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BUNGOMA COUNTY BILLS, 2025

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**THE BUNGOMA COUNTY LIVESTOCK SALE YARD BILL,
2025**

A Bill for

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

ENACTED by the County Assembly of Bungoma, as follows —

PART I— PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Bungoma County Livestock Sale Yard Act, 2025 and shall come into operation upon publication in the *Gazette*.

Interpretation

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

“auctioneer” means a person licensed as an auctioneer pursuant to section 10 of the Auctioneers Act, (Cap. 526);

“Chief Officer” means a Chief Officer, appointed in accordance to section 45 of the County Government Act, 2012, responsible for matters relating to Livestock;

“County Executive Committee Member” means the County Executive Committee Member, appointed in accordance to section 35 of the County Governments Act, 2012, responsible for matters relating to Livestock;

“County” means Bungoma County;

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

“Consignor” means a person, 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;

“Gazette” means the *Kenya Gazette* published by the authority of the national government, or a supplement to the *Kenya Gazette*;

“group” for purposes of this Act, means a voluntary association of individuals from the same community which is self- organized for the

purposes of livestock marketing under this Act, with the aim of improving the livelihood of the group members or for the benefit of the community;

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

“operator” in the case of—

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

“livestock” for purposes of this Act, includes cattle, camel, sheep, goat, pig, poultry, rabbit, companion animals, draught animals, bees and any emerging livestock;

“livestock sale yard” means a place designated as a livestock sale yard pursuant to 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 livestock sale yard” means the Kenya Standard KS2773:2018 specifications issued and approved by the Kenya Bureau of Standards and includes; receiving and sorting yard, isolation yard, holding yard, loading zone with loading ramp, permit office, water tank, tree-line with raised earth berm to act as a natural off-loading ramp, office block, water trough, solar flood light, eateries, public shed, auction ring, drafting pound, sentry box, covered crush, poultry cages, goats sales yard, sheep sales yard, cows sales yard, bulls sales yard, heifers sales yard, calves sales yard, sanitation blocks, public viewing area, weighing scale, feed trough, manure pit, parking bay, auctioneer platform, office, stalls. Sick bay, drinkers, feeders, examination crush, quarantine area or incinerator.

Objects and purpose of the Act

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 sale yard;
- (d) integrate livestock sale yard with other supportive business enterprises and services;

- (e) provide a framework for effective disease surveillance and control in the County;
- (f) enhance revenue collection at the livestock saleyard; and
- (g) provide a framework for control of theft of livestock in the County.

Application

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

Guiding principles

5. The guiding principles of the Act shall be —

- (a) effective, efficient and sustainable utilization of livestock resource base to improve livelihood, nutrition, food security and economic development;
- (b) promotion of an innovative, commercially oriented and modern livestock sector for County, national and global competitiveness through adoption of best practices;
- (c) sustenance of biodiversity and genetic diversity in livestock resource while ensuring sound environment management for sustainability; and
- (d) returns to investment to livestock producers and commercial focus for livestock enterprise.

PART II —LIVESTOCK SALEYARDS

Standard Livestock saleyard

6. (1) The County Executive Committee Member may designate a place in a strategic area within the county, to be site for establishment of 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 yard shall be designated by the County Executive Committee Member on the recommendation of the Committee.

(4) The County Executive Committee Member shall on designation of an area to be a public livestock sale yard under sub-section (3), publish the designation in the *Gazette*.

(5) The specifications applicable for the establishment of a livestock sale yard under this Act, shall be the Kenya Standard KS2773:2018 issued and approved by the Kenya Bureau of Standards.

(6) The County Executive Committee Member shall make regulations for effective operationalization of Part II(5).

Bungoma County Livestock Sale Yard Management Committee

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

(2) The Committee shall be appointed by the County Executive Committee Member and shall comprise—

- (a) the County Director responsible for Livestock Production who shall be the chairperson;
- (b) the County Director responsible for Veterinary Services who shall be the secretary;
- (c) the County Director responsible for Trade and Industrialization;
- (d) the County Co-ordinator of Social Development;
- (e) the County Director responsible for County Revenue;
- (f) the County Director responsible for Public Health;
- (g) the County Director responsible for Environment;
- (h) the County Director responsible for Public Administration;
- (i) one representative from the umbrella body responsible for livestock marketing groups within the County; and
- (j) two livestock farmer representatives.

