



# IGAD

## MODEL LEGAL FRAMEWORK FOR LIVESTOCK IDENTIFICATION AND TRACEABILITY SYSTEM (LITS)



An initiative of the IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) to provide a model legal framework to guide IGAD member states in the development of their respective national LITS laws and for the harmonisation of the regional LITS initiative

May, 2016



AFRICAN UNION

**INTERAFRICAN BUREAU  
FOR ANIMAL RESOURCES**



## Acknowledgement

The IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) would like to sincerely thank the consultant, Prof. Arthur A. Eshiwani, for an excellent piece of work pursued in order to produce this regional LITS legal framework that will serve as a legal tool to guide parliaments and legislative bodies of the IGAD member states to provide for the establishment of national LITS administration, their development and laws; and to regulate matters connected to LITS application and implementation. We would also like to thank the ICPALD team that worked closely with the consultant to ensure this useful document is produced for the benefit of the region.

The responses received during the validation workshop, in May 2016 in Kampala, Uganda, were valuable and indispensable. The contributions from the Chief Veterinary Officers (CVOs); Dr. Kamal Tag Al Sir Al Sheikh, CVO of Sudan, Dr. Bewket Siraw, CVO of Ethiopia, Dr. Kisa Juma Ngeiywa, CVO of Kenya, Dr. Nicholas Kauta, CVO of Uganda, Dr. Jacob Korok, CVO of South Sudan, Dr. Moussa Ibrahim Cheik, CVO of Djibouti and Dr. Farah Ali Mohamed, CVO of Somalia, the national LITS teams, the private sector (NEALCO), together with contributions from our key technical partners; AU-IBAR, FAO, OIE and ILRI, have made this document a real regional legal instrument and ICPALD hopes that member states and other stakeholders utilize it in their efforts to control livestock diseases, mitigate cattle rustling and enhance livestock trade from the region. ICPALD is also grateful to AU-IBAR and EU for the financial support provided through STSD project.

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**[Commencement: in accordance with the law of and dictates of LITS circumstances in the Country]**

**A Bill for-**

**AN ACT/DECREE/STATUTE/PROMULGATION of Parliament (or any legislative body by whatever name called) to provide for the establishment of a national LITS, its development, regulation and for matters connected therewith.**

**ENACTED/DECREED by the Parliament/... of..... (Country) as follows:**

## **ARRANGEMENT OF CLAUSES**

### **PART I: PRELIMINARY PROVISIONS**

Article 1: Title/Name/Citation

Article 2: Interpretation/Definitions

Article 3: Objectives of the Act

### **PART 11: ADMINISTRATION AND GOVERNANCE OF LITS**

Article 4: Administration and Governance structure

Article 5: Powers and duties of Minister

Article 6: Designation of DVS/CVO as Competent Authority

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#### **Part A: Registration Process and Keeping of registers**

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Article 11: Obligation to provide LITS information

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Article 14: Keeping of Central Database

Article 15: Access to Central Database

Article 16: Animals to be registered on the Central Database

Article 17: Registration of imported animals

Article 18: Keeping of animal register

Article 19: Keeping of individual animal register

Article 20: Keeping of register of imported LITS animals

**Part C: Movement and traceability of LITS animals**

Article 21: Requirement for permit for movement of LITS animals

Article 22: Sending of movement permit by electronic means

Article 23: Notification of movement of LITS animals

Article 24: Notification of death, theft, or stray of individually registered animal

Article 25: Notification of slaughter at abattoirs

**Part D: Animal identification**

Article 26: Minister to approve identification system and Code

Article 27: Minister to approve AIDs

Article 28: Requirements in respect with approved ear tags

Article 29: Obligation with respect to supply or use of approved device

Article 30: Identification of cattle

Article 31: Identification of sheep and goats

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Article 33: Identification of imported LITS animals

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**SECOND SCHEDULE: The regional requirements of the LITS under this Act [Article 3(g)]**

**THIRD SCHEDULE: Role of ICPALD in regional LITS initiative**

## Executive Summary

This regional LITS legal framework provides a general guideline for the implementation of a livestock identification and traceability system (LITS) in the IGAD member states through its subsequent adaption to national laws based on the fact that all the markets that today import livestock or livestock products are increasingly requesting that the animal health status of animals are known and traced properly. It is thus becoming a pre-requisite for exporting countries to implement a traceability and animal identification system. To this effect; in the IGAD MS, the system should be implemented while being supported by a law and in such a way that it underlies the current management and animal production systems that are currently in place.

To successfully protect public health, food safety and contain or respond to an outbreak of an infectious animal disease, a system for identifying and tracking animals is a prerequisite. To be effective a LITS system requires two basic components, an identification system (for example brands, marks or a device) and a system that tracks an animal, or group of animals, along the value chain to the final destination. It is only when these components are all put together that a LITS system becomes functional. It is imperative that the IGAD region strengthens efforts of disease prevention and control and finds ways of enhancing and sustaining livestock-based trade and its benefits.

The regional LITS legal framework has a total of six (VI) Parts, 49 Articles and three (III) Schedules, summarized under the following topics; Part I, Preliminary Provisions, Part II, Administration and Governance of LITS and Part III, Implementation of LITS, with subtitles; (A), Registration Process and Keeping of Records, (B), Establishment of Central Database and Registration of Animals thereon, (C), Movement and Traceability of Animals, and (D), Animal Identification. The document also continues to include Part IV, Inspection and Enforcement of LITS Process, Part V, Regional/ International Cooperation and Harmonisation of Regulation of LITS, and finally Part VI, Miscellaneous Provisions,. It also contains last chapters of 1st Schedules, Approved AIDS, 2nd Schedule, the Regional Requirements of the LITS under national Acts to be derived from this legal framework and 3rd Schedule, Role of ICPALD in Regional LITS Initiative.

Some of the proposed LITS administrative structures in the legal framework include anchoring LITS in the public competent authority that will be a public authority in charge of implementing LITS in a country, in addition to creation of either the National LITS Advisory Board/Committee or National LITS Steering Committee or both based on how advanced the LITS national programme is in a given country.

A Bill, which is an Act to be promulgated by a national parliament or any legislative body would be expected to provide for the establishment of a national LITS, its development, regulation and for matters connected therewith. While 1st Schedule details different LITS devices to be considered when a member country makes such a decision, 2nd Schedule narrates role of IGAD in regards to smooth implementation of LITS in the region, based on the principle “comply or explain”, the IGAD Agreement and based on the role of the IGAD LITS initiative as specified in the 3rd Schedule of this legal framework.



# PART I: PRELIMINARY PROVISIONS

## Article 1. Title/Name/ Citation

This Act shall be cited as the **Livestock Identification and Traceability System Act**.

## Article 2. Interpretation/definitions

In this Act unless the context requires otherwise-

“**Act**” (or any style or character of statutory citation) means this Act and any regulations or rules thereunder made;

“**AHC**” means Animal Health Certification;

“**AID**” means Animal Identification Device;

“**Animal**” means the motile multicellular organism of the kingdom animalia, whether kept for agriculture, commercial purpose or private use, and any animal the Minister may, from time to time by notice in the Gazette or other official instrument, declare to be animal for purposes of this Act;

“**Animal movement**” means the movement of one or more animals between two or more registered or other locations;

“**Approved device**” means an AID approved under Article 26 for purposes of animal identification under this Act;

“**AU-IBAR**” means African Union Inter-African Bureau for Animal Resources;

“**Authority/Agency**” means the Competent Authority/Agency designated as such under Article 6;

“**Board**” means the National LITS Advisory Board established under Article 8;

“**CVO**” means Chief Veterinary Officer or such ranking government officer by whatever name called, and includes a person duly acting in that capacity;

“**DVS**” means Director of Veterinary Services or such ranking government officer by whatever name called, and includes a person duly acting in that capacity;

“**Facility**” means a place, land, building, establishment, premises, conveyance, craft, vehicle or structure-

- (a) where one or more animals are kept or held or in which livestock activity or operation is ordinarily undertaken or carried out; and
- (b) that has been registered under Article 10; and
- (c) a registration for which a certificate of a LITS registered facility has been issued under this Act;

“**ICPALD**” means the IGAD Centre for Pastoral Areas and Livestock Development;

“**IGAD**” means the Inter-Governmental Authority on Development;

“**ILRI**” means International Livestock Research Institute;

“**Inspector**” means a person appointed or designated as such pursuant to Article 39(1) and includes a compliance officer or authorised person;

“**ISO**” means International Standards Organization;

“**LITS**” means Livestock Identification and Traceability System;

“**Livestock**” means cattle, sheep, goat, pig or camel and any animal the Minister may, from time to time by notice in the Gazette or other official instrument, declare to be livestock for the purposes of this Act;

“**Minister**” means Minister by whatever name called responsible for livestock development, animal health, public health and food safety matters;

“**MS**” means Member State of IGAD and “**Member**” shall be similarly construed;

“**OIE**” means World Organization for Animal Health;

“**Owner**” means any person who owns and or keeps animals and includes agent of the owner;

“**person**” means a natural person or institution or organization that is corporate;

“**Region**” means the territory comprising the IGAD Member States and “**regional**” shall be construed accordingly;

“**RFID**” means Radio Frequency Identification Device;

“**Stakeholder**” means a person other than owner to whom this Act applies by reason of being part of the LITS value chain as agent of the owner, animal transporter, dealer, exporter or importer, meat processor, manufacturer, distributor or supplier of AID, whether individual or corporate or any person the Minister may, by notice in the Gazette or other official instrument, declare to be stakeholder for the purposes of this Act;

“**Veterinary officer**” means a dully qualified veterinary officer of the Government appointed in accordance with government procedures;

“**WTO**” means World Trade Organization.

### **Article 3. Objectives of the Act**

The objective of the Act is to provide a legal framework for LITS in order to -

- (a) facilitate proof of ownership of every animal to which this Act applies including such animals whose ownership is presently determined through traditional custom and usage;
- (b) support animal health, disease surveillance and animal disease control initiatives;

- (c) strengthen the fight against cattle rustling and consequently improve human security;
- (d) using the traceability process, give assurance of food safety through the mitigation of risks to human health arising from pathogens in animals, drugs residues in animal products, food-borne diseases and zoonoses;
- (e) improve animal productivity and breeding, livestock market assurances, export certification and other trading requirements;
- (f) through the tracing and tracking of an animal, provide rapid and accurate information on the animal from the farm to the table or its birth to death or export, determine its current location, its movement history individually or in a group and indicate facilities in which the animal is held from time to time; and
- (g) address any other issue that should be addressed in the design and implementation of a national LITS **taking into account regional LITS concerns.**

## **PART II: ADMINISTRATION AND GOVERNANCE OF LITS**

### **Article 4: Administration and governance structure**

- (1) The governance structure of the LITS shall comprise-
  - (a) The Minister,
  - (b) The Competent Authority,
  - (c) A national LITS advisory board/council/committee,
  - (d) Such government officers, departments, sections and units, whether national or sub national, as circumstances may require, and
  - (e) Any other infrastructural arrangements as the Minister may determine.
- (2) The LITS governance structure established pursuant to sub article (1) shall be in accordance with government procedures and shall be such a structure that will be able to best achieve national as well as regional LITS objectives.

