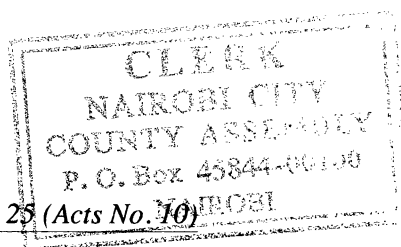


**SPECIAL ISSUE**

*Nairobi City County Gazette Supplement No. 25 (Acts No. 10)*



REPUBLIC OF KENYA

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**NAIROBI CITY COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2016**

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**NAIROBI, 22nd April, 2016**

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**THE NAIROBI CITY COUNTY DOG CONTROL AND WELFARE  
ACT, 2015**

**No. 10 of 2015**

*Date of Assent: 12th January, 2016*

*Date of Commencement: See Section 1*

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**THE NAIROBI CITY COUNTY DOG CONTROL  
AND WELFARE ACT, 2015**

**AN ACT of Nairobi City County Assembly to provide  
for the control and welfare of dogs within the  
County of Nairobi City and for connected  
purposes.**

**ENACTED** by Nairobi City County Assembly as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Nairobi City County Dogs Control and Welfare Act, 2015 and shall come into operation upon the expiry of ninety days from the date of its publication.

Short title and commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“authorized officer” means an officer appointed under section 22;

“dog pound” means the place where dogs seized under this Act are kept;

“licensing officer” means an officer of the relevant Department designated as a licensing officer for the purpose of this Act;

“Member of the County Executive Committee” means the Member of the County Executive Committee responsible for matters relating to dog control and welfare;

“owner” includes any person on whose premises a dog is found or whose premises a dog is known to frequent, unless such person can show that the dog is not his dog, and was on his premises without his consent.

“place” means any land or building or part of a building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building ;

“public place” means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house-gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass;

"recognized society" means—

- (a) the National Government or County Government as the case may be; or
- (b) any organization which the Member of the County Executive Committee may, with the prior approval of the County Assembly, declare, by notice in the Gazette, to be a recognized society for the purposes of this Act;

“relevant Department” means the Department of the County Executive for the time being responsible for matters relating to veterinary services;

“veterinary surgeon” has the meaning assigned to it by section 2 of the Veterinary Surgeons and Veterinary Para-professionals Act, 2011.

**3.** The object and purpose of this Act is to provide for the control and welfare of dogs within the precincts of Nairobi City County pursuant to Part II of the Fourth Schedule to the Constitution by—

Object and purposes of Act.

- (a) providing for a licensing regime for dogs;
- (b) providing standards of conduct in the habitation and handling of dogs by its owners;
- (c) prohibiting the unhygienic disposal of dog carcasses in public places, drains and sewers, for restoring and maintaining clean environment;
- (d) such other measures as outlined in this Act.

**4.** The provisions of this Act shall apply to the County of Nairobi City and shall be in addition to and not in derogation of the provisions of any national law on the subject, for the time being in force.

Application.

## **PART II—LICENSING OF DOGS**

**5. (1)** No person shall own or keep any dog within Nairobi City County unless such person is in possession of a licence for the dog issued under this Act.

Licence to own or keep a dog

**(2)** The provisions of subsection (1) shall not apply to a dog owned or kept by a recognized society

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6. (1) An application for a dog licence shall be made in such form as may be prescribed.

Application for  
licence.

(2) The application under subsection (1) shall be accompanied by—

- (a) the appropriate licence fee specified in the Schedule;
- (b) a valid certificate issued by a veterinary surgeon to the effect that the dog in respect of which the licence is applied has been inoculated against rabies

(3) Notwithstanding the provisions of subsection (2), no licence fee shall be payable in respect of an application for a licence for any dog kept by a disabled person or used for the purpose of guiding a disabled person.

7. (1) A licensing officer may, upon being satisfied that the applicant has complied with the requirements of section 6, issue a licence in such form as may be prescribed.

Issuance of a licence.

(2) A licence issued under subsection (1) shall—

- (a) be subject to such terms and conditions as may be specified in the licence;
- (b) be valid for one year and shall expire on 31st December of that year;
- (c) be valid only in respect of the dog for which it is issued;
- (d) be issued together with an identification tag to be displayed by the dog in accordance with section 8.

(3) A duplicate licence or identification tag may be issued upon—

- (a) proof that the original licence or identification tag has been lost; and
- (b) payment of the fee set out in the Schedule for each duplicate licence or identification tag.

(4) A licence issued under this section may be revoked by the licensing officer if the licensing officer is satisfied that—

- (a) the licence was obtained by fraud or misrepresentation or without fulfilling the provisions of this Act; or
- (b) the licence has breached the provisions of this Act or the conditions under which the licence was issued.

8. (1) The owner of a dog to whom a dog licence has been issued under the provisions of section 11 shall, at his own expense, cause such dog to wear at all reasonable times an identification tag collar on which shall be affixed—

Identification tag.

- (a) the licence label issued with such licence; and
- (b) the name and address of the keeper inscribed on it or on a plate or identification tag attached to it.

(2) An identification tag shall—

- (a) be of metal or plastic not less than 1.00mm in thickness and shall be of the prescribed shape, dimensions and colour in relation to the period during which a dog licence is issued.
- (b) bear a symbol or mark which denotes the County of Nairobi City as the issuing authority.

(3) An identification tag shall not be attached to a dog other than the dog in respect of which the relevant dog licence was issued.