(3) in making the appointments under 6, 2 (i) and (j) consideration has to be made to persons living with disability, women, youth and the provisions of Article 27 of the Constitution of Kenya.

(4) The Committee may co-opt a person whose knowledge and expertise is necessary to assist it effectively discharge its functions under this Act.

(5) The Committee referred to under sub-section (1), shall be under the department.

(6) The Department shall offer technical support and administrative services to the Committee for efficient discharge of the functions of the Committee under this Act.

(7) The members of the Committee shall be paid by the Department such allowances as provided for by the Salaries and Remuneration Commission.

(8) The members appointed under 6, 2 (i) and (j) shall hold office for a term of three years renewable for one further term only.

(9) The Committee shall conduct its meetings in the manner set out in the First Schedule to this Act.

Vacation of office of member of Management Committee

8. The office of a member of County Livestock Sale Yard Management Committee appointed under 6, 2 (i) and (j) shall become vacant if the member—

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (e) resigns in writing addressed to the County Executive Committee Member;
- (f) is unable to perform the functions of his office by reason of mental or physical incapacitation; or
- (g) demonstrates gross misconduct;
- (h) office is abolished; and
- (i) dies.

Development and Management of a livestock sale yard

9. (1) The development and management of a public livestock sale yard may be through —

- (a) livestock marketing groups;
- (b) public- private partnerships;
- (c) contractual model;
- (d) County Government; and
- (e) any other model that may be applicable.

(2) 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 of the Committee

10. The Committee shall supervise the management of the livestock sale yards within the County. The committee shall—

- (a) provide advisory services to the County Executive Committee member on the establishment of new livestock sale yard;
- (b) in consultation with the County Executive Committee member, be responsible for the setting of livestock market days for each sale yard within the County;
- (c) keep an up-to-date register of the livestock marketing groups and ensure that only registered livestock traders, marketing groups operate livestock sale yards;
- (d) advise the department and the livestock marketing groups on the national and international best practices;
- (e) monitor the performance of the livestock marketing groups;
- (f) jointly with other partners, build the capacities of the livestock marketing groups for better management of a livestock sale yard;
- (g) oversee/ the use of funds allocated to the livestock marketing groups for the benefit of the community;
- (h) be responsible for the receipt of reports of the livestock marketing groups on the management of a livestock sale yard;
- (i) be responsible for the resolution of conflicts arising in the management of the livestock sale yard;
- (j) where appropriate recommend to the County Executive Committee member, the dissolution of the management of a livestock marketing group in the manner prescribed in the Schedule;
- (k) be responsible for the mobilization and accountability of resources for the effective management of livestock sale yards;
- (l) recommend issuance of license to operate the Livestock Sale yard to the County Executive Committee Member;
- (m) ensure environmental sustainability and compliance of the livestock sale yards; and

- (n) facilitate the formation and registration of livestock marketing groups

Livestock health inspectors

11. (1) The Chief Officer shall, on the recommendation of the County Director of Veterinary Services, deploy qualified persons within the department, to be livestock health inspectors for the purposes of this Act.

- (2) A person deployed as an inspector under sub-section (1), shall —
 - (a) ensure that only livestock with a movement permit are admitted to a livestock sale yard;(Disease Control Act (Cap. 324);
 - (b) ensure that livestock sale yards conform to the requirements under this Act;
 - (c) enforce the standards for the protection of livestock during transportation;(Prevention of Animal Cruelty Act);
 - (d) ensure that any livestock bought within a sale yard is marked;
 - (e) ensure that the health and safety measures described in Animal Disease Act (Cap. 364) are complied with;
 - (f) undertake random stock route inspection and disease surveillance; and
 - (g) ensure that the livestock transported to the livestock sale yard meet the required health standards.

