

LAWS OF KENYA.

**THE PREVENTION OF CRUELTY TO ANIMALS
ACT.**

CHAPTER 360

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CHAPTER 360

THE PREVENTION OF CRUELTY TO ANIMALS ACT

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CHAPTER 360

THE PREVENTION OF CRUELTY TO ANIMALS ACT.

Commencement: 31st December 1962.

**An Act of Parliament to make provision for the prevention of cruelty to animals;
and for matters incidental thereto and connected therewith.**

Part 1 - Preliminary

Short title

1. This Act may be cited as the Prevention of Cruelty to Animals Act.

Interpretation

2. In this Act except where the context otherwise requires -

“anaesthetic” does not include the substance known as urare or curare;

“animal” means any living creature domestic or wild, including mammals, birds, fish, invertebrates, amphibians, reptiles, molluscs and crustaceans;

“Authorised Officer” means a person appointed under section 42 of this act;

“experiment” means any experiment performed on an animal whether calculated to give pain or not, but does not include an operation;

“licensee” means a person licensed under the provisions of section 15 of this act;

“operation” means an operation performed on an animal by a person legally permitted to operate for the purposes of :-

- (a) saving or prolonging the life of an animal; or
- (b) alleviating the suffering of an animal: or
- (c) sterilising the animal.

“owner” includes a person having the charge, custody or control of an animal.

Part 11 - Offences in relation to Animals

Acts and omissions which amount to cruelty and penalties therefor.

3.

(1). A person shall be guilty of an offence of cruelty if he -

- (a) cruelly beats, kicks, ill treats, overrides, overdrives, overloads, infuriates or terrifies an animal;
- (b) uses or works an animal which is so diseased, injured or in such physical condition that it is unfit to be so used;
- (c) for no just reason maliciously and or intentionally maims, mutilates, tortures, wounds or kills an animal;
- (d) conveys or carries an animal in a manner or position which causes that animal unnecessary suffering or stress;
- (e) without reasonable excuse confines impounds or restricts an animal for any length of time in a manner which causes unnecessary suffering or stress;
- (f) tethers a horse, ass mule or livestock under conditions likely to cause unnecessary suffering or injury;
- (g) without reasonable cause or excuse chains a dog to a doghouse or other fixed object for a prolonged period of time.
- (h) without sufficient cause, starves, underfeeds or denies water to an animal.
- (i) overbreeds a female animal to the detriment of its health or that of its offspring.
- (j) being the owner of an animal, without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause the animal unnecessary suffering;
- (k) being the owner of an animal, keeps it in a grossly dirty or verminous condition without reasonable cause or excuse, fails to procure veterinary treatment or attention for an animal in case of disease, injury or delivery of young;
- (m) wilfully or without reasonable cause or excuse, administers a poisonous or injurious drug or substance to an animal, or causes any such substance to be taken by an animal;
- (n) subjects an animal to veterinary surgery in contravention of the Veterinary Surgeons' Act, **Cap 366** or subjects an animal to any operation, surgical interference, or other treatment which is performed without due care and humanity;
- (o) being the owner or custodian of an animal fails to have it humanely destroyed where the animal is so seriously injured or diseased that to prolong its life would cause it unnecessary suffering;
- (p) hunts kills or destroys an animal in such a manner as to cause that animal unnecessary suffering and pain;
- (q) whether being the owner of an animal or not, without reasonable cause or excuse does or omits to do an act which causes unnecessary suffering to the animal;

(2) A person who causes or procures an animal to be used or treated in contravention of any of the provisions of subsection (1) shall be guilty of an offence of cruelty.

- (3) A person guilty of an offence of cruelty shall be liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding six months, or to both. If it is judged by the court that it is not in the best interests of the animal to be returned to the owner, the animal may be handed to a registered animal welfare body to determine the best interests of the animal;

Power of a court to deprive a person convicted of offence of ownership of animal.

- (4) If it is deemed by the court that there has been a case of extreme cruelty or neglect the offender may be disqualified from keeping or working with animals for up to ten years or in extreme cases for life. Where a court disqualifies a person from keeping an animal, it may stipulate the manner in which and the time within which the person shall be required to dispose of any other animals of a kind, type or class which he may then own possess or control
- (5) Nothing in subsection (1) shall render illegal –
- (a) the hunting and humane killing or destruction of an animal under the provisions of the Wildlife (Conservation and Management) Act, (Cap 376)
 - (b) the Rabies Act (Cap 365) or any other written law for the time being in force;
 - (c) subject to Part V the slaughter of an animal for consumption;
 - (d) the performance of an operation on an animal under the provisions of the Veterinary Surgeons Act. (Cap 366)

Fighting and baiting of an animal an offence.

4. A person who -

- (a) causes promotes or assists at the fighting or baiting of animals;
- (b) keeps, uses, manages, or acts or assists in the management of premises for the purpose, or partly for the purpose of fighting or baiting of animals, or permits any premises or place to be so kept, managed or used; or
- (c) receives or causes or procures any person to receive money for the admission of any person to premises kept or used for the purpose, or partly for the purpose, of fighting or baiting of animals, or
- (d) attends an event which involves fighting or baiting of animals ;

shall be guilty of an offence and liable to a fine not exceeding twenty five thousand shillings or to a term of imprisonment not exceeding six months , or to both.

Offences relating to poisoned grain and flesh etc.

5. (1) A person who -

- (a) sells or offers or exposes for sale, or gives away or causes or procures any person to sell or offer or expose for sale or give away, or knowingly is a party to the sale or offering or exposing for sale or giving away, of any grain or seed which is rendered poisonous, except for bone fide use in agriculture; or

- (b) knowingly puts or places or causes or procures any person to put or place, or knowingly is a party to putting or placing in or upon any land or building or private property, any poison, or poisoned bait or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings.

- (2) It shall be a defence to proceedings under paragraph (b) of subsection (1) that the poison was placed for the purpose of destroying insects and other invertebrates, rats, mice and small ground vermin where it is found to be necessary in the interests of public health or agriculture, and that all reasonable precautions to prevent injury to other animals were taken.

Offences relating to the use of traps and other devices.

- 6.** (1) A person who, for the purpose of capturing or killing an animal-

- (a) uses, or causes or procures to be used, a snare, net, leghold trap, or other device so designed as to cause unnecessary suffering to an animal captured or killed there-by; or
(b) having set, or having procured to be set, a live capture trap or other humane device fails to inspect or to cause some competent person to inspect the trap or other device at reasonable intervals every day between sunrise and sunset;

shall be guilty of an offence and liable to a fine not exceeding twenty five thousand shillings.

- (2) Where a person is convicted of an offence under this section, the court may, in addition to any penalty that may be imposed, order any snare, net, leghold trap or other device used by that person for the capturing or killing of an animal to be seized and destroyed.

Hunting of injured captive animal an offence.

7.

- (1) A person who for the purpose of coursing or hunting, liberates a captive animal -

- (a) in an exhausted, injured or mutilated condition; and or
(b) in a manner or place which exposes it to immediate attack, or danger of attack by another animal; and or
(c) in an enclosed space from which it has no reasonable chance of escape;

shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding six months, or both.

Training of animals in a cruel manner an offence.

8.

