

CHAPTER 360

THE PREVENTION OF CRUELTY TO ANIMALS ACT

SUBSIDIARY LEGISLATION

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**THE PREVENTION OF CRUELTY TO ANIMALS
(TRANSPORT OF ANIMALS) REGULATIONS**

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THE PREVENTION OF CRUELTY TO ANIMALS (TRANSPORT OF ANIMALS) REGULATIONS

[Legal Notice 119 of 1984]

1. Citation

These Regulations may be cited as the Prevention of Cruelty to Animals (Transport of Animals) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"attendant" includes the driver of a road vehicle, the guard of a train and a member of the crew of a vessel or aircraft appointed to act as an attendant;

"commander" means the member of the flight crew of an aircraft designated as a commander by the operator of that aircraft, or, where no designation has been made, the pilot in command of the aircraft;

"owner" includes a person having charge, custody or control of an animal;

"receptacle" means a crate, box or container used for the carriage of animals which is not an integral part of a vessel, aircraft or vehicle;

"transport" means to move by sea, air, road or rail, and an animal is being transported when it is waiting to be loaded or unloaded and when it is waiting, whether or not in the vessel, aircraft or vehicle, for the continuation of a journey;

"vehicle" means, in relation to the transport of animals by road, a vehicle, including a trailer, constructed or adopted for use on a road, whether drawn or propelled by animal or mechanical power, and, in relation to the transport of animals by rail, rolling stock of any description.

3. Loading of animals

(1) A person who loads an animal into or unloads an animal out of a vessel, aircraft or vehicle, or who causes or permits an animal to be so loaded or unloaded, in a way likely to cause injury or unnecessary suffering to the animal, shall be guilty of an offence.

(2) A person shall be guilty of an offence under paragraph (1) if the manner of loading makes it likely that, during the transportation of the animal, injury or unnecessary suffering will be caused to that animal.

4. Transport of animals

(1) A person who transports an animal by sea, air, road or rail, or who causes or permits an animal to be so transported, in a way likely to cause injury or unnecessary suffering to that animal, shall be guilty of an offence.

(2) Notwithstanding paragraph (1), a person shall be guilty of an offence where an animal is likely to be caused injury or unnecessary suffering—

- (a) by reason of inadequately constructed or insecure fittings in that part of the vessel, aircraft or vehicle, or in the receptacle in which the animal is transported;
- (b) by coming into contact with a fitting or other part of the vessel, aircraft or vehicle which has not been adequately padded or fenced-off, or with another obstruction;
- (c) from unnecessary exposure to the action of the weather or the sea;
- (d) from an inadequate supply of fresh air, whether the vessel, aircraft or vehicle is stationary or in motion; or

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- (e) from exposure to unnecessary fluctuations in or sustained high or low levels of temperature, humidity or air pressure, from unnecessary exposure to noise or vibration.

5. Care of animals during transport

(1) The owner or charterer of a vessel or the operator of an aircraft in which an animal is transported by sea or air, and the transported or other person in charge of an animal transported by road or rail, shall ensure that—

- (a) the animal is adequately fed and watered at suitable intervals during transport, including during a period in which the animal is waiting to be loaded or unloaded;
- (b) where necessary, an adequate supply of food and water appropriate to the species of that animal is available in the vessel, aircraft or vehicle;
- (c) an attendant who is responsible for feeding and watering of the animal as provided under subparagraph (a) and for the general care of the animal is available during transport; and
- (d) where necessary, suitable access is available to the animal for the purpose of feeding and watering and for otherwise attending to the needs of the animal.

(2) Subparagraphs (c) and (d) of paragraph (1) shall not apply where an animal is transported in the hold of an aircraft, but the operator shall ensure that the animal is adequately fed, watered and otherwise attended to whilst the aircraft is on the ground.

(3) A person who fails to comply with this Regulation shall be guilty of an offence.

6. Transport of unfit animals

A person who loads or transports an animal that is unfit or likely to give birth during transport, or who causes or permits the loading or transportation of such animal shall be guilty of an offence unless a veterinary surgeon or an authorized officer has given prior written authority for the loading or transport of that animal.

7. Transport of animals in receptacles

(1) Where an animal is transported in a receptacle, the consignor, carrier or owner shall ensure that the receptacle—

- (a) is soundly constructed in a manner which is not likely to cause injury to the animal transported therein, and is kept in a good state of repair;
- (b) is suitable for the species of animals transported therein;
- (c) is not overcrowded, and that the animal is accommodated in such a way as to avoid any risk of injury or unnecessary suffering;
- (d) has securely attached thereto a label or notice clearly indicating that the receptacle contains live animals, and stating the species of those animals; and
- (e) bears a sign indicating the upright position thereof.

(2) The transporter or other person in charge of an animal transported in a receptacle shall ensure that the receptacle—

- (a) is secured in a manner to prevent its displacement by the motion of the vessel, aircraft or vehicle; and
- (b) is so placed in the vessel, aircraft or vehicle as to permit—
 - (i) unimpeded access thereto; and
 - (ii) adequate ventilation thereof.

(3) The provisions of paragraph (2)(b)(i) shall not apply where the receptacle is carried in the hold of an aircraft.

(4) A person who fails to comply with this Regulation shall be guilty of an offence.

8. Accommodation of animals during transport

(1) The transporter or other person in charge of animals transported in vessel, aircraft or vehicle, or any pen therein, shall ensure that the animals are not overcrowded and are so accommodated as to avoid any risk of injury or unnecessary suffering.

(2) A person who fails to comply with this Regulation shall be guilty of an offence.

9. IATA Regulations

(1) Without prejudice to the generality of these Regulations, where an animal is transported into or out of Kenya by air, or where an aircraft transporting an animal lands in Kenya in transit, the loading and transport of that animal shall comply with the 10th edition of the International Airport Transport Association Live Animals Regulations published in January, 1983.

(2) A person who loads or transports, or causes or permits the loading or transport of an animal of an animal contrary to the provisions of paragraph (1) shall be guilty of an offence under these regulations.

(3) Where another edition of the International Air Transport Association Live Animals Regulations is published, the Cabinet Secretary may, by notice adopt that edition with any amendments specified in the notice, in place of the edition referred to in paragraph (1).

10. Penalty

A person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both.