### **Article 5. Powers and duties of the Minister**

- (1) The Minister shall-
  - (a) Provide strategic guidance to the competent Authority to ensure that the Authority implements the national LITS efficiently and achieves the objectives of LITS under this Act;
  - (b) Put in place all such necessary measures that will ensure the harmonization of the national LITS project with the regional LITS initiatives through the

establishment of appropriate administrative departments and other such units, human and resources infrastructure, processes and procedures;

- (c) Approve the strategic and annual work plan and budget of the Authority in accordance with government procedures;
  - (d) Review the annual reports presented by the competent Authority or National Advisory Board or National LITS Steering Committee and take any appropriate action thereon as circumstances may require;
  - (e) Monitor and evaluate activities of the Authority and accordingly advise and or guide the Authority or Board appropriately, or issue any orders or directives to the Authority or Board in the exercise of their respective powers or performance of their duties under this Act;
  - (f) Recommend persons for appointment or secondment to the Authority as staff thereof and or approve the appointment or removal of senior management officers of the Authority in accordance with government procedures;
  - (g) Issue any orders or directives to the Authority or Board or National Steering Committee in the exercise of their respective powers or performance of their duties under this Act;
  - (h) Ensure that the competent Authority -
    - (i) effectively executes its functions under this Act;
    - (ii) without undue delay, prepares and submits to the Minister LITS annual reports and any other reports as the Minister may require; and
    - (iii) efficiently maintains the national LITS database established pursuant to Article 14 of this Act;
  - (i) Be responsible for the formulation and review of national LITS policies and matters related thereto;
  - (j) Ensure the periodic review of the legal framework and the LITS provided under this Act and the enactment of matters that require the amendment of this Act as necessitated by matters arising from the reviews or recommendations of the Authority from time to time;
  - (k) Make regulations and rules as is required by this Act and prescribe documents and anything required to be prescribed by the Minister under this Act;
  - (l) Approve and periodically review any fees or charges the competent Authority may propose to levy for purposes of this Act; and
  - (m) Exercise any other powers and perform any other duties assigned to the Minister under this Act.
- (2) The Minister shall be accountable to parliament/national assembly, or such institution by whatever name called, in the exercise of his powers or performance of his duties under this Act and shall, in that capacity, demand and receive LITS

annual reports from the competent Authority for necessary action including tabling of the same in parliament/national assembly.

## Article 6. Designation of DVS/CVO as Competent Authority/Agency

- (1) In accordance with government procedures, international standards and requirements, the office of the DVS/CVO is hereby designated to be the **competent authority/agency** for the purposes of LITS under this Act.
- (2) Subject to the approval of the Minister, the Authority may enjoy the status of a juristic person reason wherefore it may be designated as an autonomous body.
- (3) Despite its juristic status, the Authority shall be functionally and financially accountable to the Minister.
- (4) The Authority shall be composed of-
  - (a) A chairperson who shall be the serving DVS/CVO or a person occupying that position in an acting or temporary capacity.
  - (b) One person representing the Board, and
  - (c) Three persons nominated by the DVC/VSO, in consultation with the Minister on grounds of their technical/professional knowledge relevant to LITS matters.
- (5) The Authority may establish such technical committees of the Authority, on such terms and conditions of service, for purposes of efficient exercise of its powers and performance of its duties under this Act.

## Article 7. Powers and duties of Competent Authority

- (1) The powers and duties of the Authority are to-
  - (a) Advise the Minister on the overall formulation, implementation, monitoring and review of the national LITS policy and strategy;
  - (b) Implement the LITS process under this Act and for that reason design viable national LITS implementation programs and structures from the national level down to grassroots administrative units such as states, provinces, counties, sub counties, districts, or villages or any other such sub-national units by whatever name called, to ensure that the LITS process is national, inclusive and properly structured to address different and or competing sub-national LITS situations, interests, challenges and priorities;
  - (c) Identify, deploy and assign roles and functions appropriately to key stakeholder individuals as well as organizations such as owners, farmers, livestock associations, breeders' organizations, livestock marketing societies, animal sports clubs, manufacturers and distributors of animal products and foods and livestock exporters and importers, in order to achieve the objectives of the LITS through a process that is participatory and consultative;

- (d) Based on a review of the existing LITS status in the country and region prior to the commencement of this Act, select and implement the best LITS approach for the country by, among other things –
- (i) designing and operating an interoperable LITS for the benefit of the country and region;
  - (ii) advising the Minister on resources requirements for purposes of implementing the scope and approach of national LITS as between piloting or otherwise and if piloting, the criteria for making the correct choice based on considerations that include piloting which targets most profitable livestock production value chain, priority species and the willingness of the stakeholders to pay for the choices made;
  - (iii) determining whether or not and the extent to which the implementation of national LITS should be harmonized with that of any neighbouring country in order to monitor and tackle cross border common issues such as insecurity, livestock movement, animal diseases, trade and grazing and for that matter develop common objectives and strategies in such areas for mutual benefit;
  - (iv) securing the adoption and application of this Act as the national legal framework for the LITS in the country, with or without modification as the circumstances may demand, and accommodating therein any existing LITS initiatives that must be brought forward in order to base this Act on gained experience and realistic circumstances obtaining in the country.
- (e) Propose ancillary policies, standards and rules necessary for the operation of the LITS and maintain systems which ensure that stakeholders and any other persons who are participants, or have a sufficient interest in the LITS, are able to provide on-going input into the Authority’s decision- making;
- (f) Set strategic and operational goals, objectives and priorities for the Authority and identify and accommodate the expectations of those persons who have an interest in the LITS;
- (g) Set up a national LITS database to provide information and information systems capable of running the LITS effectively and for that reason provide mechanisms for the collection, storage, dissemination, review and feedback and access to the data and information for the benefit of the stakeholders and other interested persons;
- (h) Take such steps and measures that will enhance the level of acceptance of the LITS, particularly among the stakeholders at the lower end of the affordability scale, by *inter alia*-
- (i) creating public awareness and sensitization that clearly articulate the roles of stakeholders in the LITS, the costs and benefits of the project;
  - (ii) building on or borrowing from the existing traditional animal identification mechanisms and experience, while striving to gradually transform the same into the system under this Act through a process of continuous consultations with pastoralists, clan elders, women and the youth;

- (iii) combining and or realigning LITS activities with other relevant government projects and existing livestock laws in order to avoid conflict and duplication of effort; and
  - (iv) giving a wide range of strategic incentives such as provision of free ear tags and vaccinations, exposure visits for participating owners, farmers and pastoralists to countries with working LITS and performance rewards on agreed targets for those that are participating in the project.
- (i) Commission research studies to inform and or evaluate the feasibility of LITS implementation in the country;
  - (j) Lobby for the delivery or provision of any services, facilities or resources, including fundraising or securing sufficient governmental disbursements or allocations necessary to enable the achievement of national as well as regional LITS obligations;
  - (k) Address issues of capacity building in order to have competent staff capable of providing oversight for LITS implementation;
  - (l) Ensure compliance and enforcement functions as provided under this Act, any other written law and any regional LITS protocols or requirements;
  - (m) Oversee that appropriate financial management systems and internal operational processes and procedures are established and maintained and are designed to make the implementation of the LITS cost-effective, user-friendly and adaptable in order to deliver the expected results to stakeholders and to the country as a whole;
  - (n) Approve identification and traceability systems and devices and or issue, review, revoke, recall, suspend or amend anyone of them as may be appropriate;
  - (o) Issue, approve, review, suspend or revoke any LITS accreditation standards;
  - (p) Recommend for the Minister's approval the level of fees or service charges for services rendered to consumers thereof;
  - (q) Delegate, by notice in writing and on any terms and conditions of delegation that the Authority considers appropriate, any of its powers or duties under this Act to a committee of the Authority or an officer duly appointed and authorized under this Act and, by similar notice, amend, suspend or revoke any such delegation at any time as circumstances may warrant;
  - (r) Prepare and submit to the Minister LITS annual returns in terms of Article 5(2);
  - (s) Formulate regulations and guidelines on any LITS matter for approval and adoption by the Minister for purposes of implementing this Act;
  - (t) Investigate any act or omission that violates any provision of this Act and take or enforce any appropriate punitive or remedial measures as circumstances may justify;

- (u) Levy, collect and utilize fees or charges for services rendered;
- (v) Prescribe standards appropriate for the use of any AID on designated animals, accredited laboratories and standards for anything that requires to be subject to prescribed standards;
- (w) Cause any administrative, civil and/or criminal proceedings to be taken by appropriate authorities against any person committing an offence under this Act; and
- (x) Exercise such other powers or perform such other duties as are specified under this Act or any other written law to promote national as well as regional LITS agenda.

(2) Pursuant to Article 5(1)(c) the Minister may -

- (a) Issue any advice or directive intended to enable the Authority achieve LITS objectives under this Act or comply with regional guidelines; or
- (b) Issue, amend, or revoke any measure taken or standards prescribed by the Authority in relation to the exercise of a power or performance of a duty under this Act.
- (c) Before issuing, amending, or revoking a measure, policy or standard, the Minister shall consult the persons or class of persons who, in the opinion of the Minister, have an interest in the matter, policy or standard.
- (d) However, the Minister is not required to consult if the Minister is satisfied that—
  - (i) circumstances demand that the matter, policy or standard needs to be issued, amended, or revoked urgently; or
  - (ii) the amendment of the matter, policy or standard is minor and will not adversely affect the substantial interests of any person.
- (e) The Minister may require the Authority to provide to the Minister, in a form the Minister may prescribe, any information relating to the exercise of any of its powers or performance of any of its duties under this Act that—
- (f) The Minister reasonably requires; and
  - (i) Is in the possession of the Authority or capable of being obtained by the Authority without unreasonable difficulty or expense and,
  - (ii) The Authority shall provide the required information to the Minister as soon as is reasonably practicable.
- (h) In consultations with the Minister, the Authority shall determine procedures of its meetings.



