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MANDERA COUNTY BILLS, 2025

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**THE MANDERA COUNTY ANIMAL WELFARE (AMENDMENT)
BILL, 2025**

A Bill for

**AN ACT of the County Assembly of Mandera to amend the Mandera
County Animal Welfare Act, No. 40 of 2014 (hereinafter referred
to as “*the Principal Act*”), and for connected purposes**

ENACTED by the County Assembly of Mandera, as follows—

Short title

1. This Act may be cited as the Mandera County Animal Welfare (Amendment) Act, 2025.

Amendment of section 2 of the Principal Act

2. Section 2 of the Principal Act is amended—

(a) by inserting the following new definitions in proper alphabetical sequence—

“commercial animal” means working equines such as Donkeys, Horses and mules which are not companion animals.

“owner” has the meaning assigned in section 2 of the Prevention of Cruelty to Animals Act, Cap. 360.

(b) in the definition of “livestock sales yard”, by inserting the words “donkey, mule” immediately before the word “horses” in sub-paragraph (a).

Insertion of New section 5A

3. The principal Act is amended by inserting the following new section immediately after section 5—

5A. (1) An owner or custodian of a donkey, mule, horse, or any other animal used for commercial purposes shall not, without reasonable cause, allow or permit such animal to draw a cart or vehicle loaded with goods exceeding a total weight of 1,000 kilograms.

(2) A person who contravenes sub-section (1) commits an offence and is liable, upon conviction, to imprisonment or a fine as specified under section 39(1) of the principal Act.

Section 39 of the principal Act is amended by appropriately inserting the following sub-sections

(1) No person shall obstruct or mislead an authorized officer under this Act.

(2) No person shall release or unlawfully possess a seized donkey, mule or horse.

(3) No person shall own or keep such animals without a valid license.

(4) No person shall dispose-off carcasses in public places, drains or sewers in a manner harmful to public health.

(5) A contravention of this Part constitutes an offence punishable under section 39 of the principal Act.

Insertion of New Part VA

4. The principal Act is amended by inserting the following new Part immediately after section 40.

PART VA—REGULATION OF DONKEYS, MULES AND HORSES AS COMMERCIAL ANIMALS AND THEIR OWNERS

41A. Registration of Donkeys, Mules and Horses

(1) The County Director of Livestock shall be the Licensing Officer for the purposes of this Part.

(2) The Licensing Officer shall keep and maintain a register of all donkeys, mules and horses, used for transport, entertainment, or other commercial purposes and their owners in the County.

(3) Records under sub-section (2) shall be open to public inspection.

(4) No person shall own, possess, or use a donkey, mule or horse for commercial purposes unless both the animal and the owner are registered in accordance with this Act.

(5) An application for registration shall be made in writing to the Licensing Officer in the prescribed form and shall be accompanied by the prescribed fee.

(6) Before registration, the Licensing Officer shall verify all particulars of the application and ensure that the animal is fit and suitable for the intended commercial use.

(7) No animal shall be registered unless its load capacity has been declared by the owner.

(8) Upon approval, the Licensing Officer shall assign the animal a registration number, which shall serve as its identification mark.

(9) The registration number/job tag shall be branded on every donkey, mule or horse registered for commercial purposes.

(10) The Licensing Officer shall issue to the owner a registration certificate, which shall serve as proof of registration and authority to use the animal for commercial purposes.

41B. Conditions for Licensing

(1) No person shall own or use a donkey, mule or horse for commercial purposes on a public road unless under the authority of a license issued under this Act.

(2) A person is eligible for licensing if—

- (a) he or she is above 18 years and holds valid identification documents;
- (b) he or she is a member of a cooperative society (Sacco) with proof of registration, management officials, and physical address;
- (c) he or she holds a valid Sacco certificate of registration;
- (d) he or she holds a license issued under this Act;
- (e) he or she is duly registered as a donkey, mule or horse owner;
- (f) he or she has not been prohibited from owning such animals under section 40 of the principal Act; and
- (g) the prescribed fee has been paid.

