehicles use the main entrance to enter and exit the airport until further notice," the statement read in part.

KAA's Managing Director, Henry Kegoye, said recent leaks in airport roofs were due to refurbishment works, with further infrastructure improvements scheduled through June this year.



Schools in flood-hit areas to remain shut: Machogu

Machogu says Term Two will begin as scheduled, but some schools postpone opening date by a week to monitor the situation

BY WINNIE ATIENO

Schools affected by floods that have, so far, killed over 80 people and displaced at least 131,450, will not reopen today for Term Two as per the education calendar.

The Kenya Meteorological Department Director David Gikungu warned that the rains would continue in various parts of the country for the next seven days. He also said there is a risk of landslides on steep slopes.

Education Cabinet Secretary Ezekiel Machogu told the Nation that schools will reopen as earlier scheduled except the ones in areas affected by floods.

"Schools are reopening as earlier scheduled apart from those affected by floods," he said.

Tana River is one of the counties badly affected by floods. Some families have been forced to move out of their homes as a swollen River Tana threatens to break its banks. Other residents in the region have been living in displaced people's camps since last year after their houses were destroyed by El-Nino rains.

Other regions where floods have left families homeless are



A flooded area in Pipeline, Nairobi County, yesterday after heavy rains hit the capital the previous evening. DENNIS ONSONGO | NATION

Nairobi, parts of the Rift Valley, Nyanza, Western and Central Kenya.

The National Parents Association chairman Silas Obuhatsa lauded the ministry for maintaining the school calendar.

He said schoolchildren were affected during the Covid-19 pandemic when the government suspended learning for more than eight months.

Mr Obuhatsa said that the State cannot make a general decision of postponing the reopening of schools across the country, even though some areas have been experiencing flooding.

Speaking to the Nation, Mr Obuhatsa said in 2020 Kenyan children were deprived of education due to the covid-19 pandemic and this should be avoided by all means necessary.

"We learnt our lessons during the pandemic period when the

school calendar was delayed, and learners and teachers suffered. The syllabus was not completed and performance went down. This time round, the State has given instructions that only schools affected by floods should postpone reopening. We support this move," said Mr Obuhatsa.

However, the association chair urged the government to ensure that children in flood-hit areas are taken to safer places.

Mr Obuhatsa urged the State to concentrate in areas like Tana River and Kisumu counties where flooding has always been a major disaster. He said that some schools have been submerged.

"In such areas, the government cannot reopen schools. The safety of our learners and teachers is crucial," said Mr Obuhatsa.

He urged the government to give a new date for the reopening of schools in the flood-affected



REPUBLIC OF KENYA THIRTEENTH PARLIAMENT- THIRD SESSION (2024) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 18(3) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE CULTURE BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2024);
2. THE COFFEE BILL (SENATE BILL NO. 10 OF 2023); AND
3. THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023).

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 18(3) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Culture Bill (National Assembly Bill No. 12 of 2024), the Coffee Bill (Senate Bill No. 10 of 2023), and the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) were read a First Time in the House and referred to the respective Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED THAT:

Culture Bill (National Assembly Bill No. 12 of 2024) is a Bill sponsored by the Leader of the Majority Party that seeks to—

- (a) promote national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;

- (b) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage; and

- (c) provide a framework to guide national cultural development.

The Coffee Bill (Senate Bill No. 10 of 2023) is a Bill sponsored by Sen. Kamau Murenga, MP and co-sponsored in the National Assembly by the Leader of the Majority Party. The Bill seeks to provide for the development and regulation of the coffee industry in Kenya. It proposes to reorganize the coffee industry by transferring the regulatory and commercial roles currently being undertaken by the Agriculture and Food Authority to the Coffee Board of Kenya. The Bill further seeks to transfer the research of coffee currently being undertaken by the Coffee Research Institute under the Kenya Agricultural and Livestock Research Organisation to the Coffee Research Institute.

The Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) is a Bill sponsored by Sen. Samson Cherarkey, MP and co-sponsored in the National Assembly by the Hon. Abdul Rahim Dawood, MP. The Bill provides for a legal framework for the identification of livestock, the movement of livestock, the prevention of livestock theft, the regulation of trade in livestock, and the return of illegally acquired livestock. The Bill, additionally,—

- (a) outlines a framework for the branding of livestock and the requirement to obtain a removal permit when livestock is to be moved from one premises to another to facilitate the tracing and recovery of livestock;

- (b) creates various offences, including illegal possession of livestock or produce, the killing of livestock with intent to steal, tampering with identification brands, unlawful conveyance of livestock or produce, theft of livestock or produce, and use of unregistered brands;

- (c) obligates the National and county governments to put in place measures to protect livestock-keeping communities from livestock theft and enhance the socio-economic welfare of the communities through education and the promotion of alternative means of livelihood;

- (d) repeals section 276 of the Penal Code which currently provides for the offence of stealing stock; and

- (e) repeals and replaces the Stock and Produce Theft Act (Cap. 355) and the Branding of Stock Act (Cap. 357).

NOW THEREFORE, in compliance with Article 18(3) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees as listed below:

NO.	BILL	COMMITTEE
1	The Culture Bill (National Assembly Bill No. 12 of 2024)	Culture and Heritage
2	The Coffee Bill (Senate Bill No. 10 of 2023)	Agriculture and Livestock
3	The Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023)	Agriculture and Livestock

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/legislation/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41642-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to small@parliament.go.ke to be received on or before Wednesday, 8th May 2024 at 5:00 p.m.

S. NJOROGE, CRS
CLERK OF THE NATIONAL ASSEMBLY
29th April 2024

"For the Welfare of Society and the just Government of the People"

		better carrying out of the provisions of this Act.		
36(2)(c)	SDT	(c)for the management of livestock centres under this Act	It is not clear whether these livestock centers are temporary holding centers for animals which have been seized or recovered after theft.	Nowhere in the Act has the establishment of livestock centers been mentioned. However sec.28 (3) refers to livestock as a point where seized livestock can be taken to. The Bill does not mention how, when and where they should be established neither does it indicate who is responsible for establishment.

21(1)(a)	ODVS	20. (1) No person shall, without lawful authority, drive, convey or transport any livestock or produce along a public road unless that person is in possession of – (a)the document of identification issued by the owner of such stock or produce or the duly authorized agent of such owner; and	There is provision or requirement for the owner, shall obtain a removal permit from the inspector The document should seen in the text (a)the document of identification issued by the owner of such stock or produce or the duly authorized agent of such owner; and	In offense section demonstrate consistent use official documents Maintain consistent with existing legislation harmony within the bill itself These document (a)the document of identification issued by the owner of such stock or produce or the duly authorized agent of such owner; and
31	ODVS	31.The county executive committee member shall, in consultation with the relevant security agencies—	There is need to specific on which CECM being referred to this document. Specific office expressed need be clear.	Expert legal draft will help
36(1)	ODVS	36(1)The Cabinet Secretary, in consultation with the council of governors, may make regulations generally for the	Legal drafter to help.	

16(1)	ODVS	16.(1)The county executive committee member shall designate such persons to be inspectors for each ward in the respective county for the purpose of enforcement of this Act	The inspector, apart from issuing document need ascertain absence of infectious animal diseases. Include qualification of inspector in animal health matters.	
20(1)	ODVS	20.(1)A person who enters any enclosed land with the intention of stealing livestock or produce on such land commits an offence and shall be liable, on conviction, to imprisonment for a term not exceeding seven years or to a fine not exceeding five thousand shillings, or to both such fine and imprisonment.	Document talks of premises in this scenario enclosed land ,give interpretation	Consistent use of terms in the bill. Expert legal draft to help.