## Article 8: Establishment of advisory board and its composition

- (1) There is hereby established a board to be known as the **National LITS Advisory Board**, or such board by whatever name called, for purposes of providing advice and any other such support to the Authority for efficient implementation of LITS under this Act.
- (2) The Board shall be composed of-
  - (a) A **chairperson**, who shall be a veterinarian, elected by members of the Board from among themselves and approved by the Minister in consultation with the Authority;
  - (b) Persons not exceeding **three** nominated by the Minister from government ministries or institutions relevant to the implementation of LITS as circumstances may justify;
  - (c) Not less than **three** persons nominated by stakeholders for appointment by the Minister, to represent key stakeholders;
  - (d) **Two** persons representing international/regional livestock institutions approved by the Minister from a list of nominations submitted by the DVS/CVO;
  - (e) **Two** persons knowledgeable in matters of livestock from institutions of higher learning or research institutions in livestock matters;
  - (f) **Two** persons representing community based veterinary scouts or pastoralists (herders, warriors or clan elders) appointed by the Minister in consultation with the DVS/CVO; and
  - (g) Persons not exceeding **three** co-opted by the Minister from time to time in consultation with the Board, on such terms and conditions of co-option as the Minister may determine.
  - (h) The Board shall elect one of its members to be a vice chairperson.
  - (i) The Chairperson and vice chairperson shall not be elected from persons who are members of the Board by virtue of paragraphs (b) and (g).
- (3) The Minister shall publish in the official government gazette, or such instrument by whatever name called, names and such other particulars as circumstances may require, of persons appointed, nominated and appointed under this Article, as the case may be.
- 4 (a) The chairperson shall serve for a period of three years and shall be eligible for reappointment, subject to satisfactory performance during the period just ended, for a second and final term, and this provision shall, with necessary modification, apply to vice chairperson.
  - (b) Persons who are members of the Board by virtue of paragraphs (c), (d), (e) and

(f) shall serve for three years and are eligible for nomination and appointment in the same way they were first nominated and appointed.

- (5) The Board shall meet at least twice in a year or any such number of times as circumstances may dictate and shall determine procedures of its meetings and operations.

## **Article 9. Responsibilities of the Board**

- (1) The Board shall play an advisory role to the Authority and may, in that capacity, advise the Authority on any matter concerning the proper implementation of LITS or otherwise the most effective way of exercising its powers or discharging its responsibilities under this Act.
- (2) Without prejudice to the generality of sub article (1), the Board may advise the Authority on-
- (a) How best to handle LITS matters at a time of livestock disease epidemics, serious security operations or other emergency occurrences involving livestock and the aftermath thereof;
  - (b) How to interoperate with neighbouring countries in the region for mutual and regional benefit;
  - (c) The management of pilot LITS schemes and how best to transit the same to national level;
  - (d) An accurate determination of chain value for purposes of prioritizing LITS implementation in the country;
  - (e) Proper and beneficial engagement with private sector players, regional livestock organizations, development partners and international oversight agencies; and
  - (f) Scientific and technological changes that impact the implementation of LITS process in the country and how best to respond and adapt cost-efficiently.
- (3) The Board may establish such committees as it deems necessary for the efficient discharge of its responsibilities under this Act.
- (4) The Board shall prepare and submit its annual report to the Minister and the Minister shall invite the Authority for comments thereon before the Minister acts on the report.

## **PART III: IMPLEMENTATION OF THE LITS**

### **Part A: Registration process and keeping of registers**

#### **Article 10: Requirement for registration of animals, owners and facilities**

- (1) The Authority shall be the registration agency for all registration requirements under this Act.

- (2) The subject of registration under this Act includes owners, livestock, facilities, anything else required to be registered under this Act or that which the Minister may by order published in the government gazette direct to be registered.
- (3) Without prejudice to the generality of sub-article (2), every owner shall-
- (a) Register on the central database particulars of the owner's **personal identity** and any other additional personal information the Minister may prescribe, and shall further identify himself, among other categories, as farmer (private or commercial), livestock agent, importer or exporter, livestock transport operator, cross border dealer, meat processor or any other category of owner as may be specified by the Authority from time to time;
  - (b) Register **every animal born** under his charge within seven (7) days from the date of that birth and without undue delay submit by means of mobile phone or other expeditious mode, the number and other details of registration to the central database established under this Act;
  - (c) Register any animal which at any time comes under his charge in accordance with the registration procedures provided under this Act for the kind of animal he has under his charge or, if the animal is already fitted with an AID prior to coming under his charge, ensure that the animal is actually registered on the central database and, henceforth, under his name and the existing AID is correctly fitted at all times and does conform with all standards of manufacture and fitting issued under this Act;
  - (d) Register with the Authority the location and facility where that animal is kept at any given time even during temporary events such as shows that involve the animal or when housed in transit locations and facilities.
- (4) The Minister shall prescribe forms to be used for registration under this Article.

### **Article 11: Obligations to provide LITS information**

- (1) Every owner shall without fail, supply to the Authority such LITS information as is required under this Act or such additional information as the Authority may require from time to time for the purposes of this Act unless such information is exempt under this Act or any other written law.
- (2) It shall be the duty of every owner to ensure that information that must be provided to the Authority under this Act is—
- (a) Accurate at the time it is provided;
  - (b) Sufficient for the purpose for which it is provided;
  - (c) Up to date; and
  - (d) Provided in accordance with the time and any other requirements specified in regulations made under this Act.

- (3) If under this Act any registration process is to be renewed at specified intervals, the owner shall comply.
- (4) It shall be an offence for an owner to fail to comply with any provision of this Article.

## Article 12: The registration infrastructure

- (1) The Authority shall design and put in place an effective physical and resources infrastructure to implement the LITS registration process under this Act and may, for that purpose, appoint professional and general staff and establish task forces or such structures of the Authority, to deal with various aspects of the registration process.
- (2) Without prejudice to the generality of sub article (1) the infrastructure designed and put in place under sub article (1) shall-
  - (a) Be subject to consultations with the stakeholders and other relevant government entities and to a continuous review at intervals set by the Minister;
  - (b) Ensure that any registration centres and facilities are easily and without undue inconvenience and cost accessible to owners at various sub national levels, properly equipped and staffed with qualified personnel;
  - (c) Ensure that there is continuous awareness campaign to educate the owners on the objective of the registration and their roles and obligations under the process; and
  - (d) Be sufficiently flexible to respond appropriately to field challenges such as insecurity, owners' suspicion, resistance and nomadism.

## Article 13. Obligation to make animal exit declaration

- (1) A livestock owner has an obligation **at the transitional facility** and as soon as practicable, to make an **exit declaration** to the Authority if -
  - (a) an animal dies or is lost from whatever cause while at the transitional facility;  
or
  - (b) the owner intends to export the animal from the country.
- (2) The Minister shall prescribe an exit declaration form for purposes of this Article.

## Part B: Establishment of central database and registration of animals thereon

### Article 14: Keeping of Central database

- (1) Under the general guidance and advice of the Minister, the Authority shall establish and maintain a **central database** into which shall be entered such LITS information as is required by this Act and which information shall be for purposes provided under sub article (5).

- (2) The Authority shall ensure that the database established and maintained pursuant to sub article (1) has capacity to meet the following requirements, namely, that it –
  - (a) Is capable of meeting the demands of a national LITS by having capacity to accommodate identification numbers and other information of all the animals required to be registered under this Act;
  - (b) Has user interface and data fields at an affordable cost, allows for batch entry of animals and has a services- interface which utilizes an up to date web-based software as circumstances may require from time to time;
  - (c) Is capable of operating and being accessed from multiple devices such as mobile phones, tablets and other related devices as well as easy physical access in locations strategically positioned for the benefit of users;
  - (d) Has capacity to interface with other bio-security systems including Surveillance and Epidemiology and Emergency Response Management systems;
  - (e) Is intuitive and user friendly with minimal amount of training required in order to interface with the system;
  - (f) Is able to give support and audit capabilities to officers overseeing LITS;
  - (g) Has a secure data storage arrangement consistent with national data access, protection and storage policy or practice; and
  - (h) Is cost efficient to avoid passing unnecessary costs to users and stakeholders.
- (3) The Authority may seek such help as may be necessary from private sector data system operators for purposes of strengthening the national database and making it dynamic.
- (4) For the avoidance of any doubt-
  - (a) The Authority shall maintain a database even when the LITS is still at a pilot stage; and
  - (b) Where there is no access to internet, the data required to be recorded shall be done in a book or any document approved by the nearest veterinary officer and later transferred into the central database by physical entry thereof or logging therein as soon as a destination with internet access is reached.
- (5) The central database established under sub article (1) shall be designed in such a way as to provide information whose purpose shall be to-
  - (a) Give particulars of animals, owners, facilities and any other LITS matter required to be registered thereon by and in accordance with this Act;
  - (b) Record thereon information supplied by owners in relation to animals required to be registered under this Act and any other information as the Minister may determine in respect with their treatment, health status and feeding records;

- (c) Enable the Authority, its officers or agents to exercise their powers and carry out their duties under this Act;
  - (d) Facilitate or assist in the operation of any other written law relating to animals or animal health, meat inspection, animal feeds, disease surveillance and reporting, animal breeding and improvement, livestock export and import and animal movement to respond to the following human health issues-
    - (i) food residues associated with animals;
    - (ii) food-borne diseases or pathogens associated with animals; and
    - (iii) zoonotic diseases.
  - (e) Provide data supporting productivity, market assurance, and trading requirements;
  - (f) Facilitate or enable quick response to natural disasters or requests from emergency services when rapid access to data on animals and people is needed to manage risks to life and welfare;
  - (g) Provide statistical data for policy development and related advice about the industries dealing in livestock related services;
  - (h) Enable the Authority to publish general livestock or animal statistics for public awareness, education and general consumption as may be required under any written law;
  - (i) Provide data to enable a potential purchaser of an animal registered under this Act to trace the history of the animal over its life; and
  - (j) Benefit in any way, any stakeholder who needs any LITS information.
- (6) The database must hold data recorded therein for as long a period as is reasonably necessary to achieve the objectives of this Act.
- (7)(a) The Minister shall, upon the advice of the Authority and in accordance with government procedures, designate an administrator or such a person by whatever title called, to be in charge of the central database and the person shall be a duly qualified veterinarian in the service of the government.
- (b) The administrator shall, under the general guidance of the Authority, perform all the functions of administrator assigned to him under this Act and by the Authority from time to time.
- (c) In accordance with Article 5(1) (l), the administrator may charge the owners of animals a fee, for the recording of registration and other information on the central database and the rendering of other services in managing or operating the central database.
- (8) When a notification is given or submitted to the administrator in accordance with this Act, the administrator, upon being satisfied that the notification fully contains the information required to be given, he shall cause that information to be recorded

on the central database as soon as is practicable, but in any event not later than 10 days from the date of receipt of the notification.

- (9) It is an offence for the administrator to fail to comply with the provisions of sub article (8).