Powers of an inspector

12. A livestock health inspector under this Act, shall have the power to —

- (a) recommend to the County Director Veterinary Services for onward transmission 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;
- (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 law relating to the treatment and quarantine of livestock.

Search and entry

13. (1) An inspector appointed under this Act, may without a warrant enter a livestock sale yard between 6a.m. and 6p.m, for the purpose of determining whether this Act is being violated, to—

- (a) inspect or search such livestock sale yard and examine any material, object or substance found within the livestock sale yard;
- (b) demand any information regarding the management of a livestock sale yard;
- (c) 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;
- (d) take relevant photographs; or
- (e) stop, search and cause to detain any person who is suspected of committing an offense 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.

(3) An inspector shall while on duty, exhibit the official identification card or 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 an offense.

Sale of livestock

14. (1) A person shall not sell livestock outside precincts of the designated livestock sale yard.

(2) A person who sells livestock outside the precincts of a 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.

15. 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 an approved weighing scale; or
- (d) electronic trading.

Sale by auction

Revised 2022

16. Sale of livestock through auction shall be undertaken in accordance with the Auctioneers Act (Cap. 526).

Electronic trading.

17. (1) A person who intends to trade in livestock, shall not operate an electronic trading platform without a license issued.

(2) The County Executive committee member shall make regulations to operationalize 15(1).

(3) Despite the requirement of sub-section (1), the county may for purposes of this Act, establish and manage a livestock sale yard electronic trading platform.

Transportation of livestock for sale

18. (1) A person who intends to transport livestock within or outside the county shall on payment of the prescribed fee, obtain a movement permit from the Department.

(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) The Department shall be responsible for the issuance of a “No Objection Permit” for the transportation of livestock outside the County.

(4) A person who transports livestock under this Act 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 well 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

19. (1) The County Executive Committee member upon recommendation from the Committee and the Livestock Marketing Association group 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 sub-section (1), “special circumstances” includes circumstances which disrupt 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 or maintenance of a livestock sale yard.

(3) The County Executive Committee member shall on designation of a place as a temporary livestock sale yard, appoint a person within the veterinary directorate to oversee its operations.

Livestock marketing groups

20. (1) The registration of a livestock marketing group shall be in accordance with the Community Groups Registration Act.

(2) A group registered pursuant to sub-section (1), shall comprise—

- (a) eight livestock farmers drawn from the catchment area of the public livestock sale yard;
- (b) three persons representing livestock traders, transporters and input suppliers within the livestock sale yard; and
- (c) the area Chief, the Ward Livestock Production Officer and the Ward Administrator shall be *ex-officio* members of the group.
- (d) In making appointments under sub-section 2 (a) and (b) consideration to be made to the two third gender rule, PWD, youth and the provisions of Article 27 of the Constitution of Kenya.

(3) A person appointed as a member of the group under paragraph (2)(a)(b), shall hold office for a period of three years renewable once subject to satisfactory performance.

(4) The County Executive Committee member shall make regulations for the effective implementation of this section.

(5) The members of the Livestock Marketing Groups shall be paid by the Department such allowances as provided for by the Salaries and Remuneration Commission.

(6) The Livestock Marketing Groups shall conduct its meeting in the manner set out in the Second Schedule to this Act.

Functions of the Livestock Marketing Groups

21. The livestock marketing 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 efficiency in revenue collection during the market days;
- (e) ensure prudent use of any funds allocated to the group;
- (f) disseminate any livestock market data and information;
- (g) mobilize the community to participate in livestock marketing activities;
- (h) settle grievances between different actors in the market;
- (i) provide information to the Committee on violation of this Act;
- (j) coordinate with the inspectors appointed under this Act, on livestock disease surveillance;
- (k) Ensure proper waste management and environmental sustainability on the livestock market;
- (l) promote livestock trade; and
- (m) keep the records and reports of the market operations.

Vacation of office by members of the Livestock Marketing Group

22. The office of a member of Livestock Marketing Group appointed under paragraph (2) (a) (b) shall become vacant if the member—

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (e) resigns in writing addressed to the County Executive Committee Member;

- (f) is unable to perform the functions of his office by reason of mental or physical incapacitation; or
- (g) demonstrates gross misconduct; and
- (h) dies.

