

The Baringo County Livestock Sale Yard Bill, 2024

BARINGO COUNTY LIVESTOCK SALE YARD BILL, 2024 ARRANGEMENT OF CLAUSES

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SCHEDULE— CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COMMITTEE

THE BARINGO COUNTY LIVESTOCK SALE YARD BILL, 2024

A Bill for;

AN ACT of the County Assembly of Baringo to give effect to clause 1(b) of the Part 2 of the Fourth Schedule to the Constitution; to provide for the development and management of livestock sale yard and for connected purposes.

ENACTED by the County Assembly of Baringo as follows —

PART I—PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Baringo County Livestock Sale Yard Act, 2024 and shall come into operation on publication in the *Gazette* 2024

Interpretation.

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

5 of 1996.

“auctioneer” means a person licensed as an auctioneer pursuant to section 10 of Auctioneers Act;

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

“county” means Baringo County Government;

“Committee” means the Baringo County Livestock Sale Yard Management Committee established pursuant to section 6(1) of this Act;

“consignor” means a person or firm, usually the seller, who delivers livestock to a carrier for transporting to an intended buyer named in the transportation documents;

“department” means the county department responsible for matters relating to livestock production;

“*Gazette*” has the meaning assigned to it under Article 260 of the Constitution;

“Group” means the livestock marketing group registered under section 19;

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“inspector” means a person designated as an animal health inspector pursuant to section 9 of this Act;

“operator” in the case of—

- (i) a public livestock sale yard, means, a duly registered livestock marketing group; or
- (ii) a private livestock sale yard, means, an individual duly licensed to manage a livestock sale yard in accordance with the provisions of this Act;

“livestock” includes cattle, camel, sheep, goat, pig, poultry, lagomorphs, companion animals, draught animals, bees, any emerging livestock or wild animal and bird;

“livestock sales yard” means a place designated as a livestock sale yard under section 5 of this Act;

“stall” means any immovable or movable structure used for the purpose of trading within the livestock sale yard; and

“standard sale yard” includes perimeter fence, holding pens for each category of livestock species, loading ramps, water troughs, sanitation blocks, auctioneer platform, office, stalls, quarantine area or incinerator(Kenya Bureau of Standards, 2020)

“Certificate of origin” means a specific form in which a government authority expressly certifies the origin of livestock.

Objects.

3. The object of this Act is to—
 - (a) provide for the development and management of livestock sale yard in the county;
 - (b) promote livestock marketing in the county;
 - (c) provide for a framework for the effective and efficient operation of livestock markets;
 - (d) integrate livestock markets with other supportive business enterprises and services; and
 - (e) provide for a framework for the improvement of revenue collection in the county.

Application.

4. This Act shall apply to livestock trade and markets within the county.

PART II—ESTABLISHMENT AND MANAGEMENT OF LIVESTOCK SALE YARDS

Establishment of a livestock sale yard.

5. (1) The county executive committee member may designate a place in a strategic area within the county, to be a standard livestock sale yard.

(2) A standard livestock sale yard referred to under paragraph (1) may be public or private.

(3) A public livestock sale shall be designated by the county executive member, upon receipt of a recommendation from the Committee and publication of the designation in the *Gazette*.

(4) The county executive committee member shall make regulations for effective operationalization of a private livestock sale yard.

Baringo County Livestock Sale Yard Management Committee.

6. (1) A public livestock sale yard established pursuant to subsection 5(3) of this Act, shall be managed by a committee to be known as the Baringo County Livestock Sale Yard Management Committee.

(2) The Committee shall be appointed by the county executive committee member and shall comprise—

(a) the chief officer responsible for livestock who shall be the chairperson;

(b) the county director responsible for livestock production who shall be the secretary;

(c) the county director responsible for trade and industrialization;

(d) the county director responsible for veterinary services;

(e) the county director responsible for county revenue;

(f) the county director responsible for public health;

(g) the chairperson of the umbrella body responsible for livestock marketing groups within the county; and

(h) the chairperson of the county chamber of commerce.

(i) the county director of law enforcement

(j) the chairperson of the umbrella body representing special interest group (women, youth and PWD)

(3) The Committee referred to under paragraph (1), shall be under the department responsible for livestock production.

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(4) The Committee shall conduct its meeting in the manner set out in the Schedule to this Act.

