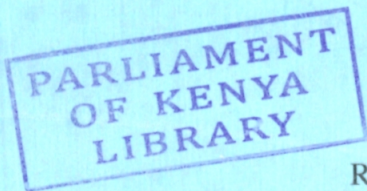


SPECIAL ISSUE

Kenya Gazette Supplement No. 112 (Senate Bills No. 32)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

NAIROBI, 31st May, 2024

CONTENT

Bill for Introduction into the Senate—	PAGE
The Livestock Protection and Sustainability Bill, 2024.....	613

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL, 2024

ARRANGEMENT OF CLAUSES

Clause

PART I - PRELIMINARY

- 1 — Short title.
- 2 — Interpretation.

PART II — ROLES OF THE NATIONAL AND COUNTY GOVERNMENTS

- 3 — Roles of the National Government.
- 4 — Roles of County Governments.

PART III — LIVESTOCK PROTECTION AND SUSTAINABILITY MEASURES

- 5 — Feeds Risk Management System.
- 6 — National Livestock Feeds Reserve.
- 7 — County Drought Resilience Plan.

PART IV — COUNTY LIVESTOCK ENTERPRISE DEVELOPMENT FUND

- 8 — Establishment of the Fund.
- 9 — Purpose of the Fund.
- 10 — Criteria for Establishment of the Fund.

PART V — MISCELLANEOUS PROVISIONS

- 11 — Regulations.

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL, 2024

A Bill for

AN ACT of Parliament to provide for safeguarding livestock from adverse conditions including drought, provide for sustainable practices to alleviate the effects of drought on livestock farmers and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

PART I - PRELIMINARY

1. This Act may be cited as the Livestock Protection and Sustainability Act, 2024.

Short title.

2. In this Act —

Interpretation.

“county executive committee member” means the county executive committee member responsible for matters relating to livestock;

“disaster” means a serious disruption of the functioning of a community or society causing widespread human, material, economic or environmental losses and impacts which exceed the ability of the affected community or society to cope using its own resources;

“drought” means a predictable and slow-onset disruption of the functioning of a community or society caused by periods of lower-than-normal precipitation;

“fodder banks” mean designated areas where fodder crops are grown or and stored for use during periods of drought;

“Fund” means the County Livestock Enterprise Development Fund established under section 8;

“livestock” includes cattle, camel, donkey, pig, sheep, goat, or poultry;

“livestock feed” includes —

- (a) any edible substance or mixture of substances containing amino acids, antioxidants, carbohydrates, condiments, enzymes, fats, minerals, non-protein, coloring, foaming or flavoring agents;

- (b) substance of animal or plant origin;
- (c) any stock lick or other edible substance whether or not it possesses medicinal properties;
- (d) edible substance obtained by a process of crushing, mixing, gritting, cooking, heating, solvent extraction, drying or grinding, or by the addition to or removal from any such substance of any ingredient; manufactured, sold or represented which is intended for -
 - (i) consumption by animals;
 - (ii) providing the nutritional requirements of animal;
 - (iii) the purpose of preventing or correcting nutritional disorders of animal; or
 - (iv) use it in its pure form or in a mixture with other substances.

“livestock product” means a carcass or any part of a carcass of livestock and any product consisting of parts of, or derived from livestock, and includes hides and skins, wool, feather, meat, dairy products, poultry products, hive products and any other product from livestock that the Cabinet Secretary may order in the Gazette declare as such;

“micro enterprise” has the meaning assigned under the Micro and Small Enterprises Act; Cap 499C.

“off-takers” means individuals, businesses, or entities that agree to purchase livestock or livestock products, before they are ready for market;

“processor” means a person who processes livestock products for value addition;

“small enterprise” has the meaning assigned under the Micro and Small Enterprises Act;

“strategic livestock feed reserve” means livestock feed of good quality whose availability in large quantities in the domestic market is important for food security and its reserve is established through either the provision of finance or the direct provision of the product; and

“warehouse” means a licensed building or other protected enclosure in which goods are stored for the purpose of safekeeping, issuance of warehouse receipts or license and includes field warehouses and a plant or other facility where the goods are packed, processed or otherwise transformed.

PART II – ROLES OF THE NATIONAL AND COUNTY GOVERNMENTS

3. (1) The Cabinet Secretary shall—

Roles of the national government.

