

*Assembly Report on Livestock Sale Yards Bill, 2016*



**COUNTY ASSEMBLY OF ISIOLO**

**OFFICE OF THE CLERK**

FIRST COUNTY ASSEMBLY – FOURTH SESSION

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REPORT OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON  
THE ISIOLO COUNTY LIVESTOCK SALE YARDS BILL, 2016

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November, 2016

## **Assembly Report on Livestock Sale Yards Bill, 2016**

### **1.0 PREFACE**

Mr. Speaker Sir, on behalf of members of the Committee of Agriculture, Livestock and Fisheries, it is my duty and privilege to present this report to this Honorable House under Standing Order 123 (4) of the County Assembly Standing Orders. The report on the Isiolo County Livestock Sale Yards Bill No 4 of 2016 was the result of the effort by members who committed their time and energies to come up with the proposed amendments as contained in this report.

### **1.1 BACKGROUND**

Mr. Speaker Sir, the Isiolo County Livestock Sale Yards Bill No 4 of 2016 was read a first time on Tuesday, 22<sup>nd</sup> June, 2016. Mr. Speaker Sir, the Bill was subsequently referred to the Sectoral Committee on Agriculture, Livestock and Fisheries. The Committee was tasked with the responsibility of scrutinizing the bill, receiving and considering expert opinions, and generally conducting public participation by considering the views of the public and other stakeholders as required under the Constitution.

This Committee, Mr. Speaker, is obliged under Standing Order 123 (4) of the Assembly Standing Orders to report to the Assembly, its findings and recommendations on the Bill.

### **1.2 MEMBERSHIP OF THE COMMITTEE**

Mr. Speaker, the Sectoral Committee on Agriculture, Livestock and Fisheries comprises the following members.

1. Hon. Paul Mero – Chairperson
2. Hon. Moses Kithinji – Vice Chairperson
3. Hon.Dheka Bonja - Member
4. Hon.Abdi Sora - Member
5. Hon.Sadia Abdi - Member
6. Hon.Nura Diba - Member
7. Hon. Gladys Atiku - Member

### **1.3 PUBLIC PARTICIPATION**

Mr. Speaker Sir, one of the important requirements of the Constitution of Kenya 2010, is the involvement of the public in law making. With regard to legislation in the County Assembly, Article 196(1) of the Constitution of Kenya provides that, ‘**The County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees**’.

In fulfillment of the constitutional requirement to involve the public in legislation, the committee, through the office of the Clerk to the Assembly, sent out notices to members of the public on October 26, 2016 inviting them to make their written comments and representations on this Bill to the Clerk on or before October 31, 2016.

Mr. Speaker, other than seeking written comments and memoranda, the committee also subjected the Bill to further public participation by facilitating an interactive session with members of the public at forums held in areas around the county that is Isiolo town, Merti, Garbatula, Sericho, Kinna and Oldonyiro as from 29<sup>th</sup> October, 2016. Special care was taken to ensure a sizeable number of participants drawn from all the wards attended the public forums. We are pleased to report that the views and suggestions of members of the public have been incorporated in the proposed amendments in as far as it was possible. It is good that with the enactment of the Isiolo Civic Education and Public Participation Act into law, public participation in the legislative process of the Assembly has been made effective.

The views of the public on the Livestock Sale Yards Bill, 2016 have been summarized as follows;

- ✓ Issues of Brokers in the markets needs to be captured in the bill since they are among the key stakeholders the livestock markets environment;
- ✓ Revenue sharing formulae to be incorporated in the bill for each ward to know stake and so that the revenue sharing to be consistent and not subject to interference by different governments;
- ✓ Marketing calendars in each ward shall be harmonized and adhered to by all stakeholders;