- (1) A person who trains an animal by the cruel infliction of pain or terror or by the excessive use of a whip, goad or other instrument or by the application of heat, electric shock or other similar appliance, or drugs or medication to produce pain, suffering and or aggression, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding six months.
- (2) Where a person is convicted of an offence under this section the court may, in addition to any penalty that may be imposed, order any whip, goad or other instrument or appliance used by that person for the training of an animal, to be seized and destroyed.
- (3) Where it is proved to the satisfaction of a subordinate court on a complaint made by an authorised officer or police officer and or veterinarian, that the training or exhibition of an animal has been accompanied by cruelty and should be prohibited, or allowed subject only to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition, or exercise its discretion in imposing such conditions thereon as may be specified by the order, with immediate effect.
- (4) If a person is aggrieved by the making of an order, or by the refusal to make an order under subsection (3), he may appeal to the High Court whose decision shall be final.
- (5) For the purpose of this section “exhibition” means an exhibition and any entertainment to which the public are admitted whether on payment of money or otherwise.

Prohibition of certain public contests performances and exhibitions with animals.

- 9.** (1) A person who promotes, or takes part in, causes or knowingly permits to take place, a public performance which includes an episode consisting of or including -
- (a) throwing or casting with ropes or other appliances of an animal unused to human handling or a wild or untrained animal;
 - (b) riding or wrestling, fighting or struggling with, an untrained animal; or
 - (c) riding or attempting to ride an animal which by the use of any appliance or treatment involving cruelty is or has been stimulated with the intention of throwing off the rider, shall be guilty of an offence and liable to a fine not exceeding of at least thirty thousand shillings or to a term of imprisonment not exceeding three months, or to both.
- (2) For the purposes of proceedings under paragraphs (a) & (b) of subsection (1) if an animal appears or is represented to spectators to be untamed or untrained, it shall lie on the defendant to prove that the animal is in fact tamed or trained.
- (3) In proceedings under paragraph (c) of subsection (1) in respect of the use of any

appliance or treatment which is therein mentioned upon an animal before or during a performance, it shall be a defence for the defendant to prove that he did not know and could not reasonably expect to know that the appliance or treatment was to be or was used.

- (4) In this section “public performance” does not include a performance presented to the public by means of video or on film, but includes all live performances.

Prohibition of films or videos involving cruelty to animals.

- 10.** (1) No person shall exhibit to the public, or supply to a person for public exhibition (whether by him or by another person), a cinematograph film or video if in connection with the production of the film any scene represented in the film was organised or directed in such a way as to involve the cruel infliction of pain on, or terror to an animal or the cruel goading of an animal to fury.
- (2) In proceedings brought under this section in respect of a film, the court may (without prejudice to any other mode of proof) infer from the film as exhibited to the public, or supplied for public exhibition as the case may be, that a scene represented in the film as so exhibited or supplied was organised or directed in such a way as to involve the cruel infliction of pain on or terror to an animal or the cruel goading of an animal to fury, but (whether the court draws the inference or not), it shall be a defence for the defendant to prove that he believed and had reasonable cause to believe, that no scene so represented was so organised or directed.
- (3) A person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding forty thousand shillings or to a term of imprisonment not exceeding three months, or to both.
- (4) For the purposes of this section a cinematograph film or video shall be deemed to be exhibited to the public when it is exhibited in a place to which members of the general public have access, whether on payment of money or otherwise, and “public exhibition” shall be construed accordingly.
- (5) Any person who for the purposes of making a cinematographic film or video for public exhibition causes an animal to be subjected to cruel infliction of pain or terror, or goading to fury, or deliberately kills an animal for the purposes of the film or in any other way contravenes the Prevention of Cruelty to Animals Act, shall be guilty of an offence and be liable to a fine not exceeding fifty thousand shillings or a term of imprisonment not exceeding six months or both.

Hawking or selling or buying of an animal, offences thereof.

- 11.** (1) A person who hawks an animal shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or six months imprisonment or both for persistent offenders.

- (2) For the purposes of this section “hawk” means to carry in any manner for sale barter or exchange an animal and includes the act of selling or exposing for

sale an animal by a person in or at any place at which he does not normally reside, or in a public place.

- (3) (a) A person who sells, buys, gives away or accepts any animal traditionally or commonly kept as a pet or companion with the intent of killing or having another person kill that animal for the purpose of using or having another person use any part of the animal for food is guilty of an offence
- (b) A person who buys sells gives away or accepts the carcass of an animal commonly kept as a pet for consumption is guilty of an offence.

A person who contravenes the provisions of paragraphs (3) (a) & (b) will be guilty of an offence and be liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding three months.

- (4) This section shall not be construed to interfere with production, marketing or disposal of livestock, poultry or fish reared for consumption.

PART 111- CONTROL OF EXPERIMENTS.

Experiments only to be performed by licensed persons.

Role of Care and Use Committee.

- 12** (1) A person other than a licensee who performs an experiment shall be guilty of an offence and liable to a fine of at least forty thousand shillings or to a term of imprisonment not exceeding nine months, or both.
- (2) All Institutions where or from where experiments are carried out, both within and without the Institution including field sites where procedures are to be carried out, must have access to an Institute Care and Use Committee.
- (3) The Care and Use Committee will ensure that all proposed experimentation has been thoroughly reviewed and approved and complies with care and use requirements and is ethically justifiable. The committee will have the power to approve, defer or reject proposed experiments.
- (3) The Committee will comprise of a minimum of four people and include a Layperson, a Veterinarian, a Laboratory Animal Technologist and a Scientist
- (4) The committee must keep accurate and current records of all experiments, which will be available for inspection by relevant authorities on demand.

Any Institution which carries out experiments and does not comply with this section may be liable to a fine of one hundred thousand shillings and may have its licence withdrawn.

Prohibition of performance of experiments subject to certain conditions.

- 13.** (1) A licensee who -

- (a) performs an experiment otherwise than in accordance with the terms of his licence or permit and subject to the restrictions imposed by Section 15;
 - (b) performs an experiment for the purpose of attaining manual skill; or
 - (c) performs an experiment for the purpose of illustrating a lecture at a university, college, hospital, medical school, agricultural college, farm school or any other academic institution unless he is the holder of a teaching permit under Section 15, and unless the experiment is of a class specified in the permit and is performed in accordance with the terms of the permit, shall be guilty of an offence
- (2) A person who aids or takes part in the performance of an experiment in contravention of subsection (1) shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding twenty thousand shillings or a term of imprisonment not exceeding six months.

Restrictions upon performance of experiments by licensee.

14 (1) Except as otherwise provided in paragraph (c) of section 13 (1), no licensee shall perform an experiment except -

- (a) for the purpose of the advancement by a new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating disease, whether of human beings or animals;
- (2) No licensee shall perform an experiment unless-
- (a) throughout the whole of the experiment the animal is under the influence of an anaesthetic of sufficient power to prevent the animal feeling pain; and
 - (b) if the pain is likely to continue after the effect of the anaesthetic has ceased, or if serious injury has been inflicted on the animal, the animal is killed before it recovers from the influence of the anaesthetic which has been administered.