- (a) formulate national policies on livestock management, disaster mitigation, and feed reserve strategies;
- (b) establish the National Livestock Feed Reserve;
- (c) collaborate with counties to set standards for pasture, water management and conservation of natural resources; and,
- (d) provide technical assistance to counties in matters of livestock.

4. (1) A county executive committee member responsible for livestock in a county shall—

Roles of county governments.

- (a) develop and implement strategies for the protection of livestock from diseases, disasters, and other potential threats, aligned with national policies;
- (b) promote sustainable livestock farming practices ensuring minimal environmental impact and efficient resource utilization;
- (c) monitor feed risks associated with disasters and emergencies;
- (d) establish a strategic livestock feed reserve within the county;
- (e) develop, implement, and maintain a data management system for information on livestock health, feed risks, and related concerns;
- (f) collaborate with local stakeholders, including farmer associations, value chain actors, and livestock-based co-operatives, to integrate

- protection, sustainability, and emergency response efforts;
- (g) facilitate mechanisms for accessing, harvesting, and storing water for livestock and promote programmes for livestock insurance uptake;
 - (h) link small-scale livestock farmers with off-takers, post-harvest storage providers, processors, and other key players in the livestock value chain;
 - (i) enforce national standards on pasture, water management, and conservation of natural resources at the county level;
 - (j) establish and maintain fodder banks in designated areas and provide incentives for preservation of livestock feed and livestock products during times of oversupply;
 - (k) carry out capacity-building, training, emergency preparedness, and disaster mitigation within the county's livestock sector; and
 - (l) collaborate with the national government to implement emergency measures to mitigate disasters affecting livestock.

PART III – LIVESTOCK PROTECTION AND SUSTAINABILITY MEASURES

5. (1) The Cabinet Secretary in consultation with the Council of County Governors shall develop and maintain a feeds risk data management system that—

Feeds Risk Data Management System.

- (a) collects and stores data from various sources;
- (b) maintains a centralized database to store and manage the collected data, ensuring its security, integrity and confidentiality;
- (c) utilizes advanced analytical tools and methodologies to assess feed risks, identify potential shortages, and evaluate the potential impacts of feed shortages on livestock;
- (d) generates regular reports and updates on feed risks, availability, and quality during disasters and emergencies to inform decision-making and response planning;

- (e) generates timely and accessible information tailored to the needs of different stakeholders; and
- (f) utilizes various communication channels and platforms, to disseminate feed risk information to the general public.

6. (1) There is established the National Livestock Feeds Reserve which shall constitute physical stock of livestock feed held in the form of warehouse receipts and its cash equivalent.

National
Livestock Feeds
Reserve.

(2) The objective of the National Livestock Feeds Reserve shall be to—

- (a) provide an emergency feed supply for livestock farmers during drought;
- (b) mitigate the effects of food shortages and price volatility caused by drought;
- (c) promote the efficient and sustainable use of feed resources; and
- (d) promote storage of livestock feed products during times of oversupply.

(3) The Cabinet Secretary may, by notice in the *Gazette*, declare types of livestock feeds to be a Feeds Reserve Commodity for purposes of this Act.

7. (1) A county executive committee member shall prepare a county drought resilience plan which shall include—

County drought
resilience plan.

- (a) a comprehensive assessment of the county's vulnerability to drought;
- (b) an analysis of historical drought patterns in the county;
- (c) current and projected climate trends;
- (d) potential impacts of drought on livestock;
- (e) drought resilience strategies, measures, and programs, based on the specific needs and characteristics of the county and its livestock sector;

- (f) an implementation plan outlining the roles and responsibilities of relevant stakeholders;
- (g) resource mobilization strategies; and
- (h) a monitoring and evaluation framework to track progress and effectiveness of the county drought resilience plan.

(2) Each county shall allocate not less than zero point five per centum of its annual budget, to the implementation of the county drought resilience plan, based on the significance of livestock farming to the county's economy.

(3) In making the annual allocation referred to in subsection (2), a county government shall take into account its—

- (a) financial capacity and budgetary constraints;
- (b) projected severity and frequency of drought based on historical data and current climate trends;
- (c) overall economic dependence on the livestock sector and other sectors potentially affected by drought;
- (d) size, composition, and vulnerability of the livestock population;
- (e) level of investment needed to implement the identified drought resilience strategies, measures and programs;
- (f) current and potential sources of funding including national government transfers, local revenues, and external funding from development partners or donors;
- (g) other competing priorities and strategic objectives in the county's development agenda; and
- (h) input from community consultations, including livestock producers, local communities, civil society organizations, and other stakeholders.