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- ✓ Improving facilities within the Markets to attract investors and other major actors/ what Standard market centres shall have needs to be identified and the County Government to invest on the same;
- ✓ Part III – Administration of the Livestock Sale Yard – Clause 12;  
The participant proposed definite term limit for the Isiolo County Livestock Sale Yards Management Committee. They proposed three years;
- ✓ The participant proposed frequency of the committee meeting to be anchored in the Bill to avoid misuse and cut costs but not limit their effective functioning;
- ✓ Revenue collections – The Bill has not given powers to the Isiolo County Livestock Sale Yards Management Committee to collect revenue, outlined the use of revenue generated and criteria of sharing the revenue between the County Government and the local community;
- ✓ The participant proposed that once revenue is generated, the committee to initiate project using the funds after consultation with the community;
- ✓ Clause 13 (1) (e) the participants observed that the Bill has not elaborated the manner of selecting /electing the three representatives of the registered Livestock Marketing Groups.
- ✓ Clause 25 the participants objected to the proposed fine of Fifty thousand terming it hefty and exorbitant. They proposed the fine to be reduced to Twenty thousand.
- ✓ Clause 26 (2) the participants proposed the fine of Twenty Thousand reduced to Ten thousand. They noted that the Twenty Thousand proposed in the Bill is more than the value of the livestock.
- ✓ The participant observed that the Bill has not defined standard for the yards. They proposed that basic minimum requirements such as sanitation and water needed to capture in the Bill as a threshold for establishing the Yards.

In the process of getting views for the Bill, the committee involved various other stakeholders that include; The Kenya Livestock Marketing Council (KLMC), The International Livestock Research Institute (ILRI), REGAL-AG and the department of Livestock officials.

The views of all the above stakeholders were incorporated in the report as amendments.

### **1.4 COMMITTEE SITTINGS**

Mr. Speaker Sir, the Committee retreated for purposes of scrutinizing the Bill and proposing final amendments for consideration by the Committee of the Whole Assembly. The Committee lastly

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met in Nairobi at Boulevard Hotel from 14<sup>th</sup> to 18<sup>th</sup> November, 2016. This is where the final amendments were made to the bill with the assistance of the Kenya Law Reform Commission.

### 2.0 OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

Mr. Speaker Sir, our observations and findings are set out here below in the body of our report at 4.0. Mr. Speaker Sir, the Committee went through the draft Bill and at some instances proposed amendments.

Mr. Speaker Sir, the reason for enacting this Bill is to provide for the establishment and control of livestock sale yards and all other market activities for a good flow of the livestock markets management.

Other than a few changes, the content of the Bill remains essentially the same as intended.

### 3.0 ACKNOWLEDGEMENT

Mr. Speaker Sir, on behalf of the committee and on my own behalf, we wish to register our appreciation to your office and that of the Clerk to the Assembly for facilitating the work of this committee and for ensuring that the logistical and documentation aspects of our work was attended to.

Mr. Speaker Sir, allow me to thank the members of the committee for their seriousness and commitment in interrogating the Bill and coming up with this report, which we are pleased to table before the house today.

### 4.0 AMENDMENTS

#### **PART I – PRELIMINARY**

1. In the long title (page 3 of the Bill) of the Bill, the Bill's title to be "***The Isiolo County Livestock Sale Yards Bill, 2016***".
2. In clause 1 page 3 of the Bill, remove the 's' after the word 'Sale' and insert 's' after 'Yard' so that it reads ***The Isiolo County Livestock Sale Yards Act, 2016***,
3. In clause 2 on Interpretation;

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- The interpretation of the ‘animal health inspector’ is pursuant to ‘**section 16**’ and not 15.