Grant of a licence

15 (1) The Minister of Livestock Development may grant a licence to a person to perform an experiment for any purpose specified in the licence during such a period and subject to such conditions, in addition to the conditions specified in this Act, as he thinks fit providing :

- (a) that the qualifications of the licensee are of the standard required as set down by the Care and Use Committee of that Institute and that the Committee has approved of the said experiment as being a benefit to either man or animals.
- (b) that the Minister is provided with complete details of the experiment to be carried out and for what purpose and length of time allotted before exercising his discretion in issuing the licence. It shall be a condition of a licence granted under this section that the applicant will comply with any enquiries from the Minister in determining whether or

not to grant the licence and also with any further enquiries during the duration of the licence.

- (2) It shall be a condition of a licence granted under this section that an experiment performed pursuant to the licence shall be performed at the place specified in the licence.
- (3) It shall be a condition of a licence granted under this section to a person **Cap 366** who is not registered under the Veterinary Surgeons Act or the Medical **Cap 253** Practitioners and Dentists Act, that any experiment performed pursuant to the licence shall be performed under the supervision or direction of a person duly registered under one or other of those acts.
- (5) The Minister will extend or renew the licence at his discretion after ensuring that there is a need for such an extension or renewal.

Teaching Permits.

16 (1) Where the Minister of Livestock is satisfied that it is necessary for the due instruction of persons attending a course of lectures for the purpose of acquiring physiological knowledge which will be used for saving or prolonging life, or alleviating suffering, or for combating disease whether of human beings or animals, for the lecture to be illustrated by the performance of an experiment, the Minister may grant to a licensee under this Act, a teaching permit to perform any experiment specified in the licence for the purpose of illustrating the lecture.

- (2) A teaching permit under this section shall be subject to such conditions, in addition to the conditions specified in this Act, as may be specified therein, and the permit shall remain in force for twelve months from the date on which it is granted.

17. A licence or permit granted under this Act may be revoked at any time by the Minister on being satisfied that the licence or permit ought to be revoked.

Records.

- 18** (1) A licensee shall keep, in such form as may be prescribed, records of all experiments performed by him under the licence.
- (2) A licensee shall permit any person authorised in writing by the Minister and Director of Veterinary Services to inspect those records.
 - (3) A licensee shall render to the Minister and the Director of Veterinary Services in such form and at such time as may be prescribed such returns as may be required in relation to an experiment performed by him under a special permit.
 - (4) A licensee who contravenes or fails to comply with, the provisions of this section shall be guilty of an offence and liable to a fine not exceeding forty thousand shilling or a term of imprisonment not exceeding six months, or to both.

Inspections.

- 19** (1) A licensee shall permit a person authorised in writing by the Ministry of Livestock Development to enter and inspect, for the purpose of ascertaining whether the provisions of this Act are being complied with, any place specified in a licence for

the performance of experiments.

(2) A person who resists, hinders or obstructs any person authorised under subsection (1) in the exercise of his powers of inspection, or conceals an animal with intent to defeat the exercise of those powers of inspection, shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding three months, or to both.

(3) For the purposes of this section, no person shall be authorised by the Minister
Cap 366 unless that person is registered under the Veterinary Surgeons Act or the Medical
Cap 253 Practitioners and Dentists Act or is an authorised officer under the Ministry of
Cap 360 Agriculture and Rural Development or equivalent Government Ministry.

**Absolute prohibition of
public exhibition of experiments.**

- 20** (1) No experiment shall be exhibited to the general public.
(2) A person who performs or aids in performing an experiment which is exhibited to the general public, whether admitted on payment of money or not, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

PART IV MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

**Liability of Owners
or person in charge of
an animal.**

- 21** (1) A person who, being the owner or being the person in charge of an animal, permits the commission of an offence under this Act or any regulation thereunder in relation to that animal shall be guilty of that offence and liable to the penalties prescribed therefor.
(2) For the purposes of this section, an owner or person in charge shall be deemed to have permitted the commission of an offence if he fails to exercise reasonable care and supervision in respect of the protection of the animal therefrom; but where the owner or person in charge is convicted of permitting the commission of an offence by reason only of his having failed to exercise reasonable care and supervision, he shall not be liable to imprisonment without the option of a fine.

**Destruction of injured animals by
authorised officer or police officer
without consent of owner.**

- 22.** (1) If an authorised officer or a police officer of or above the rank of Assistant Inspector finds an animal so diseased or severely injured or in such a physical condition that in his opinion it ought to be destroyed he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a veterinary surgeon if a veterinary surgeon is within reasonable distance; or if a veterinary surgeon is not readily available and if the animal is terminally ill or injured, the officer may issue a certificate of intent to the owner and without the consent of the owner destroy the animal, or procure it to be destroyed in such a manner as to inflict as little

suffering as possible; if the destruction takes place on a public road, the carcass may be removed.

- (2) Where an animal is destroyed in accordance with this section and the owner thereof is absent and cannot be found without unreasonable delay the authorised officer or police officer may take such reasonable steps as are necessary to dispose of the carcass and to inform the owner in due course of such action as has been taken.
- (3) If it is decided by a veterinary surgeon or an authorised officer or police officer, that an injured animal can without undue suffering be removed, in the absence of the owner the animal shall be removed with as little suffering as possible; if the owner is present and refuses to seek veterinary attention the police officer or authorised officer may impound the animal and seek veterinary treatment on issuance of a receipt.
- (4) Any expenses which may be reasonably incurred by an authorised officer or a police officer in carrying out the provisions of this section may be recovered from the owner summarily as a civil debt.

Custody of animals pending proceedings.

- 23.** (1) Whenever a person is charged with an offence under this Act or any regulation made thereunder in relation to an animal, the animal may be seized by authorisation of a police officer of the rank of Inspector or above, or a Magistrate having jurisdiction in the area in which the offence is alleged or by an authorised officer of the Ministry of Livestock Development providing the officer reports the seizure to the nearest police station and informs the police of the location of the seized animal;
- (2) Upon the conviction of a person of an offence committed in relation to an animal which has been seized and placed in custody under subsection (1) the court shall, in addition to any penalty that may be imposed, order the person convicted to pay a sum equal to the costs which the court finds to have been incurred with the seizure and custody of that animal and the sum so ordered to be paid shall be recoverable as if it were a fine.
 - (3) At the conclusion of proceedings in respect of an offence committed in relation to an animal which has been seized and placed in custody in terms of this section, when all costs have been paid by the owner the animal may be returned to the owner in the case of a minor offence, or if the court directs the animal may be given to a registered animal welfare body to dispose of in the best interests of the interests of the animal.
 - (4) A convicted person who fails to comply with any provision of any order made by court under this Act shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months or to both.

- 24.** (1) An animal taken into protective care by a registered Animal Welfare body such as the Kenya Society for the Protection and Care of Animals, by reason of the owner being unknown, may, if the owner has not made himself known or is not identified within fourteen days of the animal being taken into care, assume ownership of the said animal.

(2) If an owner has been identified but does not take steps to remove the animal within fourteen days from the time it has been agreed in writing that it will be returned to him, the Society may assume ownership of the animal without further recourse to the owner. The owner of the animal shall be liable for all costs incurred before reclaiming his animal.

(3) If an owner of an animal which has been admitted for treatment, or any other reason fails to collect it within fourteen days of an agreed date given in writing, the Society may assume ownership of the animal without further recourse to the owner.

On assuming ownership of the animal the Society will determine the future of the said animal taking into consideration its best interests.

Compensation in certain cases.