9. (1) The Relevant Department shall keep a register of dog licences which shall contain such particulars as may be prescribed.

Register of dog licences

(2) The register may be kept in manual or computerized form capable of being reproduced in a legible form for inspection.

### PART III—DOG WELFARE

10. A person shall not keep a dog if his or her premises are not properly and adequately fenced to keep

Fencing of property.



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such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

**11.** (1) A person shall not leave a dog in premises where there is no responsible person unless—

Water, shelter and movement

- (a) it has access to drinking water;
- (b) has reasonable shelter against the sun and rain; and
- (c) is able to move freely.

(2) The Member of the County Executive Committee shall from time to time issue guidance as to the manner in which a dog whilst restrained by a chain or other means may be able to move freely.

(3) An owner of a dog or any other person who has the custody of a dog shall ensure that the welfare of the dog is safeguarded at all times in line with the recognized freedoms of animals and in accordance with section 3 of the Prevention of Cruelty to Animals Act.

**12.** A person shall not keep or leave a bitch on heat in any public place which will permit a male dog to approach it and no keeper of a bitch shall allow a male dog to approach it unless both the keeper of the bitch and the keeper of the dog desire the approach for the purpose of breeding.

Bitches on heat

**13.** A person shall not—

Other prohibitions.

- (a) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defense of such first-mentioned person or his or her property or of any other person;
- (b) take out a dog on a public place unless it is on a leash.
- (c) keep any dog which causes damage to public property;

- (d) keep any dog the faeces of which he or she fails to remove regularly and dispose of suitably;
- (e) keep any dog whose barking, yelping, howling or whining constitutes to a public nuisance;
- (f) keep any dog which causes a nuisance to inhabitants of the neighborhood by—
  - (i) having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
  - (ii) by misbehaving in any other manner;
- (g) permit any dog owned or kept by him or her—
  - (i) to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
  - (ii) which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control;
  - (iii) to trespass on private property;
  - (iv) to constitute a hazard to traffic using any public street;
  - (v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
  - (vi) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Council as a free running area;
- (h) provoke, harass or tease any dog.

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14. Any person who contravenes the provisions of this Part commits an offence.

Commission of offence

#### PART IV—DISPOSAL PROVISIONS

15. (1) No person, shall throw or cause to be thrown at any public place or in any place open to public view or in any drain, ventilation shaft, pipe and fittings connected with the private or public drainage works any dead carcass of a dog, which may—

Prohibition on disposal of dog carcass.

- (a) be dangerous or cause nuisance or be prejudicial to public health;
- (b) likely to be eaten by stray animals or used to misleadingly feed the public leading to serious health hazards; or
- (c) injure the proper functioning of the drainage and sewerage system or interfere with the free flow or affect the treatment and disposal of drain and sewer contents;

(2) If any person disposes any dog carcass in contravention of subsection (1), any person aggrieved of any such nuisance, may complain to the relevant Department in such manner as may be prescribed.

(3) A person who contravenes the provisions of subsection (1) commits an offence.

16. It shall be the duty of the relevant Department to establish a dog pound or other convenient place where dogs seized under the provisions of this Act may be detained.

Establishment of a dog pound.

(2) The relevant Department shall designate a suitable person to be the keeper of the dog pound.

17. (1) It shall be lawful for every authorised person to seize any dog not bearing a valid identification tag, and for such purpose to enter any private premises with the prior consent of the owner or occupier thereof if such person has reasonable cause to believe such dog to be trespassing or straying on such premises and every dog so seized shall be carefully conveyed to the dog pound within twelve hours of the seizure thereof and there be detained for a period of four days unless such dog shall be sooner claimed.

Seizure of unlicensed dogs

(2) Every person so seizing a dog shall place such notification as may be prescribed at the premises of the owner of the dog being seized, notifying the owner of the dog of the seizure.

(3) The owner of any dog so seized shall be entitled to have such dog restored to him on production of a valid licence and payment of a fee of two thousand shillings or, in the event that the dog was unlicensed during seizure, payment of a fee of five thousand shillings.

**18.** (1) It shall be lawful for every authorised officer to seize any dog whether wearing a valid identification tag or not, if such dog shall be found in any highway or other place of public resort between the hours of ten o'clock in the night and six o'clock in the morning unattended by the owner or the owner's servant or agent, and every dog so seized shall be carefully conveyed to the dog pound within twelve hours of the seizure thereof and there be detained for a period of four days unless such dog shall be sooner claimed.

Seizure of  
licensed and  
unlicensed dogs

(2) Every authorised officer seizing a dog shall, within twelve hours of the seizure, notify the fact to the keeper of the dog pound.

(3) The owner of any dog seized shall be entitled to have the dog back upon the production of the licence therefor and upon payment of a fee of two thousand shillings in the case of a dog and two thousand shillings in the case of a bitch.

(4) Where the owner of a bitch produces a certificate from a veterinarian showing that the bitch has been spayed a fee of five hundred shillings shall be paid.

**19.** (1) When no application is made for the delivery up of any dog seized under the provisions of section 17 or 18 of this Act, or when the licence for such dog has not been produced, or when the expenses of its capture have not been paid within four days from the time of its seizure, it shall be the duty of the keeper of the dog pound to report such matter to the relevant Department, who may, by order in writing, direct that such dog be destroyed.

Destruction of  
unclaimed dogs.

(2) Where any dog not wearing a valid identification tag seized under the provisions of section 17 or 18 of this Act appears to the keeper of the dog pound to be suffering