(3) An application for a license shall be submitted to the Licensing Officer in the prescribed form and accompanied by the prescribed fee and required documents.

(4) A license fee of Kenya Shillings Three Thousand (KSh. 3,000) shall be payable for each license.

(5) A license issued under this Act shall be valid for one year.

41C. Identification Plates

(1) Every donkey, mule or horse registered under this Act shall be fitted with prescribed identification plates bearing its registration number.

(2) Where such an animal ceases to be used for commercial purposes, the owner shall surrender its identification plates for cancellation.

(3) A person who fails to comply with this section commits an offence and is liable on conviction to the penalties under section 39 of the principal Act.

41D. Transfer of Ownership

(1) Ownership of a registered donkey, mule or horse may be transferred, provided the transfer is registered with the Licensing Officer.

(2) Both parties shall fill the prescribed form, submit documents and pay the fees payable.

(3) The transferee shall re-register the animal and be issued a new identification number.

(4) An unregistered transfer shall be void, and the previous owner shall remain responsible for the animal.

41E. Membership in Cooperative Societies

(1) A person owning or operating donkey, mule or horse for commercial purposes shall—

- (a) be a member of a registered Sacco under the Cooperative Societies Act; or
- (b) be a member of a duly recognized umbrella body regulating donkey, mule and horse owners.

(2) Each Sacco or umbrella body shall provide proof of membership to the Licensing Officer on request.

(3) Membership shall not be construed as forming or participating in a gang or cartel.

41 F. Welfare, Control and Use of Donkeys, Mules and Horses

(1) An owner shall not use an animal for transport if it exhibits any sign of ill health, including—

- (a) head pressing;
- (b) teeth grinding;
- (c) inability to stand;
- (d) weight shifting; or
- (e) reluctance to move.

(2) Carts drawn by animals shall be maintained in a condition that ensures balance and prevents injury.

(3) No animal shall be permitted to draw loads exceeding the prescribed load.

(4) Owners shall provide adequate feed and water appropriate to the animal's physiological and working needs.

(5) A person who contravenes this Part commits an offence.

(6) The Licensing Officer may—

- (a) require a person suspected of contravening this Act to provide identification;
- (b) seize and detain any donkey, mule or horse for investigation;
- (c) enter premises to prevent or end unnecessary suffering; and
- (d) require production of a valid license within seven days.

(7) The Licensing Officer may be accompanied by such other officers or equipment necessary for enforcement.

Section 41(1) of the principal Act is deleted and replaced with:

41G. Animal Control Committee

1. There is established an Animal Control Committee consisting of—

- (a) the County Executive Committee Member for Livestock who shall be the Chairperson;
- (b) County Chief Officer responsible for Livestock the County;
- (c) Chief Officer responsible for Finance;
- (d) the Chief Officer in-charge of Enforcement and Inspectorate Unit;
- (e) Chief Officer responsible for Urban Development;
- (f) the Chief Officer responsible for Trade;
- (g) the Chief Officer responsible for Public Health; and
- (h) the Licensing Officer who shall be the Secretary.

2. The Committee shall meet at least quarterly and the shall—

- (a) advice the County Executive Committee for Livestock concerning the administration of this Act;
- (b) advise on welfare policies;
- (c) approve seizure and destruction decisions;
- (d) set welfare management targets;
- (e) approve fee waivers; and

(f) hear appeals from dissatisfied owners.

3. The County Executive Committee Member responsible for Livestock shall make regulation for better carrying of this Act and submit to the County Assembly for approval.

**SCHEDULES
FORM 1**

LICENSE FOR DONKEY/MULE/HORSE

1. Name

2. Address.....

3. Full identification of donkey/mule/horse: Name

Identification Number (if available) Breed.....

Colour(s)

Age (at the time of application)

Sex.....

You are hereby licensed to keep the animal identified in (3) above at Ward
(name)..... Plot Number....., House number.....and street
name..... This license expires on

Application for renewal of license shall be made on or before

License fee paid KSh.

Licensing officer: Name SignatureDate.....