25 (1) Where a person by committing an offence in relation to an animal under sections **3,4,5,6,7,8,9, or 10**, does or causes to be done, any damage or injury to the animal or to any person or property he shall upon conviction for that offence be liable, upon the application of the owner of the animal or the person who has sustained damage or injury to his person or property, to be ordered to pay as recoverable costs to that person, as the case may be, a sum not less than twenty thousand shillings which the court before whom he is convicted may consider reasonable and the sum so ordered to be paid shall be recoverable as if it were a fine.

(2) A person convicted of an offence under this Act or any regulation made thereunder in relation to an animal, shall upon the application of any person who has incurred expenses in providing necessary veterinary or other treatment, food or shelter or other care or attention for an animal in respect of which the offence was committed, or for caring for the animal until the making of an order by the court for the disposal of the animal, be liable to be ordered to pay as compensation to that person a sum not exceeding ten thousand shillings which the court finds to have been reasonably incurred for the purpose and the sum so ordered to be paid shall be recoverable as if it were a fine.

(3) Nothing in this section shall-

(a) prevent the taking of any other legal proceedings in respect of any damage or injury or expenses incurred, so, however that a person be not twice proceeded against in respect of the same claim; or

(b) affect the liability of a person to be proceeded against and punished under this Act for an offence under this Act.

Any person authorised to prevent cruelty.

26 If any person has reason to believe that an offence is being or is about to be committed under this act or any other regulation made thereunder in relation to an animal, that

person may, where to summon an authorised officer or a police officer would occasion unreasonable delay and unnecessary suffering to the animal, take such reasonable steps as are necessary to prevent the commission of the offence.

Power to enter and inspect land, premises or vehicle.

27. (1) An Authorised Officer, on production of his authority, or a police officer of or above the rank of Assistant Inspector, may enter without warrant and inspect any land, premises or vehicle in or upon which he has reason to believe an offence under this Act or any regulation made thereunder has been or is about to be committed and may therein -
- (a) seize any animal, vehicle or any other thing which he has reasonable grounds for believing to be evidence of an offence;
 - (b) require the owner or occupier of the land or premises or the owner or the driver of the vehicle to give such explanation and information relating to an animal as may be reasonably required by the officer in performance of his duties, but no person may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture.
- (2) The power to act under subsection (1) shall only be exercised without a warrant if the officer so acting has reasonable cause to believe that the delay occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties, and the power shall be exercised only after reporting his intentions to the nearest police station and under the directions of a police officer of or above the rank of assistant inspector, unless the person exercising it has reasonable cause to believe that the delay occasioned in summoning a police officer or reporting intent, would, or would tend to, defeat the purposes of this section.
- (3) Before removing anything under the provisions of paragraph (a) of subsection (1) the officer removing it shall furnish the person in whose custody or possession the article is at the time of removal, with a written receipt therefor.
- (4) Any seizure under this section shall be reported without unnecessary delay to the nearest police station.

Power to seize animal or vehicle.

28. (1) Where a person having charge of a vehicle or animal is apprehended by an authorised officer or a police officer for an offence under this Act or regulation made thereunder, the officer or police officer may seize the vehicle or animal and may deposit it in some place of safe custody, until the termination of proceedings in respect of the offence or until the court directs the vehicle and or animal to be delivered

to the person charged or the owner thereof and the reasonable costs of detention, including the reasonable costs of veterinary treatment, where such treatment is required shall, in the event of a conviction in respect of the animal, be recoverable from the owner as if the costs were a fine.

(2) Where an animal, whether drawing a vehicle or otherwise, appears to an authorised officer or police officer to be so diseased or injured as to be unfit for work or to have suffered such ill treatment as would be an offence under this Act, or any regulation made thereunder, the officer may detain or seize the animal or vehicle and take charge of and deal with it as is provided for under subsection (1) and the reasonable costs and expenses incurred shall be recoverable in the manner therein provided.

(3) A seizure under this section shall be reported without unnecessary delay to the nearest police station, or a magistrate.

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

29. (1) Where proceedings are instituted under this Act or any regulation made thereunder against the driver or conductor of a vehicle, the court may issue a summons directed to the employer of the driver or conductor requiring him if it is in his power to do so, to produce the driver or conductor at the hearing of the case.

(2) Where proceedings are instituted under this Act or any regulation made thereunder the court may issue a summons directed to the owner of the animal requiring him to produce either at, or any time before the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if production is possible without cruelty.

(3) Where a summons is issued under either subsection (1) or subsection (2) and the owner or employer fails to comply therewith without reasonable excuse, he shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings for the first offence and not exceeding twenty thousand shillings for the second or subsequent offence on which he so fails and may be required to pay the costs of any adjournment rendered necessary by his failure.

Awards

30. Where in proceedings under this Act or any regulation made thereunder a fine is imposed, the court may award a sum or sums not exceeding half the total fine to the person, not being a public officer, who complains or to such other person that the court deems proper or fit.

Obstruction of an Authorised Officer or Police Officer.

31. A person who resists, hinders or obstructs an authorised officer or police officer

in the exercise of his powers under this Act, or conceals an animal with intent to defeat the exercise of these powers, or who on any requisition under paragraph (b) of section 26 (1) willfully withhold information knowing or having reason to believe it to be false or misleading, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding one year or to both.

Appointment of an Authorised Officer.

32. The Minister of Livestock Development shall be responsible for the appointment of Authorised Officers for the purposes of this Act by notice in the Kenya Gazette. The Kenya Society for the Protection and Care of Animals, may recommend to the Minister any such persons suitable to be Authorised Officers by nature of their knowledge, experience in animal welfare, educational qualifications and suitability of temperament. The officers will be issued with a certificate signed by or on behalf of the Minister stating that they are authorised officers. This certificate will be produced on demand. Authorised Officers appointed shall ensure that all provisions of this Act are complied with and that they exercise their duties in accordance with the aim and terms of this act

Degazetting of an Authorised Officer.

- 33.** (1) In case of committing of a felony, or misuse of power as an authorised officer or other conduct prejudicial to the regulations of this Act and contrary to the procedures of the Kenya Society for the Protection and Care of Animals, by an authorised officer, the Minister may in collaboration with the Kenya Society for the Protection and Care of Animals, give notice in the Kenya Gazette of the cancellation of the appointment of the Authorised Officer. The Officer will be informed in writing of the intention to degazette and the reasons thereof. The Officer will be required on demand, to return his card to the Kenya Society for the Protection and Care of Animals within two weeks. A person who fails to do so will be guilty of an offence and liable to a fine not exceeding fifteen thousand shillings, or to a term of imprisonment not exceeding three months or both.
- (2) Any person who has been degazetted under paragraph 32.(1) of this Act and who continues to represent himself as an authorised officer under this Act, will be guilty of an offence and liable to a fine not exceeding twenty thousand shillings, or to a term of imprisonment not exceeding six months, or to both.
- (3) The responsibility will be on the accused to prove to the satisfaction of the court that he had not been aware of the cancellation of his appointment.
- 34.** The Minister may make regulations generally for the better carrying out of the objects of this Act, and more particularly but without prejudice to the generality of the foregoing, for -
- (1) prescribing and regulating the manner in which animals may be kept;
 - (2) the licensing and inspection of boarding establishments for dogs, cats and horses; riding establishments, pet shops and menageries or security companies which keep dogs commercially for the purpose of guarding people or property.
 - (3) prescribing and regulating the manner in which animals may be transported by land, air, sea or inland waters and the manner in which animals are loaded into or offloaded from any transport;
 - (4) ensuring that animals whilst being transported, are supplied with adequate food, water and shelter;

- (5) prescribing and regulating the loading and working conditions of animals used for traction, pulling carts or carrying loads;
- (6) prescribing and regulating the type of cart or plough to be drawn by an animal;
- (7) prescribing and regulating the manner in which animals shall be slaughtered;
- (8) regulating and controlling any form of experiment relating to or connected with animals;

- (9) providing for the keeping of records of all or any experiments performed by a licensee and for the rendering of returns in relation to any experiments and the inspection thereof;
- (10) prescribing the form of any licence or permit for such experiments;

- (11) prescribing and regulating the payment and recovery costs and expenses incurred under this Act or any regulation made thereunder;
- (12) prescribing the persons who and the manner in which persons may be appointed as authorised officers;
- 13) prescribing any fee, matter or thing which is or ought to be prescribed under this Act.