Livestock marketing data manager

23. (1) The Chief Officer shall, on the recommendation of the County Director of Livestock Production, deploy qualified persons within the Department, to be livestock marketing data manager.

(2) A person designated under sub-section (1), shall for the purpose of this Act, collect and analyze data from the operators and forward it to the County Director of Livestock for use at the Committee.

Records to be kept

24. (1) An operator of a livestock sale yard shall in the prescribed form in the Third Schedule, 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, color and any marks, brands or other distinguishing or identifying marks;
- (c) a description of the livestock, which includes the kind, approximate age, the sex, and any marks, brands or other distinguishing or identifying marks;
- (d) 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;
- (e) the name and address of the purchaser of such livestock;
- (f) the price for which the livestock was sold or exchanged and the commission or other fees charged by the livestock sales yard; and
- (g) any other livestock health certificate contemplated under this Act.

(2) The records under sub-section (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

25. (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 sub-section (1), shall be submitted to the Committee in the prescribed form as provided for in the Third Schedule.

(3) The application under sub-section (2), shall be accompanied by—

- (a) a copy of the national identification card of the applicant and the relevant supporting documents as may be prescribed;
- (b) environmental impact assessment licenses issued by National Environmental Management Authority; and
- (c) proof of payment of application fee prescribed by the County Finance Act.

(4) The Committee shall on receipt of the application under sub-section (3) assess the application and make a recommendation to the County Executive Committee member.

Issuance of a license

26. (1) The County Executive Committee member may on receipt of the recommendation from the Committee, 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.

(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 livestock sale yard;
- (c) the type 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.

(3) A license issued under this Act shall be valid for a period of one year and may be renewed on an application and subject to such terms and conditions as may be imposed.

(4) 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.

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

(6) A person who knowingly provides false information for purposes of obtaining a licence commits an offence.

Grounds for refusal to grant a license

27. (1) The County Executive Committee Member may refuse to grant a license where a person—

- (a) violates any provision of this Act or any other written law;
- (b) knowingly admits any stolen livestock in his sale yard;
- (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 County Executive Committee member refuses to grant a license under sub-section (1), the County Executive Committee member 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 County Executive Committee member under sub-section (3), may upon receipt of the notice of refusal, resubmit an application to the Committee after addressing the issues that led to the rejection.

Revocation or suspension of a license

28. (1) The County Executive Committee member may revoke or suspend a license issued under this Act where 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.

(2) The County Executive Committee member shall before making a decision to revoke or suspending a license issued under this Act, provide the licensee with a reasonable opportunity to be heard by the Committee.

Application for review or appeal

29. (1) A person who is dissatisfied with the decision of the County Executive Committee Member under section 22(1)(b) or 24, may apply for a review of the decision before the County Secretary and Head of Public Service.

(2) An application for a review under sub-section (1) shall be made —

- (a) where there has been a discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of the applicant, or could not be produced by the applicant at the time the decision was made; or
- (b) on account of some mistake or error apparent on the face of the record or for any other sufficient reason.

(3) An application for review under sub-section (1), shall be in the prescribed form and be lodged within fourteen days from the date of the decision.

(4) The County Secretary shall within thirty days, from the date of receipt of the application, hear and determine the application made under this section.

(5) A person who is dissatisfied with the decision made under sub-section (4), may challenge the decision before a Magistrate's Court established pursuant to Article 169(1)(a) of the Constitution and the Magistrates' Courts Act.

PART IV—FINANCIAL PROVISIONS

Establishment of the Fund

30. There shall be established a Fund to be known as the Bungoma County Livestock Sale Yard Development and Management Fund in accordance with Section 116 of the Public Finance Management Act, 2012.

Administration of the Fund

31. The County Executive Committee Member for the time being responsible for Finance shall designate a person to administer the Fund.