(4) A county government shall at the end of a financial year, through the county executive committee member, submit a report on the progress of implementation of the county drought resilience plan to the County Assembly for approval.

PART V – COUNTY LIVESTOCK ENTERPRISE DEVELOPMENT FUND

8. (1) A County, where livestock farming significantly contributes to the local economy as determined by the criteria set under section 10, shall establish, through county legislation, a fund to be known as the County Livestock Enterprise Development Fund. Establishment of the Fund.

(2) There shall be paid into the Fund—

- (a) monies appropriated by the County Assembly for purposes of the Fund;
- (b) income generated from the proceeds of the Fund;
- (c) income from investments made by the Fund; and
- (d) grants, donations, bequests or other gifts made to the Fund.

(3) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the provisions of this Act and the respective county legislation.

9. The object and purpose of the County Fund is to provide— Purpose of the Fund.

- (a) establishment and management of strategic livestock feed reserves;
- (b) grants to livestock owners for emergency interventions in the county;
- (c) loans to livestock owners and pastoralists in the county for restocking after losses occasioned by drought;
- (d) loans to medium and small enterprises in the county dealing in livestock and livestock products;
- (e) credit facilities for livestock related micro-enterprises in pastoral and agro-pastoral areas within the county; and
- (f) such other purpose as may be prescribed in the respective county legislation.

10. (1) The Cabinet Secretary shall, in consultation with the Council of County Governors, develop a standard criterion for determining the significance of livestock farming to a county's economy. Criteria for establishment of the Fund.

(2) Based on the criteria set under subsection (1), each county executive committee member shall further refine the criteria based on their unique needs, ensuring that local realities and challenges are adequately captured.

(3) The refined criteria shall be subject to approval by the respective County Assembly to ensure alignment with county objectives and priorities.

PART VI – MISCELLANEOUS PROVISIONS

11. (1) The Cabinet Secretary may, in consultation with the Council of County Governors, make regulations generally for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the Cabinet Secretary may make regulations providing for—

(a) the management and operations of the National Livestock Feeds Reserve; and

(b) the storage, maintenance and distribution of feed resources for the strategic livestock feeds reserve.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to provide a legal framework that promotes the resilience of the livestock sector in the face of drought and other associated risks, emphasizing both protection and sustainable development. Recognizing the paramount importance of the livestock sector to both the national and county economies, the Bill is structured to address the multifaceted challenges faced by livestock farmers and to ensure the sector's sustainable growth.

Part I of the Bill introduces preliminary matters, including the Bill's short title and an interpretation section detailing the terminology central to the understanding of the Act.

Part II of the Bill delineates the distinct yet collaborative roles of the National and County Governments. This encompasses the formation, implementation, and supervision of policies, strategies, and programs tailored to fortify the livestock sector against drought and other environmental adversities.

Part III of the Bill introduces vital measures geared towards the protection of livestock, notably the introduction of a Feeds Risk Data Management System and the establishment of the National Livestock Feeds Reserve.

Part IV of the Bill establishes the County Livestock Enterprise Development Fund. This fund is envisioned as a pivotal financial mechanism to bolster livestock enterprises, emphasizing their ability to withstand drought and other climatic challenges.

Part V of the Bill contains miscellaneous provisions, including the power to make regulations for the better carrying out of the provisions of this Bill.

The enactment of this Bill is anticipated to significantly advance national and county objectives centred around livestock production, food security, and adaptation to climate change. More broadly, it serves as a beacon for the sustainable development of the livestock sector, shielding the livelihoods of its stakeholders, and fostering resilience among rural communities against drought and its repercussions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not contain any provisions limiting any fundamental rights or freedoms in the Bill of Rights. The Bill does delegate legislative

powers to the Cabinet Secretary to make regulations for the better carrying out of the purposes and provisions of the Act.

Statement on how the Bill concerns county governments

The Bill affects the functions of County Governments as set out in the Fourth Schedule to the Constitution and is therefore a Bill concerning counties. Paragraph 1 of Part 2 of the Fourth Schedule to the Constitution provides that among the functions and powers of the county governments are agriculture, including animal husbandry, livestock sale yards, county abattoirs and animal disease control.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 7th May, 2024.

LELEGWE LTUMBESI,
Senator.