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THE CATTLE CLEANSING ACT

CHAPTER 358

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CHAPTER 358

CATTLE CLEANSING ACT

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CHAPTER 358

CATTLE CLEANSING ACT

[Date of assent: 31st December, 1929.]

[Date of commencement: 27th April, 1937.]

An Act of Parliament to provide for the cleansing of cattle

[Act No. 32 of 1929, Legal Notice 180 of 1960, Legal Notice 622 of 1960, Act No. 28 of 1961, Legal Notice 2 of 1964, Act No. 5 of 1967, Act No. 29 of 1967, Act No. 38 of 1968, Act No. 18 of 1979.]

1. Short title

This Act may be cited as the Cattle Cleansing Act.

2. Interpretation

In this Act, except where the context otherwise requires—

"cattle" means bulls, cows, heifers, calves and oxen;

"cattle cleansing area" means any area declared under section 4 of this Act to be a cattle cleansing area;

"cattle owner" includes any person possessing jointly or severally any right, title or interest in any cattle or having the charge, control or management of any cattle;

"clean" means to free and maintain free from tick infestation any cattle by the spraying of such cattle or the submersion of such cattle in a dipping tank containing an effective tick destroying agent, and where necessary by hand dressing and clipping, in such a manner as the Director may from time to time, by notice in the *Gazette*, prescribe; and, subject to the foregoing, the Director may prescribe different methods of cleaning for different cattle cleansing areas;

"clean area" means any area declared by the Director by notice in the *Gazette* to be free from East Coast Fever and to be a clean area;

"dipping" means the complete immersion of cattle in a dipping tank containing an effective tick-destroying agent;

"dipping tank" means any effective contrivance approved by the Director for the cleaning of cattle by submersion and includes structures incidental thereto;

"Director" means the Director of Veterinary Services;

"effective tick destroying agent" means an aqueous solution containing arsenious oxide or other ingredients in such percentage or proportion as the Director may, from time to time, by notice in the *Gazette*, prescribe and the Director may prescribe different solutions for different cattle cleansing areas;

"engorged tick" means any tick obviously distended with blood;

"guard area" means any holding or part of a holding within a clean area which has a common boundary with any infected area within such clean area;

"holding" means—

- (a) any area of land held by any person or authority under separate grant, deed of transfer or certificate of title; or

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- (b) any area of land held or occupied by virtue of a lease or licence under any law for the time being in force; or
- (c) any land lawfully occupied under any customary law;

"infected area" means any area declared by the Director by notice in the *Gazette* to be infected with East Coast Fever and to be an infected area;

"inspector" means any veterinary officer, assistant veterinary inspector or livestock officer, or such other officer as the Director may, by notice in the *Gazette*, appoint to be an inspector for the purposes of this Act;

"interest" means such rate of interest as the Cabinet Secretary may, by notice in the *Gazette*, prescribe;

"landowner" includes any person in actual occupation of, or entitled as owner or lessee to occupy, any land or the representative or agent of any such person;

"spraying" means the complete saturation of cattle with an effective tick-destroying agent, mechanically or by hand;

"spray race" means any effective contrivance approved by the Director for the cleansing of cattle by spraying;

"this Act" includes any rules made thereunder;

"tick infestation" means the presence on any cattle of one or more engorging ticks.

[Act No. 28 of 1961, Sch., Act No. 5 of 1967, Sch.,
Act No. 29 of 1967, First Sch., Act No. 18 of 1979, Sch.]

3.

[Repealed by Act No. 5 of 1967, Sch.]

4. Cabinet Secretary may declare cattle cleansing areas

(1) Where a Provincial Agricultural Board has recommended to the Cabinet Secretary that any area within the province for which that Board is established should be a cattle cleansing area, the Cabinet Secretary may, if he is satisfied that it will be of general benefit to the stock owners in the area to do so, by notice in the *Gazette* declare that area, or any part thereof, to be a cattle cleansing area.

(2) Any declaration made by the Cabinet Secretary under this section shall, unless the contrary is proved, be presumed to have been made in compliance with the requirements of this section.

[L.N. 180/1960, Sch., Act No. 5 of 1967, Sch.]

5. Application to guard areas and infected areas within clean areas

Notwithstanding anything to the contrary herein contained, this Act shall apply to all guard areas and infected areas wholly within a clean area, and such guard areas and infected areas shall be deemed to be cattle cleansing areas for the purposes of this Act.

[Act No. 5 of 1967, Sch.]