		which have not attained six months.		
13	SDT		Clarity needs to be given on whether fees will be levied on this service. Care needs to be taken not to add unnecessary burden to the traders leading to increased cost of doing business.	Though the Bill is silent on whether there will be a fee chargeable to obtain the permit, the current practice is that a fee is charged. The counties can take advantage of this lacuna to use the Bill as a revenue collection tool rather than a trade facilitating instrument.
15(1)	ODVS	15. (1) Every owner of an abattoir shall keep books and records of every livestock slaughtered, and carcass or produce leaving the abattoir.	Abattoirs management is provided in the Meat Control Act.	
15(4)	SDT	(4) The books and records to be kept under subsection (1), shall be kept for a period of three months from the date of receipt of a livestock for slaughter, or the carcass or produce leaves the abattoir.	This is a good proposal which will ensure traceability of meat and other livestock products. There is therefore need for proper records being maintained for longer periods.	This period is too short and should be enhanced to between six months and one year. Investigations into theft of livestock may take longer than three months hence the need for the records to be kept for longer periods.

		at the commencement of this Act brand it or cause it to be branded with a registered of which the livestock owner is the proprietor. (3)A person branding livestock with a brand under subsection (1), ensure that such brand— (a)is conspicuous; (b)is safe to the livestock and a consumer of the final product of the livestock; and (c)meets such other criteria as the county executive committee member may, by notice in the <i>Gazette</i>, prescribed under subsection (4). (4)The county executive committee member may prescribe further requirements on branding including branding of livestock		
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		person a certificate of the transfer in the form prescribed in the county legislation; (5)Where an application for transfer of a brand is rejected, the county executive committee member shall, within thirty days from the date of receipt of the application give written notification with reasons for rejection of the application.		
11	SDT	11(1)Every livestock owner shall, before the livestock attain the age of six months, brand it or cause it to be branded with a registered brand of which a registered brand of which the livestock owner is the proprietor. (2)Every livestock owner shall, in the case of livestock which is older than six months	As this is done, a clear guideline needs to be set that preserves the quality of our leather required for the leather industry.	One of the challenges the country is facing is that of poor quality leather caused by factors amongst them being branding which spoils the quality. The BETA model aims at manufacturing 4 million pairs of shoes annually for domestic consumption and export. The government has pumped money in the revival of Kenani leather factory and the leather plant in Narok. This effort need to be supported by all other actors.

		proprietor of the registered brand wishes to transfer the right to that brand; and (c) be accompanied by the fee prescribed in the county legislation. (3) The county executive committee member shall, within thirty days from the date of receipt of the application under subsection (1), approve the application if satisfied that the application complies with this section or reject the application where the application does not comply with this section. (4) Where the county executive committee member approves an application under subsection (1), he or she shall issue to that		
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7(1)	ODVS	7(1)On the registration of a brand as provided for under section 5(3),the county executive committee member shall issue to the applicant a certificate of registration in the form prescribed in the county legislation.	Brand as means identification may be used for other purposes and therefore multiple registration for 47counties may not provide harmony in the use of the registration.	
8	SDT	8 (1)A proprietor of a registered brand may apply to the county executive committee to transfer the right to that brand to another person. (2)An application under subsection (1) shall— (a)be in the form and contain such information as shall be prescribed in the county legislation; (b)contain the consent of the person to whom the	Clearly define the term transfer, and whether the usage of this term can also encompass the exchange of branded livestock from one person to another	The focus here seems to be the brand itself. What happens when an animal bearing the brand is transferred to another person through; sale, dowry payment, rites of passage etc.? Avoid ambiguity in the use of the term

4(a)	ODVS	4.The Cabinet Secretary shall be responsible for- (a)formulating a national policy and national standards on identification and movement of livestock;	Not clear which cabinet secretary Registration of fall CS livestock	Livestock development and sustainable livestock depended livelihoods fall in ministry responsible matters of livestock
5(a) & (d)	ODVS	5.Every county executive committee in the respective county shall- (a)establish and maintain a county register of livestock brands; (d)establish systems for the tracking of stolen livestock;	The current law provides central registration identification and certificate issued centrally, decentralization might create duplicates and conflicts and inefficiencies in the administration. Animals from other jurisdictions a specific county may not because they may not have data base for others and identifiers for other means of Identity	CECM can keep records of registered animals with ownerships. Central databases and registered identifier may be more helpful
6(2)(c)	SDT	(2)An application under this section for the registration of a brand shall— (c)be accompanied by the prescribed fee;	The Cabinet Secretary in consultation with the Council of Governors can develop a uniform fees schedule/guidelines.	Given the diverse nature of our country the desire for counties to generate own source revenue, this provision can lead to variations in fees charged by each county. There is need for maintenance of uniformity and standards