## **Article 15: Access to central database**

- (1) With the approval of the Authority, the administrator shall specify the method by, terms and conditions under which permission to access information on the central database may be given.
- (2) The overall objective of the terms and conditions under sub article (1) shall be for the reason of proper preservation of the information, guarding of its integrity, the confidentiality of the suppliers thereof and compliance with a prohibition under any written law or court order issued by a competent court barring access and or disclosure.
- (3) Notwithstanding the provisions of sub article (2) the administrator shall not impose any conditions on a grant of access to data that is—
- (a) The applicant's personal information;
  - (b) Information about an animal for which the applicant is the owner; or
  - (c) Contrary to any written law or order or directive issued by a competent court authorizing any person to access any information on the central database.
- (4) The administrator may impose any conditions that he thinks fit on any other grant of access, including, but not limited to, conditions that—
- (a) Restrict the use to which the data may be put;
  - (b) Prohibit further disclosure of the data;
  - (c) Protect an individual's privacy; and
  - (d) Protect the commercial sensitivity of the data.
- (5) Any person aggrieved or dissatisfied with a decision or determination of the administrator under this Article may file a complaint in accordance with Article 45.
- (6) The Minister may make regulations, notwithstanding some of the provisions of this Article, to provide for-
- (a) Methods or procedures of requesting for LITS information;
  - (b) Levying of fees or charges for services rendered;
  - (c) Distinguishing between core and minor LITS information and its compartmentalization in easy and workable themes;

- (d) Modalities of data storage, access and sharing with national, regional and continental stakeholders;
- (e) The use of information devices such as mobile phones, radios and radio equipment, digital cameras, scanning devices, information storage and processing devices and other input and output computing equipment;
- (f) Dispute and complaints resolution procedures; and
- (g) Any other matter or issue for which prescription may be necessary.

## **Article 16: Animals to be registered on the central database**

- (1) A person liable for registration of an animal with an AID approved under this Act, must furnish to the administrator the required information for the registration of every such animal on the central database within the period specified under this Act for the kind of animal in question after an approved AID is applied to the animal in accordance with the provisions of this Act.
- (2) The information required for registration of the animal must be furnished by the owner of the animal to the administrator of the central database-
  - (a) In writing on a form prescribed for that purpose by the Minister; or
  - (b) Where possible, by electronic means in a format approved by the Authority in consultation with the Board.
- (3) Upon the expiry of 12 months or such other duration of time as the Minister may determine, no animal may be removed from any facility where it is kept until there is confirmation in writing from the administrator of the central database that the animal has been fully registered on the central database.
- (4) It is an offence to fail to comply with the provisions of sub articles (2) and (3).

## **Article 17: Registration of imported animals**

- (1) A person who imports an animal into the country is liable for ensuring that the animal is identified or marked within 14 days from the date the animal enters the country, or within such other duration of time the Minister may prescribe and, within 7 days from the date of identifying or marking, he has furnished to the administrator of the central database the required information for the registration of the animal on the central database.
- (2) The information for registering an imported animal under sub article (1) shall be furnished by the owner of the animal to the administrator of the central database –
  - (a) In writing, using the animal registration form provided or approved by the Authority; or
  - (b) By electronic means in a format approved by the Authority.



- (3) Within 2 working days of receiving the required information in accordance with sub article (1) in relation to any imported animal, the administrator of the central database shall register that animal on the central database.
- (4) A person who fails to comply with the provisions of sub article (1) or (2) commits an offence.
- (5) The administrator of the central database commits an offence if he fails to comply with sub article (3).

## **Article 18: Keeping of animal register**

- (1) An owner of livestock shall -
  - (a) Keep an animal register in respect of such animals held on every facility owned or occupied by that person;
  - (b) Ensure that the animal register is kept up to date and accurate and in legible condition;
  - (c) Make the animal register available for inspection upon request by an inspector appointed under this Act or an authorised person; and
  - (d) Keep the animal register for a period of at least 10 years after the last entry.
- (2) The livestock register shall be kept -
  - (a) By using a register provided or approved by the Authority for that purpose; or
  - (b) By electronic means in a format approved by the Authority.
- (3) Despite sub article (1) (a), if an animal is moved by the owner of the animal to another facility for a period not exceeding 12 months in the continued ownership of that owner, the register in respect of that animal may be retained on the facility from where the animal was moved but must be made available to an inspector within a reasonable time if it is required for inspection by the inspector.
- (4) Thirty days after the expiry of a calendar year or such other accounting period as the Authority may permit, the owner of livestock shall furnish to the administrator of the central database a return, in a form prescribed by the Minister showing-
  - (a) The number of each species of animals held or kept by him; and
  - (b) The number of any other animals, not being animals for the purposes of this Act, as may be required by the Authority, that are kept or held by the owner as at the end of that period.
- (5) An owner who keeps animals on two or more separate facilities shall furnish a separate return under sub article (4) in respect of each facility.
- (6) A person who fails to comply with sub article (1), (2), (4) or (5) commits an offence.

## Article 19: Keeping of individual animal register

- (1) If so required by the Authority, a livestock owner shall keep, in addition to an animal register referred to in Article 18, an individual animal register in respect of animals individually identified in accordance with this Act and held by the owner on any facility owned or occupied by the owner.
- (2) An owner referred to in sub article (1) shall -
  - (a) Ensure that the individual animal register is kept up to date, accurate and in legible condition;
  - (b) Make the individual animal register available for inspection upon request by an inspector or an officer appointed under this Act; and
  - (c) Keep the individual animal register for a period of at least 10 years after the last entry.
- (3) The individual animal register must be kept -
  - (a) By using an individual animal register provided or approved by the Authority for the purpose; or
  - (b) By electronic means in a format approved by the Authority.
- (4) A person who fails to comply with sub article (1), (2) or (3) commits an offence.

## Article 20: Keeping of register of imported animal

- (1) A person who has imported any animal from another country must enter the required information in respect of the animal into an **imported animal register** within 7 days of the animal arriving at the destination facility.
- (2) An imported animal register must be kept by the importer of the LITS animals on every facility owned or occupied by that person and such person must ensure that the register-
  - (a) Is kept up to date, accurate and in a legible condition;
  - (b) Is made available for inspection upon request by an inspector appointed under this Act for that purpose; and
  - (c) Is kept for a period of at least 10 years after the last entry.
- (3) An imported animal register must be kept -
  - (a) By using an imported animal register provided or approved by the Authority for the purpose; or
  - (b) By electronic means in a format approved by the Authority.

- (4) Notwithstanding the provisions of sub article (2), if an imported animal is moved by the owner of the animal to another facility for a period not exceeding 12 months in the continued ownership of that owner, the register in respect of that animal may be retained on the facility from where the animal was moved but must be made available to an inspector within a reasonable time if it is required for inspection by the inspector.
- (5) A person who fails to comply with sub article (1), (2), (3) or (4) commits an offence.

## Part C: Movement and traceability of animals

### Article 21: Requirement for Permit for movement of animals

- (1) A person shall not move an animal from a facility to any other destination or place unless -
- (a) The animal bears an approved AID and or mark attached or applied to the animal in accordance with this Act;
  - (b) The person in charge of moving the animal is in possession of a **movement permit**, in a form prescribed by the Minister, issued by the Authority under this Act that authorizes the movement of the animal from that facility to that other destination or place; and
  - (c) In the case of an individually identified animal, a duly completed **animal movement notice** in a form prescribed by the Minister attached to the movement permit.
- (2) An application for a movement permit shall be made to the Authority or an officer dully authorised by the Authority for that purpose and may be submitted to a LITS office nearest to the applicant in a prescribed form or by sending it by means of facsimile or by filing it by means of other electronic communication in a format approved by the Authority.
- (3) The Authority may require an applicant for an animal movement permit to provide further information or documents considered relevant for determining whether to issue the permit or otherwise.
- (4) The Authority may not issue a movement permit unless the Authority is satisfied that -
- (a) Both the origin and destination facilities are registered in the central database unless the destination is outside the country;
  - (b) Neither the origin facility nor the destination one is subject to movement restriction under any written law or this Act;
  - (c) The animal's health status at both the origin and destination facilities is known and that the movement of an animal to or from any of those facilities will not pose a health risk to any other animal or human beings;
  - (d) If the applicant is not the owner of the animals to be moved, the applicant is duly

authorised by the owner of the facility from where the animals are to be moved or by the owner of the facility to which the movement is intended; and

(e) All previous movement permits, if any, issued for movement of animals to the destination facility have been accounted for by notification to the central database of the movement of animals under those permits within the respective periods stated in those permits;

(5) A movement permit issued under this Article, or an authenticated copy thereof, must accompany animals during their movement under the permit and, if individually identified animals are being moved, an animal movement notice on which their individual identification numbers or codes are recorded is attached to the permit.

(6) The movement of an animal must be carried out -

(a) In accordance with any conditions imposed by the Authority and specified in the movement permit; and

(b) Only within the period specified in the permit.

(7) Permit conditions imposed under sub article (6) may include conditions relating to-

(a) The identification, registration, inspection, testing or treatment of an animal to which the permit relates at any time before, during or after the movement;

(b) The isolation of the animal at any time before, during or after the movement;

(c) The quarantine of the animal before or after the movement;

(d) The certification of any aspect of the identity, health status, origin or history of the animal;

(e) Notification of the arrival of the animal at the destination facility; or

(f) The route and means of movement.

(8) In addition to any permit conditions imposed and specified under sub article

(7), the Authority may specify, in writing, any conditions with which the holder of the movement permit must comply in moving an animal under the permit.

(9) Despite that a movement permit authorises the movement of an animal specified in the permit, a person may not move that animal from its registered facility if -

(a) The person knows or has reason to believe that the animal is sick or infected;

(b) The permit does not specifically authorize the movement of the animal while being so infected or sick;

(c) There are compelling reasons to believe that or a high probability of the animal being a victim of cattle rustling or other incident of insecurity, or that a warning of a disease outbreak has been issued along the way or in the general area through which movement is planned or intended destination; and

- (d) The original reason for moving the animal has materially changed or become in any way substantially untenable;
- (10) An owner of animals may not allow any animals to graze outside the boundaries of any registered facility of that owner, unless -
  - (a) The owner has obtained from an officer appointed under this Act a **walking permit** authorizing the owner to graze animals outside the boundaries of the registered facility; and
  - (b) The person in charge of the animals so grazing carries a copy of the permit throughout the time the animals are outside the boundaries of the facility in question.
- (11) A walking permit issued under sub article (10) does not relieve an owner from complying with any prohibition or requirement imposed or prescribed by or under any other written law in relation to the grazing or presence of animals on any road or any other place outside the owner's facility.
- (12) An animal in respect of which a **movement permit** has been issued -
  - (a) May not be moved through an area infected or suspected of being infected with any disease which may affect the animal being moved; and
  - (b) Must be made available, if so required by an officer appointed by the Authority, at the place of destination or any other place specified by the officer for the purpose of inspection or carrying out any function under this Act or the requirement of a condition to which the permit is subject.
- (13) It is a defence to a charge for a contravention of sub article (1) if it is shown that the animal was moved for the purposes of emergency veterinary treatment which could not be delayed to obtain a movement permit.
- (14) If an animal arriving at an animal gathering or abattoir is not tagged or branded in accordance with this Act, an officer appointed by the Authority may issue a movement permit authorizing for the animal to be moved to the last facility of residence or any other facility specified in the permit.
- (15) A person who contravenes or fails to comply with sub articles (1), (5), (6), (9) or (12) commits an offence.