PART V CONDUCT OF SLAUGHTER REGULATIONS.

Short Title

- 1** These Regulations may be cited as the Prevention of Cruelty to Animals (Conduct of Slaughter) Regulations.

2 Interpretation

In these regulations except where the context otherwise requires:-

- (a) "animal" means any living vertebrate animal and includes without prejudice to the generality of the foregoing any cattle, camels, crocodiles, goats, rabbits, sheep, swine, solipeds, ostriches and poultry.
- (b) "Excluded animal" means any animal for the time being specified as such in the Schedule hereto together with any other animal which may from time to time be designated as such by the Minister by notice in the Gazette for which some special procedures and method of slaughter are prescribed in such schedule in lieu of the general method set out in these Regulations.
- (c) "Inspecting officer" means any Veterinary Officer, Health Inspector, or Authorised Officer registered with the Department of Veterinary Services or any other person appointed by the Minister.
- (d) "stunning pen" means a box constructed in such manner as to restrict the movement of the animal confined therein to permit the accurate aim to stun the animal prior to slaughter and constructed in such a manner as to be out of sight and sound of other animals awaiting slaughter.

**Place of slaughter
of animals.**

- 3. (a) No animal shall be slaughtered for human consumption in any place other than at a slaughter slab or in a slaughterhouse (which expression shall include an "abattoir") of approved design duly licensed as such in accordance with the provisions of the Meat Control Act. (Cap 356)
- (b) Due regard of compliance shall be made to the provisions of the Meat Control Act (Cap 356) as well as the provisions of the Prevention of Cruelty to Animals Act (Cap 360) and all regulations made under the aforementioned statutes when preparing for and conducting slaughter.

**Treatment of Animals
prior to Slaughter.**

- 4. (1) Every Slaughterhouse shall have an adequate fixed ramp or ramps of a suitable design for use in the unloading of animals from vehicles into the lairages annexed to the slaughterhouse.
- (2) Every unit in a lairage shall be of a suitable design as provided for in Cap 356
- (3) Any person who contravenes proper slaughter procedures as contained in Cap 356 as to be cruel to animal shall be guilty of an offence and shall pay a fine not exceeding ten thousand shillings or be sentenced to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

Slaughter house procedures.

- (4) Stunning shall be carried out by the use of such mechanical or electrical

stunning device as is appropriate to the species of animal to be stunned, by a trained operator employed by the slaughterhouse for the purpose. The operator shall stun an animal by aiming at the correct point to ensure immediate unconsciousness.

(6) No animal shall be bled or hoisted before being stunned.

Any person who is convicted of an offence under this section shall be liable to a fine not exceeding forty thousand shillings or a term of imprisonment not exceeding three months or to both.

Notwithstanding the previous provisions of this Regulation the Director of Veterinary Services may waive in writing all or any of such provisions in order to permit any animal to be slaughtered in accordance with the religious of any particular faith, provided however that the Director shall ensure that in carrying out such rites due regard is paid to the prevention of cruelty to any animal and that any such slaughter shall only be carried out by a person or persons duly skilled in these rites. The Director may also exempt in writing a slaughter slab that processes less than five animals per week, providing that the slaughter is carried out quickly and as humanely as possible by a person or persons duly skilled in slaughter.

Powers and duties of Authorized officers.

- 6 (1) For the purpose of preventing the inhumane slaughter of any animal, authorized officers shall have unlimited access to any slaughterhouse at any time and may attend and inspect the premises, methods and instruments being used for stunning and shall in particular, but without prejudice to the generality, ensure that:-
- (a) the appropriate approved instruments and cartridges are being used in respect of each species of each animal;
 - (b) the equipment is clean and in good working order;
 - (c) the person using the equipment has the necessary ability and knowledge as to the use of such equipment;
 - (d) in the case of electrical equipment it contains a device to ensure that it is prevented from delivering a current below that which it has been set to deliver for the purpose of rendering the animal unconscious; and
- (2) the Director may suspend operation of any slaughterhouse until he is satisfied that all animals are handled and slaughtered in accordance with all relevant laws.

PART VI

TRANSPORTATION OF ANIMALS.

1.

1.(1) This order shall apply to the transportation of :-

- (a) Cattle, sheep, goats, pigs, horses, camels and donkeys.
- (b) Poultry domestic birds and rabbits.
- (c) Domestic dogs and domestic cats.
- (d) All other mammals(except man) and birds.
- (e) cold blooded animals and other vertebrate animals.

General Provisions of the Protection of Animals in Transit.

(1) No person shall transport any animal in a manner which causes or is likely to cause injury or unnecessary suffering to that animal.

(2) No person shall transport any animal unless it is fit for the intended journey

For the purposes of this regulation mammals shall not be considered fit for transportation if they -

- (a) are likely to give birth during transport:
- (b) have given birth during the last 48 hours: or
- (c) are new born animals in which the navel has not completely healed.
- (d) are ill, injured, infirm or fatigued.

2. Notwithstanding the provisions of sub paragraph (2) above any mammal may be transported to the nearest available place for veterinary treatment or diagnosis, or to the nearest available place for slaughter in accordance with the slaughter regulations, if the animal is not likely to be subject to unnecessary suffering by reason of its unfitness or injury.

Any person who fails to comply with or commits a breach of paragraph **3** shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or three months in jail or to both.

Means of Travel

3. Any person transporting cattle sheep pigs goats, rabbits, poultry horses or camels shall do so in accordance with the following conditions:-

(1) The means of travel, receptacles and fittings shall be constructed maintained and operated so as to avoid injury and unnecessary suffering and ensure the safety of the animal during transportation, loading and unloading. They should be free from sharp edges and projections likely to cause injury or unnecessary suffering.

(2) The means of transport or receptacle shall be constructed and maintained so as to protect the animals or birds from wind, rain or overexposure to sunlight, but ensuring there is sufficient ventilation.

(3) Means of transport and receptacles shall be so constructed as to prevent the escape of the animals

(4) Means of transport and receptacles shall have sufficient natural or artificial light to enable proper care and inspection of any animal being carried.

(4) All vehicles carrying livestock and poultry shall display in a prominent place at the front And rear of the vehicle a notice saying "Livestock."

Any person who fails to comply with or commits a breach under this paragraph is guilty of an offence and may be liable to a fine not exceeding thirty thousand shillings or to three months imprisonment.