- Add ;

**“committee” means Livestock Sale Yards Management Committee established under section 12 of this Act;”**

**“inspector” means the one mandated to enforce the provision of this Act;**

**Delete “the” and add “a” in the interpretation of livestock marketing group to read “a group”.**

**Add “inspection unit; standard weighing scale” after quarantine area in the interpretation for a standard sale yard.**

**PART II – ESTABLISHMENT OF LIVESTOCK SALE YARDS**

4. In clause (6) (3), delete the words **“during the market days”** after the word **‘formula’**.
5. In Clause 7, delete the whole content and replace with **“Any person, group or communities that wish to be recognized under this act as a Livestock Marketing Group shall be registered by the National Government Department of Social Services as a Livestock Marketing Group”**.
6. In clause 9, add **“9(6) In consultation with the Committee, may employ relevant personnel to provide support in the management of the livestock sale yards;”**

**PART III– ADMINISTRATION OF THE LIVESTOCK SALE YARDS**

7. In clause 13, Add; **13 (1) (f) the committee may co-opt two members whom they deem necessary for implementation of this Act; and 13 (2) the Committee shall be gender balanced and inclusive of all stakeholders in the county.**
8. In clause 14, delete 14 (d); and in 14 (h), delete the word **“licensed”** and replace with the word **“registered”**.

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**Add; 14 (i) Facilitate development and implementation of market rules and regulations in each livestock sale yard; and**

**14(j) License and develop code of conduct for middlemen at the livestock sale yards.**

9. Add Clauses 19 and 20 to read as follows;

*Designation of livestock production officers*      19. The Director of Livestock production may designate any qualified person to be livestock production officer for the purposes of this Act.

*Powers of livestock production officer.*      20. The livestock production officer shall have the power to—

- (a) ensure gathering of right data, processing and transmission of timely information to relevant institution and users;
- (b) Inspect the quality of livestock support structures in sale yards to ensure conformity to the required standards;
- (c) Promote grading of livestock in the sale yards;
- (d) Ensure quality supply of feeds and water to livestock at the sale yards; and
- (e) Ensure compliance by the middlemen of the code of conduct developed by the committee.

10. In clause 25, delete the "**the**" between the words "contravenes" and "provisions" and replace it with the word "**any**"; delete the "**s**" in the word provisions to make it "**provision**". Delete the whole other part of the clause after offence such that clause 25 reads as; ***Any person who contravenes any provision of this Part commits an offence.***

**PART V – SALE AND AUCTION OF LIVESTOCK**

11. In clause 28;

28 (1) on page 10 of the bill, delete the whole part after (c) that states; ***Provided that if it is stated that the sale shall be subject to a right for the seller to bid, then it shall be lawful for the seller or for any person acting on his behalf to bid at such auction.***

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28 (4), delete the conjunction "**of**" after the words "on behalf of himself" and replace it with "**or**".

28 (6) on page 10 of the bill, delete the word "**inspector**" and replace it with the words "**county treasury**".

28 (7), delete the "**comma (,)**" and the word "**knowingly**" after the words "A person who".

Delete the whole of **sub-clause 28 (8)**.

***PART VI - Delete the words "GENERAL PROVISIONS" and replace with the word "MISCELLANEOUS"***

In clause 29, delete "**any**" before person and replace with "**a**"; delete the "**the**" after contravenes and replace with "**any**"; delete the "**s**" in provisions to make it "provision"; Replace "**fifty thousand**" with "**five hundred thousand**" and delete "**three months**" and replace with "**one year**" and add "**or to both**" at the end of the clause.





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**5.0 DECLARATION BY MEMBERS**

Mr. Speaker Sir, I wish to confirm that the recommendations of this report were adopted by members of the committee as signed by the respective members.

Mr. Speaker Sir, it is now my pleasure and duty to table the report and recommend the same for adoption by this Honourable House.

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
1. Hon. Paul Mero-	Chairperson	.....
2. Hon. Moses Kithinji	Vice Chairperson	.....
3. Hon. Dheka Bonja	Member	.....
4. Hon. Abdi Sora	Member	.....
5. Hon. Sadia Abdi	“	.....
6. Hon.Nura Diba	“	.....
7. Hon. Gladys Atiku	“	.....

**Signed;** .....

**This.....Day of ..... 2016**

**Hon. Paul Mero**

**Chairman, Sectoral Committee on Agriculture, Livestock and Fisheries**