Revenue and Expenditure of the Fund

32. (1) The Fund shall consist of —

- (a) such monies as may be appropriated by the County Assembly for the purposes of the Fund;

(b) monies received as fees or any other charges in accordance with the provision of this Act;

(c) Grants, gift, donations made to the Fund;

(2) The earnings and accruals shall be retained in the Fund unless the County Executive Committee Member for Finance directs otherwise.

(3) There shall be paid out of the Fund, any expenditure approved by the Committee pursuant to sections of this Act.

Accounts of the Fund

33. The County Executive Committee Member shall, subject to Section 119 of the Public Finance Management Act, 2012, facilitate the opening and maintenance of a bank account for the effective management of this Fund.

Financial year

34. The financial year of the Fund shall be a period of twelve months ending on the thirtieth June of every year.

Annual estimates

35. The annual estimates and budget making process shall be done in accordance with Section 125 of the Public Finance Management Act, 2012.

Reporting

36. (a) The Fund Administrator shall prepare quarterly and annual financial statements for the Fund including its financial and non-financial performance in a form prescribed by the Accounting Standards Board.

(b) Not later than fifteen days after the end of each quarter, submit quarterly reports to the Committee for approval and onward submission to the County Executive Committee Member and further submission to the County Assembly.

Audit of the Fund

37. (1) Not later than three months after the end of each financial year, the fund administrator shall prepare, sign and transmit to the Auditor-General a statement of accounts relating to the Fund, prepared and signed by him/her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Committee may from time to time direct in accordance with the Public Finance Management Act;

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

PART V—MISCELLANEOUS PROVISIONS

Display of license

38. (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 sub-section (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

39. A person who contravenes any of the provisions of this Act commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

Guidelines

40. 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 pursuant to Article 189 (2) of the Constitution for effective implementation of this Act.

Regulations

41. (1) The County Executive Committee Member shall make regulations for effective implementation of this Act.

(2) Despite sub-section (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) establishment and operationalization of private livestock sale yard;
- (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.
- (f) Electronic trading platforms

(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.

Savings and Transitions

42. 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.

FIRST SCHEDULE

Section 6 (7)

CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COMMITTEE

Meetings

1. (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 four members, convene a special meeting of the Committee.

(3) In the first Committee meeting, members shall elect vice chairperson of the Committee.

(4) In absence of the Chairperson from any Committee meeting, the Vice-chairperson shall preside.

(5) At every meeting of the Committee the person presiding shall have a casting and deliberative vote.

(6) The quorum for the meetings of the Committee shall be two thirds of the membership.

Sub -Committees

2. (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 sub-committee established under sub-paragraph (1) from amongst its members.

(3) The Committee may invite an expert to attend the deliberations of any of its sub-committees.

(4) All decisions by the sub-committees appointed under subparagraph (1) shall be ratified by the Committee.

Declaration of Interest

3. (1) A member who has a conflict of 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 conflict of interest made under sub-paragraph (1) shall be recorded as minutes of the meeting.

(3) A member of the Committee who contravenes sub-paragraph (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.

SECOND SCHEDULE

Section 18 (6)

CONDUCT OF THE BUSINESS AND AFFAIRS OF THE LIVESTOCK MARKETING GROUPS

Meetings

- 1.** (1) The group Chairperson shall convene meetings of the group at least once in every month.
(2) The Chairperson may at any time convene a special meeting of the group.
(3) In the absence of the Chairperson from any group meeting, the Vice-chairperson shall preside.
(4) At every meeting of the group the person presiding shall have a casting and deliberative vote.
(5) The quorum for the meetings of the group shall be two thirds of the membership.

Declaration of Interest

- 2.** (1) A member who has a conflict of 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 sub-paragraph (1) shall be recorded as minutes of the meeting.
(3) A member of the group who contravenes sub-paragraph (1) may, on the recommendation of the Committee and 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.

THIRD SCHEDULE
LIVESTOCK SALES RECORDS
(To be filled in duplicate)

A. CONSIGNOR DETAILS

NAME.....ID.....

TEL.....ADDRESS.....
.....(Attach copies of identification card)

B. LIVESTOCK DESCRIPTION

Type of livestock.....Age.....Sex.....Colour.....

