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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

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

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 19 AUG 2025

DAY.

TUESDAY

TABLED
BY:

*CURTIS PEACOCK DEPT. COMMITTEE
ON AGRICULTURE & LIVESTOCK*

THE TABLE:

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LIST OF ABBREVIATIONS AND ACRONYMS

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

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CHAIRPERSON'S FOREWORD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER ONE

I.0 PREFACE

I.1 Establishment of the Committee

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

I.2 Mandate of the Committee

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

I.3 Committee Membership

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

Chairperson

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

UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP
Konoin Constituency

UDA Party

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member

Jubilee Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency

UDA Party

Hon. Ferdinand Kevin Wanyonyi, MP
Kwanza Constituency

Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP
Lamu County

Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency

ODM Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency

ODM Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency

UDA Party

Hon. Yussuf Mohamed Farah, MP
Wajir West Constituency

ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency

ODM Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency

Ford Kenya Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency

NOPEU Party

Hon. Ruth Adhiambo Busia Odinga, MP
Kisumu County

ODM Party

Hon. David Kiplagat, MP
Soi Constituency

UDA Party

I.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:

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

**Mr. Victor Kanda Kilimo
Clerk Assistant III**

**Mr. David Ng'eno
Principal Research Officer II**

**Ms. Brigitta Mati
Senior Legal Counsel**

**Mr. Shadrack Musyoki
Senior Research Officer**

**CPA Robert Ngetich
Fiscal Analyst I**

**Mr. Gerald Kadede
Legal Counsel II**

**Ms. Edith Chepngeno
Media Relations Officer III**

**Ms. Teresia Macharia
Intern**

CHAPTER TWO

2.0 BACKGROUND ON LIVESTOCK THEFT BILL IN KENYA

2.1 Introduction

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

2.2 Situational Analysis

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

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

2.3 Comparative Analysis

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

2.4 Policy and Legal Framework of Livestock Theft

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

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

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

CHAPTER THREE

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

3.1 Introduction

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

3.2 Objectives of the Bill

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

3.3 Institutional Framework Proposed in the Bill

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

3.4 Regulatory Frameworks

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

3.5 Impact of the Bill

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

3.6 Clause by Clause Provisions of the Bill

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

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

CHAPTER FOUR

4.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

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

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

The stakeholders submitted as follows:

4.1 Hon. Abdul Rahim Dawood, MP

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

Committee Observation/Recommendation

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

4.2 Council of Governors

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

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

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

4.3 The State Department for Livestock Development

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

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

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

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

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

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

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

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

53. They are expected to comply with international treaties and protocols such as the one guiding global trade in livestock and livestock products developed by the World Trade Organization (WTO) such as the Sanitary and Phytosanitary (SPS) enforceable through the standards set by the WOA for animal health and welfare and the CAC for food safety.

54. The State Department therefore proposed that:

- a) The National Assembly stands down processing of the Livestock and Produce Theft Bill (*Senate Bill No. 12 of 2023*) in favour of the above proposed legislative agenda.
- b) They endeavoured to enforce the Penal Code and Stock and Produce Act, Cap. 355 to address the challenges that the current Bill envisages to address in the immediate future.

Committee Observation/Recommendation

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

4.4 The State Department for Trade

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

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

Committee Observation/Recommendation

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

Clause 6

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

Committee Observation/Recommendation

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

Clause 8

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

Committee Observation/Recommendation

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

Clause 13

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

Committee Observation/Recommendation

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

Clause 14

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

Committee Observation/Recommendation

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

Clause 15

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

Clause 17

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

Clause 19

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

Committee Observation/Recommendation

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

Clause 23

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

Committee Observation/Recommendation

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

Clause 28

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

Committee Observation/Recommendation

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

Other submissions include:

Clause 2

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

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

- c) Define the term livestock centre

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

Clause 6

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

Committee Observation/Recommendation

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

Clause 8

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

Committee Observation/Recommendation

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

Clause 11

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

Committee Observation/Recommendation

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

Clause 13

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

Committee Observation/Recommendation

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

Clause 15

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

Committee Observation/Recommendation

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

Clause 36

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

Committee Observation/Recommendation

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

4.5 The Kenya Veterinary Board

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

Title

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

Committee Observation/Recommendation

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

Interpretation

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

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

Committee Observation/Recommendation

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

Clause 11

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

Committee Observation/Recommendation

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

Clause 4

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

Committee Observation/Recommendation

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

Clause 5

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

Committee Observation/Recommendation

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

Clause 6

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

Committee Observation/Recommendation

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

Clause 14

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

Committee Observation/Recommendation

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

Clause 15

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

Committee Observation/Recommendation

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

Clause 19

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

Committee Observation/Recommendation

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

Clause 20

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

Committee Observation/Recommendation

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

Clause 30

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

Committee Observation/Recommendation

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

CHAPTER FIVE

5.0 COMMITTEE OBSERVATIONS

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

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

CHAPTER SIX

6.0 COMMITTEE RECOMMENDATION

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

CHAPTER SEVEN

7.0 SCHEDULE OF PROPOSED AMENDMENTS

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

Long Title

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

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

Justification

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

Clause 2

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

Justifications

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

Clause 3

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

Justification

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

Clause 4

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

Justification

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

Clause 5

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

- (f) By deleting paragraph (f).