(5) The management of a public livestock sale yard may be through—

- (a) livestock marketing groups;
- (b) public-private partnerships; or
- (c) contractual model of management.

(6) The county shall put in place the necessary infrastructure to promote an efficient marketing, trading and value addition of the livestock sale yards within the county.

Functions
Committee.

of the

7. The Committee shall —

- (a) supervise the management of the livestock sale yards within the county;
- (b) provide advisory services to the county executive committee member on the establishment of new livestock sale yard;
- (c) in consultation with the county executive committee member, be responsible for the setting of livestock market days for each sale yard within the County;
- (d) ensure that only registered livestock marketing groups and cooperatives operate livestock sale yards;
- (e) advise the department of livestock and the livestock marketing groups on the national and international best practices;
- (f) monitor the performance of the livestock marketing groups;
- (g) jointly with other partners, build the capacities of the livestock marketing groups for better management of a livestock sale yard;
- (h) oversight the use of funds allocated to the livestock marketing groups for the benefit of the community;

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- (i) supervise the elections of the livestock marketing groups;
 - (j) be responsible for the receipt of reports of the livestock marketing groups on the management of a livestock sale yard;
 - (k) be responsible for the resolution of conflicts arising in the management of the livestock sale yard; and
 - (l) be responsible for the mobilization of resources for the effective management of a livestock sale yard.
- Powers of the Committee. **8.** The Committee shall have the power to—
- (a) dissolve a livestock marketing group as in the manner provided for in the Regulations; and
 - (b) negotiate and enter into contracts in consultations with the county executive committee member.
- Animal health inspectors.
No. 17 of 2012.
- 9.** (1) The county director of veterinary services shall subject to section 69 of the County Governments Act, designate qualified persons within the county public service, to be an animal health inspector for the purposes of this Act.
- (2) A person designated as an inspector under subsection (1), shall —
- (a) ensure that only livestock with certificates of origin are admitted to a livestock sale yard;
 - (b) detain the livestock which may reasonably be suspected of being stolen or unlawfully obtained and report to the relevant authority.
- shall
- (c) ensure that livestock sale yard conform to the requirements under this Act;
 - (d) enforce the standards for the protection of livestock during transportation;
 - (e) ensure that all animals bought within a sale yard are branded as per the approved laws;
 - (f) ensure that the health and safety measures described in this Act are complied with;

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- (g) ensure that the livestock transported to the livestock sale yard meet the required market standards;
 - (h) ensure that all livestock bought from the sale yard pass through a designated exit.
- Powers of an inspector. **10.** An animal health inspector shall have the power to —
 - (a) recommend to the Committee the issuance or revocation of licenses issued under this Act, upon an inspection of a livestock sale yard;
 - (b) enter and inspect any livestock sale yard for the purpose of ensuring compliance with this Act;
- Cap. 364.
 - (c) seize any document suspected to be fraudulently obtained for purposes of this Act; and
 - (d) treat or quarantine any sick livestock in accordance with the requirements under the Animal Diseases Act.
- Search and entry. **11.** (1) Except for a dwelling place, an inspector appointed under this Act, may without a warrant—
 - (a) enter a livestock sale yard for the purpose of determining whether this Act is being violated, to—
 - (i) inspect or search such livestock sale yard and examine any material, object or substance found within the livestock sale yard;
 - (ii) demand any information regarding the management of a livestock sale yard;
 - (iii) inspect any operation or process carried out on such livestock sale yard and demand any information regarding such operation or process from the owner or person in charge of such premises or from any person carrying out such operation or process;
 - (iv) take any photographs; or
 - (b) stop, search and detain any person who is suspected of committing an offence under this Act.
- (2) An inspector exercising the authority vested under this section may request the presence and assistance of such law enforcement personnel as may be considered necessary.