(6) Partitions shall be used if necessary:-

(a) to provide adequate support for animals or to prevent them being thrown around during transport.

(b) they should be of rigid construction and strong enough to withstand the weight of the animals

(c) they should be constructed and positioned so that they do not interfere with ventilation or cause injury to the animals.

7. any floor on which animals stand or walk during loading or unloading shall be :-

(a) sufficiently strong to bear their weight,

(b) constructed, maintained and operated to prevent slipping,

(c) free of any protrusions, spaces or perforations which are likely to cause injury to animals

(d) any floor where an animal is required to stand during transport, as well as complying with

(a),(b) and (c) shall be covered with sufficient litter to absorb urine and droppings unless equally effective alternative arrangements are in place.

Any person who fails to comply with or commits a breach of Paragraph 6 or 7, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or three months in jail or both.

8. Animals shall only be loaded into means of transport or receptacles which have been thoroughly cleaned and where appropriate, disinfected.

5. Treatment of sick animals.

Where an animal falls ill or is injured during transport the person in charge of the animal shall ensure that it receives first aid treatment as soon as possible. In the case of animals being carried for slaughter, if keeping the animal alive would cause unnecessary suffering, slaughter should be carried out immediately in a manner that does not involve unnecessary suffering. In the case of other animals, if possible the opinion of a veterinary officer or other qualified personnel under this Act should be sought. If it is necessary to destroy the animal to prevent further suffering, this should be carried out within the provisions of the Act.

6. Feeding, watering, traveling times and rest periods.

Cattle sheep goats and pigs shall not be transported for more than eight hours unless the following additional requirements are met:-

(1) there is sufficient bedding on the floor of the vehicle

(2) the transporting vehicle carries appropriate food for the animal species transported and sufficient for the journey time.

(3) there is direct access to the animals

(4) there is adequate ventilation

(5) the animals will have access to water during the journey

(6) At the end of the journey, if more than three hours duration, the animals having been offloaded must be fed and watered and rested for at least twelve hours.

7.

Any person who fails to comply with paragraphs 4, 5, and 6, shall be guilty of an offence and be liable to a fine not exceeding twenty five thousand shillings.

8. Animals must not be transported by rail or sea for more than eight hours except under the conditions laid down in paragraphs (1) (2) (3) (4) (5) and (6)

9.

(1) No person shall transport an animal by air except in compliance with the standards set by the International Air Transport Association (IATA)

Powers of Police or Authorised Officer

10. (1) Where a police officer or an authorised officer considers that animals are being transported, or are about to be transported, in a way which is likely to cause injury or unnecessary suffering or in any way in contravention of any provision of this Act,

he may serve notice on the person appearing to him to be in charge of the animals, requiring that person to take any necessary action to ensure compliance with this order, giving reasons for the requirements.

- (2). Without prejudice to the generality of paragraph (1) above authorised officer may in particular -
- (a) prohibit that transport of the animals, either indefinitely or for a period specified in the notice;
 - (b) specify conditions under which the animals may be transported;
 - (c) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals.
 - (d) require the animals to be held in suitable accommodation with appropriate care until the problem is solved; or
 - (e) require the humane slaughter of the animals.

11. Tying.

1 When animals are tied the ropes or other attachments used shall be -

- (a) strong enough not to break during normal transport conditions;
- (b) designed in such a way as to eliminate any danger of strangulation or injury; and
- (c) long enough to allow the animals if necessary to lie down and to eat and drink.

Segregation of Animals.

12. (1) Save as provided in sub paragraphs (2) and (4) the following animals shall not be carried in an undivided vehicle, rail wagon, pen or receptacle with other animals:-

- (a) a cow accompanied by a calf or calves which it is suckling;
- (b) a sow accompanied by unweaned piglets;
- (c) a mare with foal at foot;
- (d) a bull over 10 months of age;
- (e) a breeding boar over six months of age
- (f) a stallion.

(2) Bulls may be carried with other bulls, boars with other boars, and stallions with other stallions if they have been raised in compatible groups or are accustomed to each other.

(3) Save as provided in sub paragraph (4) animals shall be segregated according to species.

(4) Animals of any species may be carried in the same undivided vehicle or receptacle as their companion animals if separation would cause either of the animals distress.

(5) No animal shall be carried with another animal if having regard to the differences in age and size between those animals, injury and unnecessary suffering is likely to be caused to one or both of these animals.

(6) Measures shall be taken to avoid injury or unnecessary suffering to any animal as a result of being carried in the same vehicle or means of transportation of animals which are hostile to each other, or are fractious.

Restrictions on lifting, dragging and use of force on animals.

13. (1) Without prejudice to the provisions of paragraph 3. (3) animals shall not be suspended by mechanical means, nor lifted or dragged by the head, horns, legs, tail or fleece.

(2) No person shall use excessive force to control animals.

(4) The prohibition in sub paragraph (3) (a) above shall not apply to the use of any instruments of a kind mentioned in that sub paragraph, on the hindquarters of any cattle over the age of six months, or on adult pigs which are refusing to move forward when there is a space to do so, but the use of any such instrument shall be avoided as far as possible.

Duties of attendants.

14. (1) The attendant or consignor's agent shall look after the animals and if necessary feed water and milk them. All animals in milk shall be milked at appropriate intervals.

(2) The attendant shall attend to the comfort of the animals and ensure that downed animals are protected from being trampled on by others.

15.

Additional provisions for the transportation of poultry domestic birds and rabbits.

For the purposes of this section, "poultry and domestic birds" means:-

- (a) domestic fowl
- (b) domestic breeds of turkey, guinea fowl, ducks, geese and quails.

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Handling, transportation of poultry and domestic birds .

- (1)(a) Birds shall not be carried by the head, neck, wings, legs or tail.
- (b) Birds shall not be tied by the neck, legs or wings.

- (2) Poultry and domestic birds shall be transported in receptacles of suitable specifications which will allow them to stand or squat as desired, or in a vehicle suitably constructed to allow them to stand or squat. If the vehicle is tiered it shall be ensured that the lower layer of birds are protected from the excrement of those above.
- (3) The receptacles or vehicles shall not be overcrowded.
- (4) The receptacles or vehicles shall be so designed as to provide adequate ventilation shall also protect the birds from rain and wind.
- (5) If the receptacles are stacked it shall be ensured that there is adequate ventilation for all the birds and protection from the excrement of the birds above.
- (6) Birds shall not be transported, except in suitable receptacles, on the roof of vehicles.

Rabbits.

17. 1 Rabbits shall not be lifted by the ears or legs

2 Rabbits shall be transported in suitable containers which will allow them to stand or squat and which allow adequate ventilation and protection from wind and rain.

Movement Permit.

18. Transporters shall carry a movement permit issued by the Director of Veterinary Services

PART VII

Welfare of Guard Dogs.

Definitions –

1.