Justifications

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

Clause 6

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

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

Justifications

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

Clause 7

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

Justifications

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

Clause 8

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

Justifications

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

Clause 9

9. **THAT**, Clause 9 of the Bill be amended—
- (a) in subclause (1)
 - (i) by deleting the words “*county executive committee*” appearing in the opening statement and substituting therefor the words “*county government*”;
 - (ii) in paragraph (a) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”; and
 - (iii) in paragraph (c) by deleting the words “*county executive committee*” and substituting therefor the words “*county government*”.

Justification

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

Clause 10

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

Justification

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

Clause 11

11. **THAT**, Clause 11 of the Bill be amended—
- (a) in subclause (1) by deleting the word “*six*” appearing immediately after the phrase “*of*” and substituting therefor the word “*three*”;
 - (b) in subclause (2) by deleting the word “*three*” appearing immediately after the word “*within*” and substituting therefor the word “*six*”;
 - (c) in subclause 3—
 - (i) by deleting the word “*conspicuous*” in paragraph (a) and substituting therefor the word “*traceable*”;
 - (ii) by deleting the words “*county executive committee member*” appearing immediately after the phrase “*the*” in paragraph (c) and substituting therefor the words “*county government*”;
 - (d) by deleting subclause (4) and substituting therefor the following new subclause—

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

Clause 12

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

Justification

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

Clause 13

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

Justifications

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

Clause 16

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

Justification

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

Clause 17

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

Justification

To ensure that the penalty is commensurate to the offence.

Clause 18

16. **THAT**, Clause 18 of the Bill be amended in the closing statement—
- (a) by deleting the words “*of theft*” appearing immediately after the word “*offence*”; and
 - (b) by deleting the word “*fourteen*” appearing immediately after the word “*exceeding*” and substituting therefor the words “*one*”; and

Justification

To ensure that the penalty is commensurate to the offence.

Clause 19

17. **THAT**, Clause 19 of the Bill be amended—
- (a) by deleting subclause (1) and substituting therefor the following new subclause—
“(1) A person who steals livestock or livestock produce, or receives any livestock or livestock produce knowing or having reason to believe it to be stolen commits an offence and shall be liable, on conviction for, to a term of one year or a fine of twice the value of the livestock or livestock produce.”
 - (b) in subclause (2) by deleting the word “*is liable on conviction to a life term of imprisonment*” appearing immediately after the word “*person*” and substituting therefor the words “*shall be charged with the offence of robbery with violence*”;
 - (c) by deleting subclause (3); and
 - (d) in subclause (4) by deleting the words “*a term of imprisonment of not less than fifteen years*” and substituting therefor the words “*term not exceeding five years, or a fine amounting to twice the value of the livestock*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 20

18. **THAT**, Clause 20 of the Bill be amended in subclause (1)—
- (a) by deleting the words “*seven years*” appearing immediately after the “*exceeding*” and substituting therefor the word “*six months*”; and
 - (b) by deleting the words “*five*” appearing immediately after the “*exceeding*” and substituting therefor the word “*one*”.

Justifications

To ensure that the penalty is commensurate to the offence.

Clause 21

19. **THAT**, Clause 21 of the Bill be amended—
- (a) in subclause (3) by deleting the words “*registrar or any officer*” and substituting therefor the words “*county government*”; and
 - (b) by deleting subclause (5).

Justification

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

Clause 22

20. **THAT**, Clause 22 of the Bill be amended--
- (a) by deleting the words “*of three years*” appearing immediately after the words “*term*” and substituting therefor the word “*not exceeding six months*”; and
 - (b) by deleting the words “*of one million*” appearing immediately after the “*exceeding*” and substituting therefor the word “*not exceeding one hundred thousand*”.

Justification

To ensure that the penalty is commensurate to the offence.

Clause 23

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

Justification

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

Clause 24

22. **THAT**, Clause 24 of the Bill be amended—
- (a) by deleting the words “*may be reasonably be suspected of being stolen*” and substituting therefor the words “*is confirmed to be stolen*”; and

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

Justification

To ensure that the penalty is commensurate to the offence.

Clause 25

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

- (a) in subclause (1)—

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

- (b) by deleting subclause (2).

Justifications

(a) To provide clarity of the offences;

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

(c) To delete an ambiguous clause.

Clause 26

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

Justification

To ensure that the penalty is commensurate to the offence.

Clause 27

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

Justification

To ensure that the penalty is commensurate to the offence.

Clause 28

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

Justification

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

Clause 31

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

Justifications

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

Clause 32

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

Justifications

To place emphasis on county governments and not CECMs.

Clause 34

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

Justification

To ensure that the penalty is commensurate to the offence.

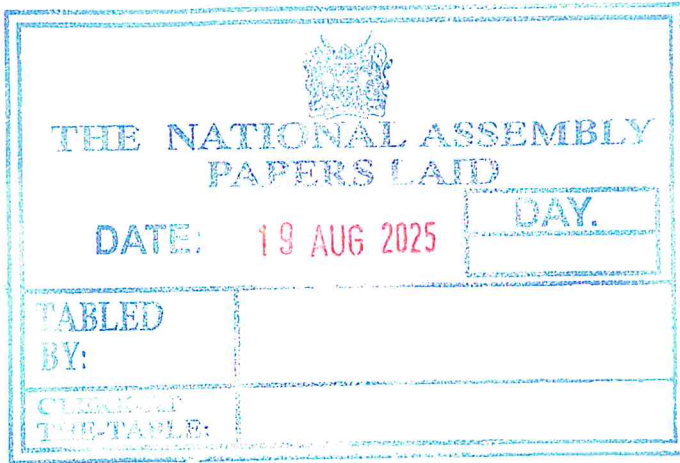
Clause 36

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

Justification

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

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



REFERENCES