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- (3) An inspector shall while on duty, exhibit his or her official identification card on demand by any person affected by the exercise or performance of any power, duty or function of such inspector under this Act.
- (4) A person who obstructs or impedes an inspector from exercising the powers under this Act, commits of an offence.
- Sale of livestock. **12.** (1) A person shall not sell an animal in the county, except in the designated livestock sale yard.
- (2) A person who sells an animal outside the designated livestock sale yard, commits an offence, and shall on conviction be liable to a fine not exceeding twenty thousand shillings or an imprisonment term of one month, or to both.
- Types of sale. **13.** Sale of Livestock at the livestock sale yard may be conducted through—
- (a) regular sale, where the price of livestock shall be determined by the prevailing market price; or
- (b) sale by auction;
- (c) live weight determined by a weighing scale; or
- (d) electronic trading
- Sale by auction.
No. 5 of 1996. **14.** Sale of livestock through auction shall be undertaken in accordance with the Auctioneers Act.
- Electronic trading. **15.** A person who intends to trade in livestock, shall not operate an electronic trading platform without a license issued under this Act. The county executive committee member may make regulations on electronic trading.
- (2) Despite the requirement of subsection (1), the county may for purposes of this Act, establish and manage a livestock sale yard electronic trading platform.
- Transportation of **16.** (1) A person who intends to transport any livestock within or
livestock for sale. outside the county shall on payment of a prescribed fee, obtain a movement permit from the department.

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(2) A person shall not move livestock or cause any livestock to be moved without the livestock being inspected and certified fit and a movement permit issued by the department

(3) Transportation of livestock for sale, shall be undertaken in a manner that does not cause injury or suffering to the livestock.

(4) Despite the generality of subsection (3), a person who transports an animal shall ensure that —

(a) livestock is transported in a manner that does not cause injury or suffering;

(b) livestock is inspected and fit to travel;

(c) loading and offloading facilities are constructed and maintained;

(d) sufficient floor, space and height allowance is provided in holding or transport facilities; and

(e) those attending to the livestock do not use violence or any harmful method that is likely to cause fear, injury or suffering.

Temporary livestock sale yard.

17. (1) The county executive committee member may for purposes of this Act and in such special circumstances for a specified period of time, designate a place within the county, to be a temporary livestock sale yard.

(2) For purposes of subsection (1), “special circumstances” includes circumstances which disrupts the ordinary functioning of the livestock sale yard necessitating the closure of such sale yard for a prolonged period of time due to either conflict within a locality or natural disaster.

(3) The county executive committee member shall on designation of a place as a temporary livestock sale yard, appoint a person within the department to oversee its operations.

Livestock marketing groups.

18. (1) The Committee shall register and keep an up-to-date register of all livestock marketing groups operating within the county.

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(2) The Committee shall on registration of a group as a livestock marketing group, issue the Group with a certificate of registration, in the prescribed form.

(3) A Group registered under this Act shall comprise—

(a) eight community members drawn from the catchment area of the public livestock sale yard;

(b) three persons each representing livestock traders, transporters and input suppliers within the livestock sale yard; and

(c) the area chief and the ward administrator shall be *ex-officio* members of the group.

(4) The Group shall—

(a) manage the public livestock sale yard on a day-to-day basis;

(b) ensure that there are repairs and maintenance of the livestock sale yard infrastructure;

(c) safeguard the properties of the livestock sale yard;

(d) ensure transparency in revenue collection during the market days and the management of such levies;

(e) collect and disseminate any livestock market data and information;

(f) mobilize the community to participate in livestock marketing activities;

(g) settle grievances between different actors in the market;

(h) provide information to the Committee on violation of this Act;

(i) coordinate with the inspectors appointed under this Act, on livestock disease surveillance and ensure a clean market environment;

(j) promote livestock trade; and

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(k) keep the records and reports of the market operations.

(5) A person appointed as a member of the Group under paragraph 3(a)(b), shall hold office for a period of three years renewable once subject to satisfactory performance.

(6) The county executive committee member shall make regulations for the effective implementation of this section.

Livestock market monitor.

19. (1) The Group shall appoint a livestock market monitor for public livestock sale yards, for purposes of providing sales data to be submitted to the Committee.

(2) For purposes of a private sale yard, the operator shall designate a person who shall keep and maintain a livestock market register.

Records to be kept.

20. (1) An operator of a livestock sale yard shall in the prescribed form, keep the following records for each lot of livestock consigned to or sold through such livestock sales yard—

(a) the name and address of the consignor;

(b) a description of the livestock, which includes the kind, approximate age, the sex, and any marks, brands or other distinguishing or identifying marks;

(c) the method by which the livestock was delivered to the livestock sales yard and, in the case of livestock delivered by motor vehicle, registration number;

(d) the name and address of the purchaser of such livestock;

(e) the price for which the Livestock was sold or exchanged and the commission or other fees charged by the livestock sales yard; and

(f) any other livestock health certificates.