		may by order declare to be livestock for purpose of this Act;		Should state Cabinet secretary for matter related livestock.
	ODVS	"ministry" means the Ministry responsible for the matters relating to internal security;	There matters in the bill for livestock. Internal security has limited mandate in matter of livestock	The bill can stick to mandate of security, tracking and tracing and recovery of stolen animals. Expert redrafting required.
3(a)(ii) &(iii)	ODVS	3. The objects of this Act (ii) the registration and management of livestock by livestock owners; (iii) the regulation of the activities of livestock owners in relation to their livestock; and	Review with amendments Stock and Produce Theft Ac cap 355.	In the statement of intent, the principle object of the Bill is to provide a framework for the establishment of mechanisms for preventing, combating and eventually eradicating livestock and produce theft. Other objects falls out mandate of the ministry of interior Livestock development and sustainable livestock depended livelihoods fall in ministry responsible matters of livestock.
3(b)	ODVS	(b) enhance social and economic development amongst the livestock keeping communities in Kenya;		

				3. Define what is meant by a livestock centre
	SDT	“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to livestock; “Ministry” means the Ministry responsible for matters relating to internal security;	A clear demarcation of the functions of the two Ministries should be made.	The Bill defines Cabinet Secretary to that responsible for livestock. It further defines the Ministry to be that responsible for internal security. Who has executive mandate in implementing this Act? Provide clear demarcation/ collaborative structures between the two Ministries. Whereas components such as branding, transfers, movement and inspection are functions within the livestock docket, the Bill also envisages a greater role to be played by Internal Security.
	ODVS	“identifier” means an official permanent mark, or permanent representation on livestock, which consists of a designated combination of numbers, codes or signs as may be prescribed under this Act;	Expand to provide other means of identifications of animals, through prescribed by the relevant minister	Self-limiting definition, doesn't recognize marks by owners, or communities and doesn't provide any other recognized means in the future. Well defined in Stock Branding Act.
	ODVS	“livestock” means cattle, camel, donkey, pig, sheep, goat poultry and any other animal which the Cabinet secretary	cabinet secretary for matter livestock and further the document ministry for matter internal security	This bill seems to in favour of ministry of interior. Will bring conflicts of mandates of CSs.

**MATRIX ON THE PROPOSED AMENDMENTS TO THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT -
SENATE BILL, NO.12 OF 2023**

CLAUSE	PROPOSING ENTITY	PROVISION IN THE BILL	PROPOSED AMENDMENT	RATIONALE
SHORT TITLE	OFFICE OF THE DIRECTOR OF VETERINARY SERVICES (ODVS)	AN ACT of Parliament to provide for a legal framework for the identification of livestock; the movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; the return of illegally acquired livestock and firearms and for connected purposes.	Review of existing legislations Branding Act cap 357, Stock and Produce Act Cap 355, Animal Diseases Act Cap 364 and Animal health bill will address most concerns of the current bill.	Identification of animals is provided for in the Branding of Stock Act cap 357, Movement of animals is provided in animal diseases act cap 364. There is Stock and Produce Theft Act cap 355 addressing stock and produce theft, and trade in livestock regulated by specific county governments acts such Sale Yard Acts. Illegal firearms addressed in separate legislations. Easier and more plausible to review existing legislations.
2	STATE DEPARTMENT FOR TRADE (SDT)		Amend clause (2) by defining the following terms— • Brand • County Executive Committee Member • Livestock Centre • Inspector	These terms need to be properly defined so as to avoid ambiguity in interpretation. 1. Need for clarity on term brand- Logo, Name, Number etc. Are there unique identifiers in the brand for ease of identification of a brand in a County? 2. CEC Member. Specify the docket (Livestock or Security)