## Article 22: Sending of movement permit by electronic means

- (1) Despite Article 21(1)(b), a movement permit may be authorised by an officer appointed by the Authority and issued by sending a copy thereof to the applicant by means of facsimile or other electronic means as determined by the Authority.
- (2) A copy of a movement permit issued under sub article (1) has the effect of the original movement permit and may be used by the applicant for the movement

of the animal specified therein, subject to the conditions, if any, attached to the permit.

- (3) The Authority may determine with respect to facilities approved by the Authority that the original movement permit and accompanying animal movement notice, must be available and be produced at the point of delivery of the animal.

### **Article 23: Notification of movement of animals**

- (1) If an animal is moved by the owner of the animal, or a person authorised by the owner from the registered facility where the animal is kept to another facility of that owner, the owner must notify the movement of the animal to the nearest LITS officer where the destination facility is located, by submitting the movement permit, duly endorsed by the owner, and the accompanying animal movement notice.
- (2) A person who, under authority of a power conferred by or under any written law, or an order of a competent court, moves or causes to be moved any animal from the registered facility where the animal is kept to any other facility, must notify the movement of the animal to the nearest LITS officer where the destination facility is located, by submitting the movement permit, duly endorsed by the person, and the accompanying animal movement notice.
- (3) If an animal is moved from the registered facility where it is kept to another facility occupied by or under the control of another person, both the original owner of the animal and the person receiving the animal must confirm the movement of the animal under the movement permit as follows -
  - (a) The original owner of the animal must -
    - (i) check and verify that the animal being moved is as specified on the movement permit and, where applicable, the animal movement notice;
    - (ii) endorse the movement permit; and
    - (iii) hand the movement permit and the accompanying animal movement notice to the person receiving the animal; and
  - (b) The person receiving the animal must -
    - (i) check and verify that the animal received is as specified on the movement permit and, if applicable, the animal movement notice;
    - (ii) endorse the movement permit; and
    - (iii) notify the movement of the animal to the nearest LITS officer where the destination facility is located by submitting the movement permit and accompanying animal movement notice to that officer within the period specified in the permit.
- (4) Notification of the movement of an animal under sub article (1) or (2) may be effected by facsimile or by means of other electronic communication in a format approved by the Authority, but the original movement permit, duly endorsed, and

the accompanying animal movement notice, must be submitted to the nearest LITS officer where the destination facility is located, within the period specified in the permit, by the person liable to give notification of the movement of the animal.

- (5) In the case of the movement of animals to or from an animal gathering the Authority may require that notification of the movement of animals to or from the facility where the animal gathering is held, be given by the organizer of the animal gathering exclusively by means of electronic communication in a format approved by the Authority, not later than the second working day after the event has taken place.
- (6) If a movement permit issued under this Act is not used by the person to whom it was issued, that person must return the permit to the office of the LITS officer in the district or similar administrative sub-part by whatever name called, where it was issued not later than 7 days after the date of expiry of the permit that is specified in the permit.
- (7) A person who contravenes, or fails to comply with sub article (1), (2), (5) or (6) commits an offence.

#### **Article 24: Notification of death, theft or stray of individually identified animal**

- (1) Without prejudice to Article 13, if an individually registered animal dies or is slaughtered on a facility other than an abattoir, or is stolen or strays from that facility, the owner or the person in charge of the facility must notify that fact to the nearest LITS officer, within 21 days after it comes to that person's knowledge, by -
  - (a) Completing the required details in an **animal termination notice** in the form prescribed by the Minister; and
  - (b) Submitting the animal termination notice to the nearest LITS officer.
- (2) If an animal moved to an abattoir arrives dead at the abattoir or dies at the abattoir before it is slaughtered, the person in charge of the abattoir shall notify the death to a LITS officer within 48 hours after the death comes to the person's knowledge, by -
  - (a) Completing the required details in a prescribed animal termination notice; and
  - (b) Submitting the animal termination notice to the nearest officer.
- (3) If an animal dies while it is being transported, the person in charge of the conveyance transporting the animal must notify the death to a LITS officer within 48 hours after the death comes to the person's knowledge, by -
  - (a) Completing the required details in a prescribed animal termination notice; and
  - (b) Submitting the animal termination notice to the nearest LITS officer .
- (4) A person referred to in sub article (1), (2) or (3) must keep a copy of the animal termination notice submitted to the LITS officer for a period of at least 3 years after

the date the notice is submitted to the LITS officer.

(5) A person who fails to comply with sub article (1), (2), (3) or (4) commits an offence.

## **Article 25: Notification of slaughter at abattoirs**

(1) A person in charge of an abattoir shall notify a LITS officer nearest to him of every animal slaughtered at the abattoir.

(2) Subject to sub article (4), the notification under sub article (1) shall be effected by submitting to the LITS officer -

(a) The movement permit in respect of the animal;

(b) The accompanying animal movement notice, if any; and

(c) The approved form giving the required slaughter information in respect of the animal.

(3) If so required by the Authority, the person in charge of an abattoir, before slaughtering an animal presented for slaughter, must check the central database or any other records pertaining to the animal to verify the information relating to the animal's ownership, health status, origin, previous location, movement history and eligibility to be slaughtered for a specific market.

(4) In the case of an abattoir certified for slaughter for export purposes, the Authority may require that the notification to be given by the person in charge of the abattoir about the animals received and slaughtered at, or returned from the abattoir, be given by that person exclusively by means of electronic communication in a format approved by the Authority.

(5) A person in charge of an abattoir must ensure that copies of the documents referred to in sub article (2) (a), (b) and (c) in respect of an animal slaughtered at the abattoir are kept for a period of at least 3 years after the date the animal is slaughtered.

(6) A person who fails to comply with sub article (1), (3), (4) or (5) commits an offence.

## **Part D: Animal identification**

### **Article 26: Minister to approve identification system and Code**

(1) In consultation with the Authority, the Minister shall determine the identification system and the accompanying code or numbering system for animal identification for the country and, consequent thereupon, no animal identification system or device may be applied or used in the country without the approval of the Minister in writing.

(2) Despite sub article (1), the Minister may have regard, on such terms and conditions as circumstances may dictate, for any existing LITS, including traditional or tribal animal identification practices.



- (3) A system and code determined under sub article (1) or for which the Minister has taken regard under sub article (2) shall-
- (a) Be designed and applied in a manner that ensures the achievement of the objectives of this Act under Article 3 and the fulfillment of the requirements of Article 14(5);
  - (b) Be appropriately designed to identify single animals or any flock or herd, as the case may be;
  - (c) have regard to:
    - (i) the need to provide unique, clear, and lasting animal identification;
    - (ii) compliance with any relevant international standards relating to animal identification;
    - (iii) the need to avoid confusion with any other approved system of identification in use in the country or region; and
    - (iv) application of a system that is efficient, consultative and founded upon international best practices;
  - (d) Ensure data/information confidentiality as an essential part of the identification process;
  - (e) Be technologically neutral so that users can opt to change to new technologies without much problems in the event of advancement of technology;
  - (f) Not be the type that overburdens owners with multiple identification numbers, systems, regulations or requirements; and
  - (g) As much as possible, be community-driven to avoid undue increase in costs as a result of increased role and size of government.
- (4) An application for approval of an identification system other than the one determined by the Minister under sub article (1), must:
- (a) Be made in writing to the Minister;
  - (b) Show compelling reasons that justify approval for an alternative approach;
  - (c) Be in the prescribed form; and
  - (d) Be accompanied by the prescribed fee, if any.
- (5) For the purpose of assessing an application for approval of an identification system, the Minister may require the applicant to supply information additional to that which is in the prescribed form for application.
- (6) The Minister must, within 21 working days of the date on which the application was submitted:

- (a) Determine the application; and
  - (b) Inform the applicant of the determination in writing stating reasons, where the application is rejected, for the rejection and informing the applicant of his right to appeal the decision in accordance with this Act.
- (7) The Minister may, in relation to any approved LITS, impose any conditions that the Minister considers appropriate to ensure that:
- (a) An identification device that forms part of an approved identification system does not cause confusion with an identification device that forms part of any other approved system; and
  - (b) The identification system is capable of providing the information required under Article 11 of this Act, including (but not limited to) its form, content, and quality.
- (8) The Minister shall give notice of any identification system approved under this Article:
- (a) In the government *Gazette* or such official government document by whatever name called; and
  - (b) Anywhere else that the Minister may consider appropriate, including on (but not limited to) an internet site maintained by or on behalf of the Ministry.
- (9) The Minister may:
- (a) Suspend or revoke the approval of any LITS identification system if the applicant fails to meet any conditions that the applicant must meet before the identification system may commence;
  - (b) Suspend or revoke an approved LITS identification system if:
    - (i) the identification system fails to comply with an applicable standard;
    - (ii) a significant proportion of persons who are using the identification system are not complying with the system due to some plausible reason;
    - (iii) the system violates any of the conditions to which it was subject or requirements of this Act or any other written law.
  - (c) A suspension of an approved identification system may be indefinite or for a specified period.
  - (d) Before suspending or revoking an identification system, the Minister shall:
    - (i) give written notice of the decision to suspend or revoke the system to the person who operates the identification system; and
    - (ii) provide the person who operates the identification system with an opportunity to appeal the decision in accordance with this Act.

(e) No person may use a suspended or revoked identification system unless the person owns or is in charge of an animal or a herd that, on or before the date of suspension or revocation, was identified by the identification system, in which case the person may continue to use the identification system for the animal or the herd.

(10) It is an offence for any owner or any such person to violate any of the provisions of this Article.

## Article 27: Minister to approve animal identification devices

(1)(a) Subject to the provisions of Article 26(2) and in consultation with the Authority, the Minister shall determine the AIDs to be used in the country.

(b) Without prejudice to paragraph (a) of this sub article, the Minister may also consult ICPALD on the matter of AIDs for purposes of regional LITS co-ordination and facilitation.

(2) The Minister shall determine the type of AID to be used (whether primary or secondary or both and whether in the form of a tag, mark, transponder or other type) as national LITS interests shall dictate and the devices so approved shall be published in official Gazette and may include any one or more of the AIDs provided in the **First Schedule** to this Act.