6. Cattle to be cleaned in cattle cleansing areas

Save as hereinafter provided, every cattle owner in a cattle cleansing area shall clean all cattle kept by him within such area at such hours on such dates and at such intervals as may from time to time be ordered in writing by an inspector.

[Act No. 5 of 1967, Sch.]

7. Powers of inspectors

In any cattle cleansing area, every inspector shall have full power and authority to inspect and count any cattle at any time and to take a sample or samples from the contents of any dipping tank, and to call upon all owners to produce all cattle in their possession or under their control or on their holding for the purpose of inspection and enumeration.

[Act No. 5 of 1967, Sch.]

8. Power of exemption

(1) Any inspector may, for considerations of weather, drought or condition of cattle, or other causes beyond the control of any landowner or cattle owner, by writing under his hand, temporarily exempt such landowner or cattle owner from any of the provisions of this Act.

(2) The inspector shall forthwith report each such exemption to the District Commissioner of the area in which such exemption is granted.

[Act No. 5 of 1967, Sch.]

9. Landowners to provide cleaning facilities

(1) A landowner in a cattle cleansing area on whose land cattle are kept with his consent shall, to the satisfaction of an inspector, provide facilities for the dipping or spraying of cattle and shall make provision for sufficient quantities of effective tick-destroying agents for the cleansing of cattle.

(2) Every such landowner shall take adequate steps to enforce the cleaning of such cattle and every landowner in a cattle cleansing area shall in addition keep in a permanent and legible form a true and correct register, which shall be available for inspection by any inspector, and such register shall contain—

- (a) the names and particulars of all owners of cattle kept on such land;
- (b) the number of cattle on such land owned by each cattle owner; and
- (c) the number and type of cattle cleaned on each cleansing day, whether bulls, cows, heifers, calves or oxen, belonging to each cattle owner, together with such particulars as to deaths, births, purchases, sales, losses, thefts, transfers or other transactions as will enable an inspector to account for any increase or deficiency:

Provided that, if the said landowner and cattle owner agree that the said cattle shall be cleaned by the landowner, the landowner may charge the cattle owner such sum for cleaning such cattle as may be prescribed in that behalf under the Animal Diseases Act (Cap. 364), and such sum may be recovered as a civil debt.

(3) It shall be unlawful for any cattle owners as aforesaid to refuse or fail to submit the said cattle for cleaning in accordance with the provisions of this section.

[Act No. 5 of 1967, Sch.]

10. Absent landowner with cattle on land

Where any landowner on whose land cattle owned by him are kept is absent from Kenya and does not have a representative or agent in Kenya with authority to carry out the terms of this Act, any veterinary officer may authorize the due performance of the terms of this Act in such manner as he may deem expedient, and any expenditure thereby incurred shall be recoverable by the Director as a civil debt.

[Act No. 5 of 1967, Sch.]

11. Construction and repair of dipping and spraying facilities

(1) An inspector may require any landowner or cattle owner in a cattle cleansing area to provide dipping or spraying facilities of an approved design on the land of such landowner or cattle owner, or may require such landowner or cattle owner to make efficient by repair or otherwise any existing dipping or spraying facilities on such land at the expense of such landowner or cattle owner:

Provided that nothing in this subsection shall be deemed to prohibit the provision of dipping or spraying facilities for the common use of two or more landowners or cattle owners with the approval of a veterinary officer.

(2) For the purposes of this section, an inspector may enter upon any holding and may give written notice to the landowner or to the owner of any cattle found thereon to provide dipping or spraying facilities within a reasonable period, being not less than thirty days, to be specified in such notice, and in default of compliance with such notice the inspector may proceed to provide dipping or spraying facilities and may recover the cost thereof from such landowner or cattle owner.

(3) Any landowner or cattle owner who refuses or neglects or fails to comply with any notice given by an inspector under this section shall be guilty of an offence.

12.

[Repealed by Act No. 5 of 1967, Sch.]

13. Advances for erection and repair of dipping tanks or spray races

(1) Any landowner or cattle owner may on application receive an advance to defray the cost of construction or repairs to any dipping tank or tanks, spray race or spray races which he may be required to erect or repair under section 11 of this Act or which he may have erected.

(2) Advances for the purposes of this section may be made from—

- (a) the Agricultural Finance Corporation; or
- (b) such other public funds as Parliament may provide for the purpose.

[Act No. 5 of 1967, Sch.]