FORM 2**APPLICATION FOR LICENSE TO KEEP A DONKEY / MULE / HORSE****PART 1 (To be submitted in duplicate)**

1. Full Name (in block letters):
2. Postal Address: Tel. No.:
3. Physical Address of Dwelling Place where the donkey/mule/horse will be kept, including Ward, Plot Number, House Number, and Street Name:.....
4. **Application Type (tick or delete as appropriate):**
 - ☐ I hereby apply for a new license to keep a donkey/mule/horse at the premises described in (3) above.
 - ☐ I hereby apply for renewal of my license to keep a donkey/mule/horse.
 - ☐ I hereby apply for transfer of license.

5. Declaration:

I.....
declare that I hold Stable License No. of
 and that I am able to control the donkey/mule/horse so that it
 will not be harmful or injurious to human health, welfare, or safety, nor
 cause harm to any other animal.

Name.....Signature.....Date.....

PART II (To be completed by an Authorized Donkey Control Officer)

I,.....
 Kenya Veterinary Board Registration No.:,being an authorized
 Licensing Officer under the Mandera County Animal Welfare
 (Amendment) Act, 2025, certify that I have on 20..... inspected
 the dwelling place described in (3) above and I am satisfied that a
 donkey/mule/horse can be kept on the said premises without infringing its
 welfare, and without being harmful, injurious, or causing annoyance to
 any person, or harm to other animals.

- ☐ I recommend that a license be issued.
- ☐ I do not recommend that a license be issued.

Applicant's Details of Animal(s):

(a) Name:

(b) Identity Number (if available):

(c) Breed:

(d) Colour(s):

(e) Age:

(f) Sex:

Signed: Date:

Form 3

**FORMAT FOR REPORT OF INSPECTION OF DWELLING
PLACE OF AN APPLICANT FOR DONKEY/MULE/HORSE
LICENSE OR TRASFER OF LICENSE** *(to be completed in triplicate;
original to licensing officer, copy to applicant, book copy to be retained by
authorized officer)*

1. Name of Inspector(s)..... Date.....
2. Names of Respondent(s) during inspection.....
3. Findings of Inspection.....
4. Description of perimeter fence on the dwelling place.....
5. Is the perimeter fence animal-proof? ☐ Yes ☐ No
6. Does the applicant have a stable? ☐ Yes ☐ No
If Yes, is the stable licensed? ☐ Yes ☐ No License No.:
7. Describe the proposed disposal system for animal feces and other waste that may emanate from donkey keeping.....
8. Is the dwelling place situated in a flat or densely populated area? ☐ Yes If Yes, explain how the applicant proposes to prevent nuisance from noise
9. or other disturbances caused by the donkey/mule/horse:
.....

Conclusions from Inspection

Recommendations by Inspector

To the Applicant for Donkey/Mule/Horse License or Transfer of License:

.....

To the Licensing Officer:

Respondent's Signature: Date:

Inspector's Signature: Date:

Form 4

NOTIFICATION FORM FOR SEIZED DONKEY/MULE/HORSE

NOTICE FOR SEIZED DONKEY/MULE/HORSE

Pursuant to the powers bestowed by the Mandera County Animal Welfare Act 2014 and its amendment 2025, I, the undersigned authorized donkey/mule/Horse control officer, notify the occupant(s) of the premises detailed below that I have today at.....(state time) seized.....donkey/mule/Horse of identity.....and that I have taken the seized donkey/donkeys to the donkey pound situated at.....

The reason for the seizure is

House Number.....Plot Number..... Street Name.....

Authorized donkey control officer: Name.....

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

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Mandera County Animal Welfare Act, 2014, to provide a clear legal framework for the commercial use of donkeys, mules and horses. The Bill establishes regulations on registration, licensing, welfare, load limits, and cooperative membership to enhance accountability, animal welfare, and fair commercial practices.

By introducing limits on loading, mandating registration and identification, and requiring membership in recognized co-operatives, the Bill seeks to prevent exploitation, cruelty, and unregulated use of working animals in Mandera County.

Dated the 29th September, 2025

AHMED RASHID MOHAMMED,
Member of County Assembly.