(3) Despite any provision of this Act, any AID determined by the Minister shall be-

(a) Capable of identifying the animal on which it is applied or used by providing information about the animal's ownership, origin, location, movement history and fate;

(b) Of a quality and design that -

(i) is capable of bearing a unique identification number or code allocated in accordance with the numbering system approved by the Minister;

(ii) secures that information contained in or on it cannot easily be altered or otherwise tampered with without being detectable;

(iii) is difficult to counterfeit and incapable of being re-used;

(iv) allows the unique identification number or code placed in or on it to be easily and reliably readable, either visually or by electronic means;

(v) can effectively be retained by the animal to which it is applied for life or a period warranted by the manufacturer under normal conditions of use; and

(vi) is not harmful to the welfare or health of the animal to which it is applied.

(4) A person who proposes to manufacture, or conduct business as distributor of, a type of device intended to be offered or sold for the purpose of identification of animals under the animal identification system approved under this Act, must apply for such device to be approved by the Minister under Article 26 (1).

- (5) An application for approval pursuant to sub article (4) must be made in writing to the Minister in a prescribed form.
- (6) The Minister may:
  - (a) By notice, require the applicant to give within stated reasonable period specified information and samples of the device to allow the Minister to decide the application; and
  - (b) Prior to making a determination under sub article (7), invite the manufacturer and or supplier of an AID for which approval is sought, to appear before him for purposes of live demonstration of the use or efficacy of the device or a clarification of a material fact relating to the device.
- (7) The Minister must decide whether to grant or refuse the approval within 30 days from the date of receiving the application for approval.
- (8) The approval may be granted subject to stated conditions.
- (9) If the Minister decides to refuse the approval, the Minister must give the applicant written notice of the refusal, stating the reason for the refusal and the fact that the applicant has the right of appeal under this Act.
- (10) The Minister must give notice of approval of an identification device in writing and all conditions of the approval to the applicant.
- (11) A person who sells or offers or exposes for sale any device that is held out as being of a type approved by the Minister under this Article and which the person knows or ought to know has not been so approved, commits an offence.

## **Article 28: Requirements in respect of approved ear tags**

- (1) An ear tag approved by the Minister as identification device must:
  - (a) Be of durable material;
  - (b) Consist of two parts, a male and a female component;
  - (c) Bear only indelible imprinted characters; and
  - (d) Be tested and certified for use as an official animal identification ear tag by the Authority.
- (2) An approved ear tag must contain on each component characters forming the unique animal identification number or code as determined by the Minister and that enables establishing:
  - (a) The owner of the animal;
  - (b) The origin of the animal to which it is attached; and
  - (c) The individual identity of that animal.

- (3) One component of the ear tag must bear the official logo as determined by the Minister.
- (4) A person may add, or cause the manufacturer or distributor of approved ear tags to add, supplementary information to an ear tag or replacement ear tag to be used by that person, if:
  - (a) The supplementary information is distinct from the official identification number or code; and
  - (b) The identification number or code remains legible and clearly distinguishable at all times.

## **Article 29: Obligations with respect to supply or use of approved device**

- (1) A manufacturer or distributor of an approved device:
  - (a) Must, before supplying an approved device ordered by a person from the manufacturer or distributor, obtain from the Authority approval for the order which approval may, subject to periodical audit checks by an authorised officer, be given in advance to facilitate smooth sales operations;
  - (b) Must not supply a device unless it bears a unique identification number or code allocated by the Authority; and
  - (c) Must, if so required by the Authority, ensure that each approved device supplied is accompanied by a corresponding animal registration document approved by the Authority or an authenticated copy thereof.
- (2) Within 48 hours after supplying any approved device, the manufacturer or distributor of the device must furnish the following information to the Authority-
  - (a) The name, address and contact details of the person to whom the approved device was supplied;
  - (b) The date it was supplied;
  - (c) The unique identification number or code allocated in respect of each approved device supplied; and
  - (d) The number of approved devices supplied.
- (3) An approved device supplied in accordance with sub articles (1) and (2) may not be used by any person to identify an animal not owned by the person to whom the device was supplied, unless such use is authorised in writing by the Authority.
- (4) The Authority must forthwith notify to the administrator of the central database of the details of approved devices and their identification numbers or codes supplied to a person.
- (5) A person who contravenes or fails to comply with sub article (1), (2) or (3) commits an offence.

## Article 30: Identification of cattle

- (1) Without prejudice to the provisions of Articles 27 and 28, an owner of cattle must ensure that each animal is identified by means of an approved device attached or applied to the animal in the manner the type of device is ordinarily required to be attached or applied to cattle.
- (2) If approved ear tags are used, cattle must be tagged by means of -
  - (a) A primary ear tag applied to the left ear; and
  - (b) A secondary ear tag applied to the right ear, to ensure that identification of the animal will still be possible if one ear tag is lost or the ear itself becomes incapable of holding an ear tag due to any cause.
- (3) Subject to sub article (4), the obligation to identify cattle by means of an approved device must be complied with, in relation to calves born into an owner's herd -
  - (a) Not later than 7days after the date of birth; or
  - (b) Before a calf leaves the facility where it was born, whichever is sooner.
- (4) Despite sub article (3), an officer appointed by the Authority may, by notice in writing given to a person, or by general notice publicly made known in a manner the Authority considers appropriate, require that calves be identified by means of an approved device by any age as specified in the notice.
- (5)(a) Without prejudice to sub articles (3) and (4), the obligation to identify cattle by means of an approved device must be complied with by every owner of cattle not later than the date of expiry of the period of 6 months following the date on which this Act comes into effect.
  - (b) The Authority may extend the period of identification under paragraph (a) if circumstances warrant.
- (6) A person who fails to comply with a provision of this Article commits an offence.

## Article 31: Identification of sheep and goats

- (1) An owner of sheep or goats must ensure that each animal is identified by means of an approved device attached or applied to the animal in the manner the type of device is ordinarily required to be attached or applied to that kind of animal.
- (2) Subject to sub article (3), the obligation to identify sheep or goats by means of an approved device must be complied with in relation to lambs born into an owner's flock -
  - (a) Not later than 7days after the date of birth; or
  - (b) Before a lamb leaves the establishment where it was born, whichever is sooner.

- (3) Despite sub article (2), the Authority may, by notice in writing given to a person or by general notice publicly made known in a manner the Authority considers appropriate, require that lambs of sheep or goats be identified by means of an approved device by any age as specified in the notice.
- (4) Without prejudice to sub articles (2) and (3), the obligation to identify sheep or goats by means of an approved device must be complied with by every owner of such animals not later than 6 months from the date on which this Act comes into effect.
- (5) A person who fails to comply with any provision of this Article commits an offence.

### **Article 32. Identification of pigs**

- (1) An owner of pigs must ensure that each animal is identified by means of a mark or other device approved under Article 27 and applied or attached to the animal in the manner the type of mark or device is ordinarily required to be attached or applied to a pig.
- (2) Subject to sub article (3), the obligation to identify pigs by means of an approved mark or other device must be complied with, in relation to an animal born into an owner's herd:
  - (a) Not later than 7 days after the date of birth; or
  - (b) Before the animal leaves the establishment where it was born, whichever is sooner.
- (3) Despite sub article (2), the Authority may, by notice in writing given to a person or by general notice publicly made known in a manner the Authority considers appropriate, require that pigs be identified by means of an approved mark or device by any age as specified in the notice.
- (4) Without prejudice to sub articles (2) and (3), the obligation to identify pigs by means of an approved mark or other device must be complied with by every owner of pigs not later than 12 months from the date on which this Act comes into effect.
- (5) A person who fails to comply with a provision of this Article commits an offence.

### **Article 33: Identification of imported animals**

- (1) A person who imports an animal into the country must ensure that the animal is given an import identification device or mark supplied or determined by the Authority, or both such device and mark, as the Authority may direct -
  - (a) Within the time specified under Article 17(1); or
  - (b) Before the animal leaves the facility to which it is removed from the border inspection post, whichever is sooner.
- (2) For the purposes of sub article (1), an animal that is temporarily removed from the

country for any reason, shall be taken to be imported when it is brought back into the country and the provisions of this Article shall, with necessary modification, apply to that animal.

- (3) Upon application, the Authority may, on any condition imposed by the Authority, exempt an importer from sub article (1) in respect of any animal which the Authority is satisfied -
- (a) is imported for direct removal to an abattoir for slaughter and the import permit of which indicates an abattoir as the facility of destination; or
  - (b) Is temporarily imported into the country and is to leave the country within 14 days of being released from the border inspection post into the country, so long as the animal bears a unique tamper-resistant identification tag or mark from the country of origin.
- (4) A person who contravenes sub article (1) or fails to comply with a condition imposed under sub article (3), commits an offence.

### **Article 34: Replacement of approved device**

- (1) Subject to sub article (2), if an approved device attached or applied to an animal in accordance with this Act is lost or becomes illegible or ineffective otherwise for the identification of the animal to which it is attached or applied, it must be replaced with a similar approved device bearing the same identification number -
- (a) Within 30 days after the owner becomes aware that the approved device is lost or illegible or ineffective; or
  - (b) Before the animal leaves the facility, whichever is sooner.
- (2) Notwithstanding sub article (1) -
- (a) an animal may be given, instead of a replacement device, an existing but unused number and code or totally a new approved device in accordance with Article 35;
  - (b) An animal that loses its approved device while being moved to an abattoir for slaughter or while being transported for delivery at a destination outside the country, is not required to be given a replacement device if the operator of the abattoir or the exporter, furnishes the Authority with relevant information that allows the origin of the animal to be traced, including-
    - (i) the identification number or code on the lost approved device;
    - (ii) the name and address of the owner of the animal or the person who last had possession, care or control of the animal before it was moved, and the date when it was moved; and
    - (iii) details identifying the conveyance by means of which the animal was moved.
- (3) A person who fails to comply with sub article (1) commits an offence.



## **Article 35: Replacement of approved device with different number**

- (1) If an animal identified with an approved device in accordance with this Act is given a new approved device that bears a different identification number or code than the original device, the owner of the animal shall, within 21 days of the new approved device being attached or applied, or before the animal leaves the facility, whichever is sooner, notify the Authority of the change of the approved device, stating the identification numbers or codes of both the original and the new device.
- (2) The Authority shall pass to the Administrator of the Central database any information supplied to it under this Article.
- (3) A person who fails to comply with sub article (1) commits an offence.

## **Article 36: Alteration or removal of approved device**

- (1) No person shall -
  - (a) Deface, render illegible, mutilate or alter the information printed or contained on or in; or
  - (b) Cause or permit to be defaced, rendered illegible, mutilated or so altered, an approved device attached or applied to an animal in accordance with this Act.
- (2) A person may not remove, or cause or permit to be removed, an approved device attached or applied to an animal, unless -
  - (a) The removal is done with the written approval of an authorised officer;
  - (b) The approved device is removed by or with the approval of the owner for purposes of replacement with a different approved device in accordance with Article 35;
  - (c) The approved device is removed when the animal is slaughtered; or
  - (d) The animal dies and the approved device is removed by or with the approval of the owner of the animal.
- (3) A person who contravenes sub article (1) or (2) commits an offence.