(2) The records under subsection (1), shall be kept by the operator of a livestock sale yard at the establishment or premises where the sale is held and conducted or such other convenient place as may be approved by the county executive committee member.

PART III—LICENSING

Application for a license.

21. (1) A person shall not operate a private livestock sale yard without a valid license issued under this Act.

(2) An application for the issuance of a license under subsection (1), shall be submitted to the Committee in the prescribed form.

(3) The application under subsection (2), shall be accompanied by —

(a) a copy of the national identification card of the individual applicant and the relevant supporting documents as may be prescribed;

(b) a copy of registration certificate for the entity applicant and the relevant supporting documents as may be prescribed; and

(c) proof of payment of the prescribed application fee.

Issuance of a license.

22. (1) The Committee may, after inspection and evaluation of an application received under this Act —

(a) grant a license with or without conditions in the prescribed form, upon being satisfied that the applicant has met all the conditions for the grant of a license; or

(b) refuse to grant a license by giving reasons in writing, for the refusal.

(2) A license issued under this section shall be in the prescribed form and shall contain—

(a) the name of the operator of the livestock sale yard;

(b) the location of the sale yard;

(c) the type or kind of livestock to be handled, sold or exchanged;

(d) statement of compliance with standard for livestock markets by the body for the time being responsible for standards in Kenya;

(e) details of the accredited veterinarian who is responsible for the supervision of livestock sale yard; and

(f) such other information as the county executive committee member may deem necessary.

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(3) A person who has been granted a license under this Act, shall at all reasonable times and upon request by an inspector, produce the license.

(4) A person whose license is lost, destroyed or defaced in the prescribed form and upon payment of such prescribed fees, apply for a replacement of the lost, destroyed or defaced license.

Grounds for refusal to grant a license.

23. (1) The Committee may refuse to grant a license where a person—

(a) violates any provision of this Act or any other written law;

(b) sells any stolen livestock;

(c) fails to meet any other measures on sanitation of the yard, housing, holding, and feeding of livestock;

(d) knowingly quotes incorrect weights or fails to have his or her scales regularly inspected and tested, in the case of livestock weighed on the licensee's scales and sold by weight; or

(e) is adjudged bankrupt.

(2) Where the Committee refuses to grant a license under subsection (1), the Committee shall within fourteen days from the date of the decision, notify the applicant of the decision, giving reasons for such refusal.

(3) A person whose application has been rejected by the Committee, may upon receipt of the notice of refusal, resubmit an application after addressing the issues that led to the rejection.

Revocation or suspension of a license.

24. (1) The Committee may revoke or suspend a license issued under this Act where—

(a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licensee or any employee of the licensee; or

(b) there is a contravention of any of the conditions set out in the license.

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Appeal.

25. (1) A person who is dissatisfied with the decision of the Committee under section 22(1) (b) or 24, may lodge an appeal to the county executive committee member.

(2) The appeal under subsection (1), shall be in the prescribed form and be lodged within fourteen days from the date of the decision.

(3) The county executive committee member shall within ninety days, from the date of receipt of the appeal, hear and determine an appeal made under this section.

No. 26 of 2015.

(4) A person who is dissatisfied with the decision made under subsection (3), may challenge the decision before a Magistrate's court established pursuant to Article 169(1) (a) of the Constitution.

PART IV— FINANCIAL PROVISIONS

Financing of livestock sale yard.

26. (1) The sources of funds for purposes of effective management of the livestock sale yards established under this Act, shall comprise—

(a) such fees payable under this Act;

(b) such monies appropriated by the county assembly for the purposes of carrying out infrastructural developments in the provision of services under this Act;

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

(d) grants, gifts or donations that the department may receive as a result of public and private appeal from local and international donors or agencies for the purposes of carrying out its functions.

(2) The county executive committee member responsible for finance shall designate a qualified person to be responsible for the administration of the finances under subsection (1).

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(3) The monies referred to under subsection (1) shall be utilized to defray any expenditure related to the implementation of this Act.

Annual estimates.

27. Before the commencement of each financial year, the department shall prepare and submit to the county executive committee member for approval, such estimates of revenue and expenditure of the department in respect to the financial year.

Audit.

28. Funds appropriated for purposes of this Act shall be audited in accordance with the Public Audit Act.

No. 34 of 2015.

Bank account.

29. (1) The county executive committee member responsible for finance shall subject to section 119 of the Public Finance Management Act, facilitate the opening and maintenance of bank account for the effective management of this Act.