- (1) For the purposes of these Regulations made pursuant to the Prevention of Cruelty to Animals Act (Cap 360) and provisions contained therein a guard dog is defined as a dog which is used by a private individual, bodies corporate and any other category of persons or groups to protect :-
 - (a) premises
 - (b) property kept on a premises
 - (c) a person guarding or living in the premises
- (2) Working Guard Dog – is defined as a dog which is owned by a Security Company, being utilised to protect persons or property and used for commercial purposes or to combat crime .
- (3) Site:- shall mean premises being patrolled and protected by working guard dogs.
- (4) Dog Handler:- shall mean a person trained and able to control a working guard dog.
- (5) Rest Area:- shall mean a wooden or brick abode in which is a bed where a dog can sleep.
- (6) Kennel Unit:- a permanent structure consisting of a rest area inside a run of a suitable material to contain the dog or dogs, but which allows them to view outside the area.
- (7) Cage:- a temporary moveable run made of iron and wire or weld mesh which is either enclosing or attached to a kennel.
- (8) Security Company shall mean any security company which owns and keeps dogs for hire for the purposes of security.

Regulations pertaining to the welfare of working Guard Dogs.

2. (1) All working dogs owned by a Security Company shall be identified appropriately and records kept in the register held at the kennel office. A file shall be kept for vaccinations and veterinary treatments.

(2) All files and veterinary records shall be open for inspection by the licencing officer, a police officer of the rank of inspector or above, or animal welfare officers appointed under the Act.

(3) A daily register of all dogs working duties shall be maintained with their number and handler deployed and the premises to which they have been allocated and details of the work shifts.

(4) Any dog that is sick or suffering from weight loss shall be examined by a qualified veterinarian immediately. All dogs shall be examined by a qualified veterinarian at intervals of not more than two months.

3. requirements for kennels.

(1) The Security Company shall provide well ventilated adequately constructed kennels to house the Guard dogs.

(2) The Security Company shall ensure that the kennels comply with the following:

(a) that no more than two guard dogs are housed per kennel unit, providing that the animals are compatible.

(b) that the rest area will be at least twice the dimensions of each dog, so as to provide adequate space for movement of standing up, lying down and turning round.

(c) that the rest area shall be waterproof.

(d) that floors shall be of concrete with a raised bed in the rest area which may be made of wood or other suitable material.

(3) (a) The Security company shall ensure that each kennel has a run area at least twice the measurements of the rest area where the dog can have access to sunlight and fresh air.

(b) The Security Company shall ensure that the dog shall always have access to the run area.

(c) The Security Company shall ensure that any working dog which is required to live on a permanent or semi permanent basis on site must be provided with suitable rest area and a cage or run.

(a) The Security company shall ensure that standards of hygiene are maintained so as not to create a health hazard to humans and dogs.

Any bodies corporate and or persons who contravene the provisions of this clause shall be liable to a fine not exceeding 50,000/- or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

4. Working Conditions

(a) All working dogs shall have access to fresh drinking water at all times. A working dog shall be fed not less than three hours before commencement of guard duties.

(b) A working dog shall not be muzzled for more than one hour at any one time.

(c) A working dog remaining on site for more than twelve hours must be provided with a shelter as referred to in (3) (3)

(d) Working shifts shall be no longer than twelve hours with ten hours rest period before resuming work. This applies to dogs living permanently or semi permanently on site as well as those which are transported from the Company kennels.

(e) No dog shall walk more than four kilometers to and from duty.

(f) Bitches on heat shall not be worked.

(g) Bitches more than six weeks pregnant shall not work.

(h) Bitches suckling young shall not work until her puppies are weaned. .

Any person guilty of an offence under Section (4) **working conditions** may be liable to a fine of 40,000/- or a term of imprisonment or to both.

5. Feeding health and wellbeing.

- (1) Dogs shall be provided with clean water at all times and nutritious food consisting of protein and carbohydrate commensurate with maintaining correct body weight and good health.
- (2) All dog foods must be stored in a hygienic manner and all utensils, food and water bowls shall be kept clean and washed after use or at regular intervals.
- (3) Adequate provision shall be made to ensure that all dogs are exercised daily and facilities must be provided for washing and grooming dogs.
- (4) (a) Sick old or diseased dogs shall not be worked or sold and should be cared for under the direction of a registered veterinary surgeon.
(b) Sick and diseased dogs shall only return to work when pronounced fit by a veterinarian.
- (5) All dogs shall be checked daily for signs of sickness, discomfort or injuries.

Training.

- (6) (1) Working dogs shall not be trained in a cruel manner as set down in Cap 360 Section 9 (1).
- (2) All dogs and handlers must have suitable training by a qualified person.

(7) Transportation of working dogs.

- (1) Working dogs shall be transported in suitable conveyances with compartments or cages which allow them to stand up and lie down.
- (2) Two or more dogs shall not be transported unconfined in a vehicle unless held individually by a dog handler.
- (3) Conveyances shall have safety devices to prevent the door opening during transport.
- (4) All conveyances must allow for adequate ventilation, but must provide sufficient shelter against rain and wind.
- (5) Conveyances must be kept clean at all times.
- (6) Muzzles should be carried in the conveyances in case of emergencies.

8.

Control by handler.

- (1) Working dogs shall at all times be under the control of the handler unless it is so secured that it is not at liberty to go freely in the premises.
- (2) Working dogs shall wear a collar in good condition and a dog lead shall be used by the handler.
- (3) Muzzles should not be used on a regular basis and when used should be worn for no more than one hour.
- (4) If a working dog has to be confined or tied for any reason outside the Security Company premises it must be in a sheltered area and for no longer than two hours at a stretch, unless it is confined in a proper kennel area as set down in Regulation 3 (1) (2).

Any Security Company owner or handler found guilty of an offence under Regulations **2,3,4,5,6, 7, and 8** shall be liable to a fine not exceeding 25,000/-.

9 Welfare of guard dogs kept by private individuals.

- (a) All dogs kept by private individuals for the purpose of guarding if required to be confined or tied, shall be confined for a duration of no more than two hours continuously unless kept in kennels of the type specified under Regulations 3 (1) (2) and (3).
- (b) Guard dogs kept by private individuals shall not be confined for more than ten hours per day in kennels as specified under Regulation 3.
- (c) Clean water shall be available at all times.
- (d) Kennels shall be kept clean and excreta removed immediately.
- (e) Adequate nourishing food of amounts suitable for the size of the dog shall be provided.
- (f) Veterinary attention by a qualified veterinarian shall be sought if the dog is sick.
- (g) Adequate human contact and exercise shall be given to the dog.

Any person guilty of an offence under Regulation **9** of this section shall be liable to a fine not exceeding twenty thousand shillings, or to a term of imprisonment not exceeding two months.

PART VIII.

REGULATIONS FOR WORKING EQUINES.

For the purposes of this Act “equine” means any horse, donkey, mule or hinney.

1 Working donkeys.

1. Regulations for cart pulling .

- (a) donkeys shall be fitted with a suitable harness designed to distribute weight load and not to produce sores. It should consist of a collar or breast band of suitable material, a saddle section slightly raised to prevent pressure on the spine and a breech fitted in such a way as to prevent the cart running into the donkey.
- (b) The cart shall be well made in that there shall be no protrusions to injure the donkey; the wheels shall be fitted with bearings and be lubricated regularly; tyre pressures should be such that the cart runs easily; the cart shall be fitted with a brake.
- (c) The cart shall be loaded in such a manner as to ensure proper distribution of weight and balance
- (d) When two or more donkeys are used, the harness shall be so designed as to ensure that the donkeys pull in unison.
- (e) Donkey carts shall not be overloaded. A load of 200kg to 300kg depending on terrain shall be the maximum weight to be pulled by a single donkey.
- (f) Donkeys shall not be beaten. If necessary a tap with a light stick to indicate a command should be all that is necessary.