## **Article 37: Safekeeping of unused approved devices**

- (1) A person in possession of any unused approved device issued for the purposes of this Act shall -
  - (a) Take reasonable steps to ensure that the device is kept secure against theft; and
  - (b) Notify an authorised officer immediately if it is discovered that any approved device is lost.

(2) A person who contravenes sub article (1) commits an offence.

### **Article 38: Identification of carcass or meat or offal of slaughtered animal**

If so required by an authorised officer, the operator of an abattoir must cause the carcass of a slaughtered animal, or the meat or offal derived from that carcass, to be marked or labeled in a manner approved by an authorised officer so as to facilitate the tracing of the carcass, or the meat or offal back to the animal or the group of animals from which it was taken.

## **PART IV: INSPECTION AND ENFORCEMENT OF LITS**

### **Article 39: Appointment or designation of inspectors, etc**

(1) In accordance with government procedures and in consultation with the Authority, the Minister shall appoint or designate by notice in the gazette, duly qualified persons to serve as inspectors, compliance officers or authorised persons for purposes of monitoring and enforcing compliance with this Act.

(2)(a) A person appointed or designated under sub Article (1) shall be, unless specified otherwise by the Minister, a dully qualified veterinarian with relevant experience in matters of livestock.

(b) In addition to monitoring and enforcing compliance, the Authority may assign to any person appointed or designated under this Article, any other duties as the Authority may deem fit.

### **Article 40: Authorisation and identification of inspector, etc**

(1) The Authority shall supply every inspector, compliance officer or authorised person with a written warrant of authorisation stating the powers and functions of the relevant inspector, compliance officer or authorised person.

(2) The Authority shall issue to every inspector, compliance officer or authorised person appointed or designated under this Act with an official serialised photo identity card duly stamped and signed by the Authority or its authorized agent for purposes of officially identifying himself as is required under this Article and the inspector, compliance officer or authorised person shall carry his photo identity card every time he is performing his duties under this Act.

(3) An inspector, compliance officer or authorised person shall ensure that his card is-

(a) At all times under lock and key when not in use to prevent it from falling into unauthorized hands;

(b) Legible and clear for proper identification and when lost, defaced or destroyed, it is replaced immediately; and

(c) Immediately surrendered back to the Authority or its authorized agent upon ceasing to be inspector, compliance officer or authorised person and if not

returned in time or not at all for whatever reason, the card shall automatically cease to be of effect from the date of ceasing to be inspector, compliance officer or authorised person.

## **Article 41: Powers and duties of inspector**

- (1) An inspector may at all reasonable times and upon giving reasonable notice, enter any registered LITS facility where he has reasonable ground to believe that an animal to which this Act applies is kept or held or a LITS activity is being conducted and shall, unless there be compelling reason not to, proceed to –
- (a) Ascertain the registration status of the facility and of any animal kept or held therein as to whether the owner or any stakeholder has complied with the requirements of this Act;
  - (b) Inspect the facility and any LITS process such as animal slaughter going on therein and determine whether or not the provisions of this Act are being complied with in regard to the said process;
  - (c) Visit all parts of the facility or examine any vehicle, package or container found there which he believes contains any information relevant to matters of animal movement or health, or any book, record or document pertaining to the beekeeping of animals for purposes of gathering further relevant information;
  - (d) Carry out hygiene or any disease surveillance in the facility or any suspicious activity that may suggest any criminal activity involving animals and if possible do so in collaboration with any other government officer having an interest in such matters or matters connected therewith for purposes of exposing such activities for the taking of appropriate legal action;
  - (e) In collaboration with government or international oversight agencies dealing with determination of standards or compliance levels in LITS matters or otherwise carry out quality control checks in the processing of animal products for purposes of facilitating traceability at marketing outlets and consequent thereupon certify the quality of meat products in conformity with the national, regional and international standards; or
  - (f) Seize and remove from any LITS facility or vehicle any book, record or document found thereat which may pertain to the processing, importation, packaging, wrapping for sale of animal products or by-product thereof which he has reasonable cause to believe affords evidence of contravention of any of the provisions of this Act or any other written law.
- (2)(a) If upon inspection an inspector determines that-
- (i) there is nothing wrong with any facility, equipment or anything intended to be inspected, and that there is no evidence of any contravention of this Act, the inspector shall make a record of that finding and accordingly issue to the facility or animal owner a certificate of compliance prescribed by the Minister for that purpose for the period of inspection in question; or

- (ii) in his opinion, there is need for further examination and analysis of any LITS material, substance or thing therein, he may take samples thereof for laboratory analysis in a laboratory accredited by the Authority and give the owner the reason for his determination and, as soon as the results of the analysis are known, he shall inform the owner in writing of the same including any remedial action the owner may be required to take.
  - (b) Any sample taken pursuant to paragraph (a) (ii) shall be so taken-
    - (i) at the expense of the owner;
    - (ii) by the inspector himself with such care so as not to unduly diminish the commercial value of the bulk from which it is taken; and
    - (iii) in accordance with the method of sample taking prescribed in any relevant standard, in the presence of the owner and, if the owner is not present for whatever reason, in the presence of any staff or agent of the owner whom the inspector reasonably determines to be in charge of the facility, and in the absence of any such staff or agent, the inspector shall desist from taking the sample until further notice.
  - (c) A person responsible for the facility from which a sample is collected shall sign on the sample collection form used by an inspector to record the particulars of collection and the sample so taken shall be submitted only to a laboratory accredited by the Authority for analysis.
- (3) An inspector may require from an owner or any person whom he reasonably believes to be in charge or control of any facility or place being inspected, to supply information or produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, records, receipts, invoices, shipping bills, bills of lading, documents containing animal product processing instructions, operational procedures or other documents or papers which are reasonably suspected or expected to be in the owner's or that person's possession the production of which will render successful inspection.
- (4) An owner or staff or agent of the owner, as the case may be, or any other person found in the place where inspection takes place, shall give the inspector, free of charge, all reasonable assistance, excluding the actual taking of samples, as the inspector may require to enable the inspector to carry out his duties under this Act and shall furnish the inspector with any information the inspector may reasonably require for the purposes of this Act.
- (5) In the performance of his duties under this Act-
- (a) An inspector may put any relevant question to an owner, his servant or agent and the owner, his servant or agent shall be obligated to fully, honestly and without undue delay furnish the answer to the question; and, where the question put requires the preparation of written answer or some prior enquiry or arrangement in order for it to be properly prepared and furnished, the inspector shall allow the owner, servant or agent reasonable time in the circumstances to properly prepare and furnish the written answer or the answer requiring prior enquiry or arrangement.

- (b) An inspector shall not enter a private dwelling house for purposes of inspection without a search warrant.
- (6) It is an offence to hinder or in any way make it difficult for an inspector to exercise any of his powers or perform any of his duties under this Act.

#### **Article 42: Monitoring and evaluation of national LITS regulatory system**

- (1) The Authority shall, with the approval of the Minister, create a monitoring and evaluation unit whose responsibility shall be to continuously review and assess the performance of the LITS process established under this Act.
- (2) The Authority shall prepare periodic reports and present the same to the Minister for necessary action.
- (3) The Authority may, as circumstances may require,. share its reports with stakeholders, other relevant regulatory government agencies, international livestock institutions, relevant governing bodies at regional and continental levels and with ICPALD.

### **PART V: REGIONAL/INTERNATIONAL COOPERATION AND HARMONISATION OF REGULATION OF LITS**

#### **Article 43: International Cooperation**

- (1) The Authority shall cooperate with other national, regional and continental LITS regulatory agencies for the attainment of regional and even continental objectives of LITS.
- (2) The Authority shall share such LITS intelligence on animals and animal products that pose public health risks with other agencies at the regional, continental and global level.
- (3) The Authority shall take appropriate measures to ensure effective bilateral, regional and international co-operation to combat crime and other risks arising from or affecting LITS process.
- (4) Cross border patrols and other forms of co-operations on LITS matters shall be undertaken.

#### **Article 44: Regulatory Harmonization Initiatives**

- (1) The Authority shall participate in regional and continental LITS regulatory harmonization initiatives.
- (2) The Authority shall take such measures to ensure effective co-operation with their counterparts in MS and other countries beyond the IGAD region to:-

- (a) Harmonize registration of animals and activities, products, inspections, quality management systems, information management systems, joint evaluations, joint inspections and any other regulatory activities as may be appropriate;
- (b) Provide for the use of accredited quality control laboratories within the harmonization framework;
- (c) Provide for the recognition of regional, continental and other international LITS technical guidelines;
- (d) Provide for harmonization of the data requirements for evidence of quality, safety, and efficacy of animals and products thereof and the grounds on which authorisation for trans boundary trade, transportation or general movement and trade shall be granted within the region;
- (e) Provide for mutual recognition of marketing authorisation decisions;
- (f) Share summary evaluation and inspection reports;
- (g) Participate in common post-marketing surveillance conducted in accordance with nationally and internationally recognised standards;
- (h) Provide for cooperation with other regulatory authorities/agencies for the purpose of strengthening national regulatory capacity;
- (i) Establish networks with other regulatory authorities/agencies and collaborate in protecting public and animal health through enforcement activities;
- (j) Establish exchange programs with other LITS regulatory authorities/agencies so as to keep abreast of evolving scientific developments and best practices in the LITS initiatives;
- (k) Provide for any necessary legal mechanisms for regulatory harmonization.
- (l) Provide for transparency and information sharing through-
  - (i) establishment of a quality management system based on common regional and continental requirements to ensure efficiency;
  - (ii) the creation of a national information management system which allows for sharing information at regional and continental levels in accordance with national laws, bilateral and multilateral agreements and protocols; and
- (m) Do any other thing or take any measures that will enhance co-operation in and harmonization of LITS matters at regional and or continental level for mutual benefit.

## **PART V1: MISCELLANEOUS PROVISIONS**

### **Article 45: Dispute resolution**

- (1) In consultation with the Authority, the Minister may establish a dispute resolution

mechanism for settling disputes arising from the application of this Act between or amongst, as the case may be-

- (a) Any owner and the Minister;
  - (b) Owner and another owner; or
  - (c) Any stakeholder and the Minister or any other person.
- (2) Any party to a dispute not satisfied with any decision made in a dispute brought under sub article (1) may appeal the decision to a court of law as may be specified in any written law.
- (3) The Minister shall make regulations to provide for the establishment of a dispute resolution institution, procedures thereof and for any other matters connected therewith.