No. 18 of 2012.

(2) Funds identified and designated for purposes of this Act, shall not be appropriated for any other purpose other than the purpose of this Act.

PART V—MISCELLANEOUS PROVISIONS

Display of a license.

30. (1) A person who has been issued with a license under this Act, shall display or cause to be displayed in a conspicuous place, within the livestock sale yard in respect of which it is issued.

(2) A person who fails to display a license pursuant to subsection (1), commits an offence and shall on conviction be liable to a fine of a sum not exceeding ten thousand shillings or to imprisonment for a term of one month.

Offences and penalties.

31. A person who contravenes the provisions of this Part, or who obstructs an inspector in the execution of his or her duty under this Act, commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or both.

Guidelines.

32. The county may jointly with the national government or another county government, establish guidelines as may be agreed upon between the county and the national government or another county in accordance with Article 189 (2) of the Constitution for effective implementation of this Act.

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Regulations.

- 33.** (1) The county executive committee member may make regulations for effective implementation of this Act.
- (2) Despite subsection (1) the county executive committee member may make regulations on—
- (a) the forms to be used for purposes of this Act;
 - (b) the infrastructure standards for the construction of a livestock market;
 - (c) operationalization of private livestock sale yards;
 - (d) appeals procedure to be followed under this Act; and
 - (e) prescribed measures of sanitation of the livestock market, housing, holding, and feeding of livestock.
- (3) For purposes of Article 94(6) of the Constitution—
- (a) the purpose and objective of the delegation under this section is to enable the county executive committee member to make regulations for better carrying into effect the provisions of this Act; and
 - (b) the authority of the county executive committee member to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.
- (4) The principles and standards applicable to the delegated power referred to under this Act are those found in—
- (a) the Statutory Instruments Act;
 - (b) the Interpretation and General Provisions Act; and
 - (c) the functional and institutional integrity of each level of government as specified in the Fourth Schedule to the Constitution.

No. 23 of 2013.

Cap. 2.

Savings and transition.

- 34.** A license or permit issued prior to coming into force of this Act, shall unless suspended, cancelled or expires, continue to be in force, as a license or permit issued under this Act.

SCHEDULE

Section 6(4)

CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COMMITTEE

1. Meetings

- (1) The chairperson shall convene meetings of the Committee at least once in every quarter of a financial year, by issuing a fourteen-day notice.
- (2) The chairperson may at any time or on receipt of a written request of at least two members, convene a special meeting of the Committee.
- (3) In the absence of the chairperson from any Committee meeting, the members present shall elect one of their number to preside.
- (4) At every meeting of the Committee the person presiding shall have a casting and deliberative vote.
- (5) The quorum for the meetings of the Committee shall be two thirds of the membership.

2. Committees

- (1) The Committee may establish such sub committees for effective performance of its functions under this Act.
- (2) The Committee shall appoint the chairperson of a subcommittee established under subparagraph (1) from amongst its members.
- (3) The Committee may invite any person to attend the deliberations of any of its sub committees.
- (4) All decisions by the sub committees appointed under paragraph shall be ratified by the Committee.

3. Declaration of Interest

- (1) A member who has an interest in any matter present at a meeting shall disclose the interest and not take part in the deliberations of the issue.
- (2) A disclosure of interest made under subparagraph (1) shall be recorded as minutes of the meeting.
- (3) A member of the Committee who contravenes subparagraph (1) may on the directive of the county executive committee member, cease to be a member.
- (4) The removal under sub paragraph (1) shall be subject to the provisions of Article 47 of the Constitution.

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MEMORANDUM OF OBJECTS AND REASONS

The Act seeks to give effect to provide for establishment and control of Livestock sales yards in the County.

It seeks to implement the functions of the County Government in relation to Agriculture and specifically the Livestock sales yards.

STATEMENT ON CONSTITUTIONALITY AND CONFLICT OF LAWS

The act does not contravene any of the provisions of the Constitution and is not ultra vires to any of the provisions of any national law relating to agriculture. In case of any conflict between the act and any National laws, the provisions of Article 191 of the Constitution shall take effect.

Dated 2 April 2025

Hon. Alex Kurui , MCA, Kapropita Ward
CHAIRPERSON, AGRICULTURE, LIVESTOCK AND BLUE ECONOMY