14. Recovery of cost and interest by landowner

When any dipping tank or spray race is constructed in a cattle cleansing area by any landowner—

- (a) upon land held by any person as a tenant, such tenant shall pay yearly during the continuance of his lease the interest upon the cost of such construction:

Provided that no tenant the unexpired term of whose lease does not exceed one year shall be liable to pay such interest;

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- (b) upon land otherwise lawfully occupied by any person, such person shall pay yearly during the continuance of such occupancy the interest upon the cost of the said construction, and on the conveyance by the landowner to such person of the title to such land such person shall pay in augmentation and as part of the purchase money the cost of such construction.

[Act No. 5 of 1967, Sch.]

15. Government may provide dipping tanks or spray races and may require local authority to construct dipping tanks or spray races

(1) The Cabinet Secretary may provide dipping tanks or spray races in suitable places for the common use of cattle owners, and may charge such fees for the cleaning of cattle in such tanks as may be prescribed in that behalf under the Animal Diseases Act (Cap. 364).

(2) *Deleted by Act No. 5 of 1967, Sch.*

(3) In cattle cleansing areas the Cabinet Secretary may require local authorities to provide dipping tanks or spray races for the common use of cattle owners within areas under the control of such local authorities and such local authorities may charge the fees prescribed by subsection (1) of this section for the cleaning of cattle in such tanks or spray races.

[L.N. 622/1960, Sch., Act No. 5 of 1967, Sch.]

16. Local authority to keep register

In every area in the control of a local authority in which dipping tanks have been constructed in accordance with section 15 of this Act, the District Commissioner or such local authority shall keep a true and correct register, which shall be open for inspection by an inspector, and such register shall contain—

- (a) the names and particulars of all owners of cattle within each area;
- (b) the number of cattle in such area owned by each cattle owner;
- (c) the number of cattle belonging to each cattle owner cleaned on each cleaning day.

[Act No. 5 of 1967, Sch.]

17. Director may appoint analysts

The Director may, by notice in the *Gazette*, appoint suitable persons to be analysts for the purposes of this Act, and may by such notice prescribe the fees or remuneration, if any, to be paid to such analysts.

[G.N. 1720/1955, L.N. 172/1960, Act No. 5 of 1967, Sch.]

18. Procedure on taking samples

(1) When a sample of cleaning solution is taken by an inspector from any dipping tank or spray race for analysis, the following procedure shall be followed—

- (a) he shall first notify the owner of such dipping tank or spray race of his intention to take such sample;
- (b) he shall divide the sample taken into three parts, placing each part in a separate bottle, and shall seal and appropriately label each such bottle;
- (c) he shall deliver one such bottle to the owner, retain one bottle for possible future comparison and deliver the third bottle to the analyst,

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who shall analyse the contents thereof and furnish a certificate in the prescribed form of the result of such analysis.

(2) A copy of every such certificate so furnished shall be sent to the owner of the dipping tank or spray race concerned.

(3) Any person who uses for the cleaning of any cattle any solution which on analysis fails to conform to the standard prescribed for an effective tick-destroying agent shall be guilty of an offence.

[Act No. 5 of 1967, Sch., Act No. 38 of 1968, Sch.]

19. Tick-destroying agent sold must conform to prescribed standard

It shall be unlawful for any person to sell or offer or expose for sale as an effective tick-destroying agent any article or fluid which does not conform to the standard prescribed under this Act.

20. Certificate of analyst to be evidence

In any proceedings under this Act, a certificate of analysis under the hand of an analyst shall be evidence of the facts therein stated.

21. Penalties for failure to clean cattle and for obstructing inspector

In a cattle cleansing area—

- (a) any cattle owner who fails or neglects to clean his cattle in accordance with the provisions of this Act, notwithstanding that such cattle are free from tick infestation; or
- (b) any person who hinders or impedes or attempts to hinder or impede, or who disobeys the lawful orders of, an inspector in the execution of his duties under this Act,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings, or, in default of payment of such fine, to imprisonment for a term not exceeding one year.

[Act No. 5 of 1967, Sch.]

22. General penalty

Any person who contravenes any of the provisions of this Act, for which contravention no special penalty is provided, shall be guilty of an offence and liable to a fine not exceeding four hundred shillings or, in default of payment of such fine, to imprisonment for a term not exceeding three months.

23. Rules

The Cabinet Secretary may make rules—

- (a) prescribing the form of certificate of analysis to be issued under this Act;
- (b) generally for the better carrying out of the objects and purposes of this Act.

[G.N. 1721/1955, L.N. 173/1960.]