Brand number (if any).....

C. LIVESTOCK ORIGIN

Ward.....Livestock.....

Village.....

D. MODE OF DELIVERY TO THE MARKET

(i) On foot (YES/NO).....

(ii) In vehicle (YES/NO).....if YES provide registration number.....

(iii) Others (*describe*).....

E. PURCHASER DETAILS

Name.....ID

Tel.....

Ward.....Livestock.....Village
.....

F. PRICE FOR WHICH THE LIVESTOCK WAS SOLD
(KSH).....

(In words).....

G. PROVISION OF HEALTH CERTIFICATE (*if any*).....

.....

FOURTH SCHEDULE

APPLICATION REF. NO.

APPLICATION FOR LIVESTOCK SALEYARD LICENCE

(To be submitted in duplicate)

PART I

I HEREBY APPLY FOR THE ABOVE LICENCE

THE NAME OF THE PROPONENT

.....

(Name of person, firm/company to be issued with licence- in block letters)

PIN.....NATIONAL

ID.....(ATTACH COPY).

POSTAL

ADDRESS.....

.....

LIVESTOCK SALEYARD

LOCATION.....

PLOT NO/LR NO

.....(ATTACH
COPY)

LAND

SIZE.....

.....

ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

NO.....(ATTACH COPY)

PUBLIC HEALTH LICENCE NO.

.....(ATTACH COPY)

ATTACH COPY OF KEBS APPROVED LIVESTOCK SALEYARD
PLAN

TYPE OF LIVESTOCK TRADED;

SHEEP GOAT CATTLE
POULTRY

OTHERS

(SPECIFY).....

.....

*I hereby make application to operate a livestock saleyard as described above, and enclosed is proof of payment of application fee.

Name of applicant.....
Signature.....date.....
.....

PART II

(To be completed by an inspector)

I,, an inspector under the Bungoma County Livestock Saleyard Act certifies that I have on..... 20 inspected the livestock saleyard described above and attached my recommendation.

Signed.....

Designation.....

KVB Reg. No.....

Date.....

PART III

(To be completed by Secretary for the Committee)

I,, Secretary to the Committee established under the Bungoma County livestock Saleyard Act certifies that on..... 20 the Committee verified and deliberated the approval of sale yard described above and attached minutes.

Signed.....

Designation.....

KVB Reg. No.....

Date.....

PART IV

(To be completed by the County Executive Committee Member)

I,, County Executive Committee Member responsible for matters related to Livestock under the Bungoma County Livestock Sale yard Act certifies that on.....

20 the Committee verified and deliberated the approval of sale yard described above and attached minutes.

Signed.....

Designation.....

Date.....

FIFTH SCHEDULE

SERIAL NO.



COUNTY GOVERNMENT OF BUNGOMA
THE BUNGOMA LIVESTOCK SALEYARD ACT, 2024
LIVESTOCK SALEYARD LICENCE

LICENCE NO.

APPLICATION REF.....

Licence is hereby issued to
to
 operate a livestock saleyard

At plot No. L.R. No.

Located at

Type of livestock traded

Recommended by the Committee..... KVB Reg.
 No.

This Licence expires on the 31st December,
 20.....

This Licence is not transferable to any other person without the authority
 endorsed hereon.

This Licence is not transferable to any other location

Date.....

NAME OF OFFICER ISSUING THE LICENCE

.....

DESIGNATION.....

BUNGOMA COUNTY

Official stamp of the office

SIXTH SCHEDULE

APPLICATION REF. NO.

**APPLICATION FOR REPLACEMENT OF LIVESTOCK
SALEYARD LICENCE***(To be submitted in duplicate)***PART I**I HEREBY APPLY FOR THE REPLACEMENT OF THE ABOVE
LICENCE

(lost, destroyed, or defaced)

THE NAME OF THE APPLICANT

.....

(Name of person, firm/company to be issued with licence- in block letters)

PIN.....NATIONAL

ID.....

POSTAL
ADDRESS.....

.....