### **Article 46: Offences generally**

- (1) Without prejudice to the provisions of any Article under which an offence is specified, it shall be an offence under this Act for any person who-
- (a) Abates, aids or is an accessory to the commission of an offence under this Act;
  - (b) Fails, without reasonable excuse, to assist an inspector, officer or an authorised person exercising a search authorised under this Act;
  - (c) Threatens, assaults, obstructs, or hinders an inspector, officer or an authorised person in the exercise of a power or the performance of a function or duty prescribed by or under this Act;
  - (d) Impersonates or fraudulently represents himself as an inspector, officer or an authorised person under this Act;
  - (e) Knowingly provides information that is materially false or misleading to the Authority, an inspector, officer or an authorised person exercising powers or performing duties under this Act.
  - (f) Knowingly provides a materially false or misleading declaration that an animal under his care is registered when, to his knowledge, is not registered; or who declares that an animal consigned for transport has been identified and registered in accordance with Article 16 when to his knowledge it is not;
  - (g) Contrary to the regulations prescribed by the Minister pursuant to Article 15 for the protection of LITS information in the central database, knowingly accesses, uses, or discloses the information without any authorization or permission;
  - (h) Contrary to the requirements of Part III (D) of this Act—
    - (i) fails to fit a LITS device to an animal when it is born in his facility or before the animal is first moved therefrom within the time specified under this Act, whichever is the sooner, unless an exemption applies; or

- (ii) in a case where an AID is lost or becomes detached from an animal in that facility, before the animal is moved from that location, fails to apply for a replacement device and or to reregister that animal as is required under this Act.
- (i) Fits an AID prescribed for one species or sub-group of species to an animal of another species or sub-group of species;
- (j) Unless an exemption applies, when an animal arrives at his facility without a LITS device, fails either to—
  - (i) return the animal to the owner who consigned the animal to his facility; or
  - (ii) fit a replacement device on the animal and reregister it in the manner and within the time specified under this Act.
- (k) In respect with AIDs-
  - (i) alters or defaces an AID which he continues to use on an animal;
  - (ii) unless the person is, or has been authorised by an inspector, officer or authorised person, removes a LITS device from a live animal without any replacement as is provided in this Act;
  - (iii) fits on an animal (whether dead or alive) a LITS device removed from another animal, whether dead or alive;
  - (iv) manufactures or supplies a device that does not comply with the requirement of this Act or regulations thereunder made, or standards issued under this Act, while purporting that it is an approved LITS device;
  - (v) without the prior written approval of the Minister or his authorised agent, sells or trades a LITS device supplied by a manufacturer or importer of LITS devices;
  - (vi) without the prior written approval of the Minister, reuses, sells, or trades a radio frequency identification device component extracted from a LITS device, or
  - (vii) uses a prohibited or unauthorized AID.
- (l) With fraudulent intent, tampers with any sample or material drawn or taken for analysis or further inspection pursuant to and for purposes of this Act;
- (m) Knowingly makes use of, maintains or issues any false or misleading statement whether orally or in writing, record, document, declaration, marking or label in connection with the registration or importation of an animal or an AID, or the processing, manufacture, mixing, compounding, inspection or sale of any LITS animal product; or



(n) Willfully withholds from an inspector, alters or defaces any certificate, record, letter of no objection, return, consent, approval or any document needed for the purposes of this Act, without any lawful excuse or authority.

(2) In consultation with the Authority and the state law office, the Minister may prescribe penalties for offences under this Article.

### **Article 47: Offences by corporations**

(1) Where any offence under this Act is committed by a company or other body corporate, every person or officer charged with, or concerned or acting or purporting to act in the control or management of the affairs or activities of such company or other body corporate, shall be guilty of that offence and liable to punishment accordingly.

(2) If an offence under this Act is committed by a body corporate, the penalty of a fine shall be preferred against the body corporate, but any penalty may be imposed in the case of an officer or individual agent of the body corporate who was in default.

### **Article 48: Regulations**

The Minister is hereby authorized, after hearing the views of industry stakeholders as circumstances may require, to make regulations necessary for the carrying out and giving full force and effect to the provisions of this Act and such regulations may provide for-

(a) The handling of recovered animals following a cattle rustling or any unusual occurrence in connection with the traceability of those animals to owners and the proper re-identification thereof in accordance with this Act;

(b) In collaboration with other regulatory agencies, the transportation of live animals or their products for purposes of enforcing the requirements of this Act;

(c) The enforcement of LITS requirements at the point of marketing of the animals whether internally or for export;

(d) Traceability and recall of any animal or animal products in commercial transacting for purposes of control and enforcement of public health and nutritional concerns;

(e) Development of national LITS standards for purposes of proper registration and identification of animals as well as choice of appropriate AIDs, transponders and other RFIDs (which must also be ICAR approved and conforming to relevant ISO standards), codes, branding and animal identification equipment and specifications;

(f) Welfare and ethical concerns applicable to animals in the course of the LITS process;

(g) Ways and means of engagement and collaboration with any neighbouring country in matters of LITS generally and specifically for matters relating to animal disease surveillance, control and management;

(h) Registration and licensing of owners or operators and farmers in general and the registration and licensing of any plant, machinery, facility, transportation and

transportation vehicles or anything requiring registration or licensing and the prescription of format of the registration forms, certificates, licenses, approvals, permits, letter of no objection, form, record, register or return to be kept or furnished or anything requiring prescription under this Act;

- (i) Procedures and other matters concerning complaints and dispute settlement under this Act;
- (j) Charging of fees or levies permitted under this Act;
- (k) Declaration of additional “**animals**” to which this Act may apply from time to time; or
- (l) Temporary detention of animals, animal product or equipment or tool used in the LITS for purposes of proper application and enforcement of this Act, and the restoration of the same to the owner as circumstances may require.

### **Article 49: Transitional arrangements**

The Minister shall take necessary measures to:

- (a) Ensure that this Act, to the extent and or manner of its domestication into the national corpus juris and the transition thereof into or the blending of the same with any existing form of LITS legal framework, is done in an efficient manner to facilitate a smooth transition and to avoid unwarranted disruption of the existing LITS effort or imposition of undue burden on any stakeholders; and
- (b) Observe and embrace the principles of adoption stipulated in the Second Schedule hereto for the sake of fulfilling regional LITS obligations.

### **FIRST SCHEDULE: APPROVED AIDs-[Article 27(2)]**

Pursuant to Article 27(2), the Minister may for the time being approve one or more of the following AIDs as national interests may dictate-

1. Hot iron branding,
2. Visual/Normal tamperproof (ear) tag,
3. Bar coded tamperproof tag,
4. RFID Tamperproof ear tag,
5. RFID Bolus,
6. Subcutaneous RFID implanted microchip, or
7. Traditional or customary markings.

## SECOND SCHEDULE: THE REGIONAL REQUIREMENTS FOR THE LITS INITIATIVE UNDER THIS ACT [Article 3(g)]

Pursuant to Article 3(g) the adoption of this model legal framework or its persuasion as a guide to crafting of a national LITS law is founded on the principle and or undertaking:

1. **THAT** the LITS legal framework herein contained shall be regarded as an integral part of the regional (IGAD) LITS initiative and is in turn anchored on the IGAD objectives as contained in the **IGAD Agreement** and, therefore, its adoption invokes the observance of IGAD member obligations under the **Agreement**; **AND**
2. **THAT** the adoption of the framework by any MS is based on the protocol and/or principle of “**comply or explain**;” **AND**
3. **THAT** despite principles (1) and (2), the framework is not an imposition but a negotiated template born out of consultations among and consensus building by MS to pursue a common regional LITS vision from national initiatives as building blocks for reasons of lifting the LITS platform regionally; **AND**
4. **THAT** ICPALD shall be accorded support to play a role in the LITS initiatives as is specified in the **Third Schedule**.

## THIRD SCHEDULE: ROLE OF ICPALD IN REGIONAL LITS INITIATIVE

### Role of ICPALD

1. On behalf of IGAD and in accordance with IGAD procedures, ICPALD shall host the regional LITS initiative and shall coordinate regional LITS programs.
2. ICPALD shall constitute a **Regional LITS Coordination Forum (hereafter the Forum)** which shall be ICPALD’s technical arm charged with the responsibility of coordinating the regional LITS programs.
3. The Forum shall, for the time being, comprise -
  - (a) a Coordinator designated by ICPALD for that purpose in accordance with IGAD procedures, who shall serve as chairperson of the Forum;
  - (b) a person representing IGAD Secretariat nominated in accordance with IGAD procedures;
  - (c) DVOs/CVOs of MS;
  - (d) a person representing AU-IBAR nominated by self;
  - (e) a person representing Development Partners nominated upon the advice of Director, ICPALD;
  - (f) two persons representing private sector stakeholders in the region nominated in accordance with IGAD procedures;

- (g) two persons, one representing regional bodies involved in trade and, another representing regional bodies involved in livestock development activities, nominated upon the advice of Director, ICPALD;
  - (h) one person representing IGAD's security agency;
  - (i) one person representing research organizations in the region nominated upon the advice of ICPALD Director; and
  - (j) one person representing Tanzania, or any other such non-member country, in observer status, with a right to speak but not vote.
4. ICPALD shall, in accordance with the procedures of IGAD, establish the procedures of constituting the Forum, determine the terms and conditions applicable to various memberships and stipulate procedures of meetings and business of the Forum.
5. Without prejudice to paragraphs 1 and 2, **responsibilities of the Forum** shall be to-
- (a) coordinate and harmonize national LITS initiatives for purposes of achieving regional LITS objectives and for that reason raise awareness on the importance of LITS in the IGAD region by, among other things, creating an understanding on the existing national and regional activities on LITS and AHC and sharing knowledge and development of various LITS initiatives amongst MS;
  - (b) advise, facilitate or otherwise assist MS in the design, improvement and general implementation of their LITS programs in the course of adopting and domesticating the legal framework contained in this template;
  - (c) assist the stakeholders (institutional/individual) to be mainstreamed smoothly into the national and regional LITS activities so as to articulate their interests and be part of the solution;
  - (d) propose recommendations to MS at technical and Ministerial levels;
  - (e) identify gaps and challenges related to capital resources, capacity building, institutional requirements and deficits and assist or advise MS as appropriate;
  - (f) build regional LITS database and assist MS to establish and efficiently manage their national databases for successful implementation of national LITS programs;
  - (g) facilitate visits and study tours by relevant staff of MS to countries who have successfully implemented LITS;
  - (h) fund-raise for LITS national projects;
  - (i) liaise with relevant international standards-setting organizations for purposes of promoting adherence to global LITS standards and best practices;
  - (j) carry out research, alone or in collaboration with any person or institution on matters of interest to regional LITS and exchange information on best practices and lessons learnt or derived therefrom for purposes of promoting empirically

justified LITS implementation processes in MS to, among other things, avoid duplication of effort and waste of scarce resources;

- (k) sign or enter into agreement with any other regional LITS for the benefit of the region; and
- (l) do any other thing that may be done for purposes of attaining all or any of the regional LITS interests and objectives.



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