Any person in charge of a donkey who overloads or beats the animal or who uses a harness or cart which will cause wounds and unsatisfactory weight distribution to the detriment of the donkey, shall be guilty of an offence and be liable to a fine not exceeding 30,000/- or three months imprisonment or to both.

2. REGULATIONS FOR PACK DONKEYS.

- (a) Pack donkeys shall be fitted with a suitable form of saddle to ensure that there is no direct weight bearing on the spine of the animal. It shall be constructed in such a way and with suitable materials to ensure that it does not in any way injure the animal.
- (b) A pack donkey shall carry no more than 40kg – 70 kg load depending on the distance, environment and condition of the donkey.
- (c) Section 1(f) herein above shall apply to this paragraph.

Any person guilty of overloading, overworking, beating or using unsatisfactory harnessing or cart which causes injury or unnecessary stress, shall be guilty of an offence and be liable to a fine not exceeding 30,000/- or a term of imprisonment not exceeding three months, or to both.

3. Donkeys used for tillage.

- (a) Donkeys used for tillage shall be fitted with an appropriate harness consisting of a breast band or collar of a design and of suitable material which will ensure that it does not produce sores. Yokes should not be used.
- (b) A single donkey shall only pull a light plough or weeder.

4. Feeding and working conditions for donkeys.

- (a) Unless there is adequate grazing to sustain a donkey in reasonable health and strength supplementary food suitable for the donkey shall be provided during the day and after work.
- (b) Donkeys in heavy work i.e. pulling or carrying heavy loads shall not be worked intensively for more than two hours without a twenty minute rest period. Food and water shall be offered during the rest period.
- (c) Working donkeys shall not work for more than ten hours per day
- (d) Working donkeys shall have one whole day of rest each week.

- (e) Operators of donkeys pulling or carrying heavy loads shall not ride on the cart or on the donkey while it is so loaded.
- (f) Donkeys pulling or carrying loads shall only be required to walk or if the load is light move at a slow trot.
- (g) Donkeys which are sick, injured, weak or old shall not be worked.
- (h) Female donkeys which are heavily pregnant shall not be worked. Nor shall they be worked for three months after gestation, unless the foal has died.
- (a) Donkeys under two years of age shall not be made to work. Heavy work shall not be undertaken until the donkey is three years of age.

A person guilty of an offence under paragraph 4. of this section shall be liable to a fine not exceeding fifteen thousand shillings or to a term of imprisonment not exceeding three months.

5. Straying of donkeys

Any owner or keeper of a donkey who allows the donkey to stray on or at the side of a public highway, or into the property of another person, shall be liable for any loss or damage caused by the donkey.

6. Tethering of donkeys.

- (a) donkeys must not be tethered by the leg or neck. Headcollars of a suitable design and material should be used, connected to a strong rope.
- (b) donkeys shall not be tethered close to a public highway whereby they may be in danger of being involved in a road accident.
- (c) If possible tethered donkeys should have access to shade.
- (d) donkeys should not be tethered in an exposed area without shelter when it is raining.
- (e) donkeys tethered should be inspected at regular intervals.

Failure by the owner to ensure the welfare of tethered donkeys shall constitute an offence and he may be liable to a fine not exceeding five thousand shillings.

REGULATIONS FOR HORSES HIRED FOR COMMERCIAL PURPOSES.

1 Horses or ponies hired for commercial purposes, hereafter referred to as “working horses” for the purposes of this section, shall be governed by the following regulations:-

- (a) a register shall be kept with appropriate identification and also details of veterinary treatments and vaccinations.
- (b) tack shall be kept in good condition. It shall be ensured that saddles are of a proper fit and do not cause sores. Snaffle bits should be used where possible to ensure that beginner riders do not hurt the mouth of the horse. Tack shall be checked on a regular basis to minimise risk of accidents to both horse and rider.

2. HOUSING.

- (a) Working horses shall be provided with housing constructed with a suitable material. The housing should be twice the length of the horse squared with a roof high enough to ensure that if the horse rears up it will not hurt itself. The housing shall be well ventilated.
- (b) Bedding such as straw or deep litter shall be provided and all wet and soiled bedding shall be removed on a regular basis
- (c) Where possible the housing shall be equipped with built in troughs to ensure that food and water are not spilled .
- (d) horses and ponies should be housed singly except in the case of a mare with a foal.

3. FEEDING.

- (a) Horses and ponies shall be fed appropriately
- (b) Water shall be available at all times.

4. GENERAL CARE.

- (a) Horses and ponies shall be brushed on a regular basis. Feet shall be checked daily and if the horses are shod, the shoes must be properly fitted by a trained farrier.
- (b) Working horses and ponies shall be exercised on a regular basis when not being ridden.
- (c) Working horses and ponies shall be checked daily for signs of sickness.
- (d) If a horse is sick it must be examined by a qualified veterinarian.

5. WORKING CONDITIONS.

- (a) Horses and ponies shall not work for more than six hours without a rest period of one hour.
- (b) If horses and ponies are required to perform hard and fast work rest periods shall be at shorter intervals
- (c) Sick thin or very old horses shall not be allowed to work
- (d) Working horses shall be allowed a continuous rest period of at least two weeks once per year.

A person who contravenes the above regulations to the detriment of the welfare of the animal shall be guilty of an offence and be liable to a fine not exceeding thirty five thousand shillings.

PART IX

BREEDING OF BITCHES AND CATS FOR PROFIT.

1. "Breeder" for the purposes of this section shall mean any owner or person in charge of female dogs or cats who keeps them for the purpose of breeding.
2. "Breeding Establishment" for the purposes of this section shall mean any premises (including a private dwelling) where two or more female dogs or cats are kept for the purpose of breeding.
3. Housing.
If the breeding dogs or cats are kept in kennels or cages the following conditions must be met:-
 - (1) Dogs:-
 - (b) The bitch shall be housed in a kennel which will consist of a covered area to protect the bitch and puppies from the elements. It shall be well ventilated and large enough for her to lie

down, stand up and turn round as well as to accommodate her offspring comfortably. There shall be an outside run area at least double in size of the inside area, where the bitch can have access to sunlight and fresh air. It is recommended that the run area shall have a raised platform high enough that the bitch may be able to get away from her puppies.

- (c) Beds and bedding which can be cleaned on a regular basis must be provided and the kennel must be kept clean at all times.
- (d) A large exercise area must be provided.

(2) Cats:-

(a) The breeding cat shall be housed in an area consisting of a covered area where the cat can safely nurse her offspring and be protected from the elements, but also provides adequate ventilation.

(b) The house shall be in a large cage area, where the cat has access to a reasonable amount of freedom, fresh air and sunshine. A toilet tray shall be provided and must be cleaned every day.

5. Breeding bitches and cats shall only be permitted to produce one litter per year. Any sick, weak or thin animals, or those over the age of eight years for a dog and ten years for a cat shall not be bred.

Any breeder who overbreeds, underfeeds, neglects or provides unsuitable or unhygienic accommodation or in any way contravenes the above section to the detriment of the welfare of his animals shall be guilty of an offence and liable to a fine not exceeding 40,000/-.

Authorised officers shall have right of access to breeding establishments for the purpose of checking the welfare of the animals and have the power and authority under the provisions of the Act to make random inspections where they deem necessary.