LIVESTOCK SALEYARD
LOCATION.....PLOT NO/LR NO
.....**REASON FOR REPLACEMENT;**

LOST

 DESTROYED DEFACED **OTHERS**

(SPECIFY).....

.....

*I hereby make application for replacement of livestock sale yard licence
as described above, and enclosed is proof of payment of application fee.

Name of

applicant.....

.....

Signature.....Date.....

.....

PART II

(To be completed by an inspector)

I, an inspector under the Bungoma County livestock Saleyard Act certifies that I have on..... 20 confirmed the applicant details provided herein.

Signed.....

Designation.....

KVB Reg No.....

Date.....

PART III

(To be completed by Secretary for the Committee)

I, Secretary to the Committee under the Bungoma County livestock Sale yard Act certifies that on..... 20 the committee verified and deliberated the approval of the licence replacement for the sale yard described above and attached minutes.

Signed.....

Designation.....

KVB reg no.....

Date.....

PART IV

(To be completed by the County Executive Committee Member)

I, County Executive Committee Member responsible for matters related to Livestock under the Bungoma County Livestock Sale yard Act certifies that on..... 20 the Committee verified and deliberated the approval of the licence replacement for the sale yard described above and attached minutes.

Signed.....

Designation.....

KVB reg no.....

Date.....

SEVENTH SCHEDULE
COUNTY GOVERNMENT OF BUNGOMA
LIVESTOCK SALEYARD LICENCE REVIEW

APPLICATION

NO.....OF.....20.....

BETWEEN

APPLICANT.....

AND

**RESPONDENT(County
secretary).....**

Request for review of the decision of the..... (name
of issuing officer)

On theday of20.....in the matter of livestock
saleyard licence application.....of20.....

REQUEST FOR REVIEW

I/Wethe above named Applicant(s) of
address:

Physical address..... No.....Tel.
No..... Email..... hereby
request the County Secretary County Government of Bungoma to review
the whole/part of the above-mentioned decision on the following grounds,
namely:

1.

.....
.....

2.

.....
.....

3.

.....
.....

Applicant
signature.....

Dated on.....day
of..... 20.....

FOR OFFICIAL USE ONLY

Lodged at Bungoma County Secretary on.....day
of..... 20.....

SIGNED.....
.....

County Secretary & Head of Public Service

County Government of Bungoma

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to provide for the development and management of livestock sale yard, promote livestock marketing and a framework for the effective and efficient operation of livestock sale yard in the County.

PART I provides for the preliminary provisions which include short title and commencement, interpretation of terms, objects and purpose of the Act, Application and Guiding Principles.

PART II empowers the County Executive Committee Member to designate a standard livestock sale yard. This part further puts in place mechanisms to develop and manage the Livestock sale yards by providing for a management committee, livestock marketing groups, marketing data manager and Livestock health inspectors.

PART III provides for the licensing and states that no person shall operate a private livestock sale yard without a valid license issued under the Act.

PART IV establishes the Bungoma County Livestock Sale Yard Development and Management Fund in accordance with Section 116 of the Public Finance Management Act, 2012.

PART V provides for offenses and penalties; power to make Guidelines and empowers the County Executive Committee Member to make regulations for effective implementation of this Act.

SCHEMES the First Schedule provides for conduct of the business and affairs of the Committee; second schedule provides for conduct of the business and affairs of the livestock marketing groups; third schedule provides for livestock sales records; forth schedule provides for application for livestock sale yard license; fifth schedule provides for livestock sale yard license; sixth schedule provides for application for replacement of livestock sale yard license; seventh schedule provides for livestock sale yard license review

The Bill does not contravene any of the provisions of the Constitution of Kenya, 2010 and is not ultra vires to any of the provisions of any national law relating to livestock sale yards. In case of any conflict between the Act and any National laws the provisions of Article 191 of the Constitution shall take precedence.

The enactment of this Bill will occasion an establishment of a fund thus additional expenditure of public funds shall be provided for through the annual estimates.

WAFULA WAITI,
*Committee Chairperson, Agriculture, Livestock,
Fisheries, Irrigation and Co-operative Development.*