

**SPECIAL ISSUE**

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**REPUBLIC OF KENYA**  
***KENYA GAZETTE SUPPLEMENT***

***GARISSA COUNTY ASSEMBLY BILLS 2024***

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**NAIROBI, 16th September, 2024**

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**GARISSA LIVESTOCK MARKETING BILL, 2024**

**A BILL for**

**AN ACT** of the County Assembly of Garissa to provide for the sale and marketing of livestock and livestock products, including the management of marketing facilities and connected purposes within the livestock markets.

Enacted as follows:

**PART I – PRELIMINARY**

**1. Short Title and Commencement**

This Act shall be cited as the Garissa Livestock Marketing Act 2023.

**2. Interpretation**

In this Act, unless the context otherwise permits:

“**board**” means the Garissa County Livestock Marketing Board established in section 4 of this Act;

“**Community Group**” means a Community Group registered in Garissa County in accordance with the Community Groups Registration Act, 2022.

“**Community Participation Method**” has the meaning assigned to it under the to Section 92 (m) of the Public Procurement and Asset Disposal Act 2015 read together with Public Procurement and Asset Disposal Regulations, 2020,

[Public Procurement and Asset Disposal Act 2015]

“**county**” means Garissa County;

“**County executive member**” means the County Executive Committee Member in charge of matters relating livestock and animal husbandry in the County, appointed in accordance with section 35 of the County Governments Act 2012;

[County Governments Act 2012]

“**Cooperative Society**” has the meaning assigned to it under the Cooperative Societies Act,

[Cooperative Societies Act]

**“County Public Service Board”** has the meaning assigned to it under the County Governments Act 2012;

**“County Treasury”** means the County Executive Member for the time being in charge of Finance in the County

**“department”** means the department within the County dealing with matters relevant to livestock and animal husbandry in the County;

**“Livestock Market Manager”** means the Livestock Market Manager of the Board appointed in accordance with section 12 of this Act;

**“Governor”** means the Governor of Garissa County;

**“Market facilities”** means infrastructure developed by the County for purposes of selling of livestock and for value addition to livestock and livestock products, and includes County livestock sale yards, tannery, slaughterhouses and abattoirs;

**“Livestock Market Associations”** means a community-based organization formed in accordance with section 19 of this Act;

**“Public Private Partnership”** has the meaning assigned to it under the Public Private Partnerships Act 2013;

[Public Private Partnerships Act 2013]

**“Public Service”** means employment in a state office or public office including a Constitutional Commission, State Owned Agency, Public Service Commission, County Public Service Board or Teachers Service Commission;

**“Revenue”** means revenue collected for the use of Market Facilities but excludes regulatory fees such as license and permit fees.

**“Sub-County”** has the meaning assigned to it under the County Governments Act 2012

### **3. Objects of the Bill**

The objects of this act are:

- (a) Promote and coordinate the participation of the local communities in the County in local level governance in accordance with Schedule IV of the Constitution of Kenya.

- (b) Facilitate proper management of livestock and livestock products marketing facilities within the County.
- (c) Coordinate market information intelligence amongst stakeholders in the livestock production value chain in the County.
- (d) Improve revenue collection and management for livestock marketing facilities.
- (e) Marketing and promotion of livestock and livestock products within the County.

## **PART II – ADMINISTRATION**

### **4. Establishment of public livestock sale yards**

- (1) The Department shall establish at least one public livestock sale yard in each sub-county.
- (2) The Department shall establish rules for the establishment of livestock sale yards in the County.
- (3) The department shall develop rules for the establishment and operation of private livestock marketing facilities.

### **5. Establishment of the board**

- (1) There is established the Garissa County Livestock Marketing Board.
- (2) The Board shall be body corporate and shall in its corporate name be able to:-
  - (a) sue and be sued;
  - (b) take, purchase or otherwise acquire, hold, charge or dispose of movable and immovable property;
  - (c) Enter into contracts with any party for in line with their mandate;
  - (d) Borrow and lend moneys subject to the checks and balances for the time being in place and proper financial prudence; and

- (e) do or perform all other acts or things for the proper performance of its functions under this Act which may lawfully be done or d by a body corporate.

## **6. Functions of the Board**

The Functions of the Board shall be to –

- (1) Ensure proper management of Market Facilities including:
- (2) routine maintenance of Market Facilities
- (3) Provision of security for Market Facilities,
- (4) Engage public and private persons in the management of Market Facilities.
- (5) Collect revenue from Market Facilities,
- (6) Build the capacity of Livestock Market Associations and related actors in the livestock value chain,
- (7) Coordinate relevant stakeholders to address matters concerning livestock marketing,
- (8) Facilitate access to market information systems to ensure fair trade in livestock and livestock products,
- (9) Coordinate and facilitate collective action by livestock value chain actors in the County; and
- (10) Facilitate access to international markets for livestock and livestock products in consultation with relevant National Government agencies.
- (11) Marketing of products including brand development for local breeds
- (12) Regulate contracts for bulk supply of livestock.

## **7. Powers of the Board**

- (1) The Board shall have the power to do all the things necessary for the performance of its functions under this Act or any other written law.
- (2) Despite the generality of subsection (1), the Board shall have the power to—
  - (a) Engage Livestock Market Associations in the management of Livestock Markets through:
    - (i) Public Private Partnerships; or



(ii) Community Participation Method of Procurement

- (b) Manage and maintain Livestock Market Facilities;
- (c) Receive or administer funds donated or entrusted to the Board for purposes for the furtherance of its objectives.
- (d) Partner with the public and private sector to build the capacity of the Livestock Marketing Associations and relevant traders.
- (e) Partner with the private and public sector to establish, implement and monitor projects relevant to Livestock Marketing.
- (f) Facilitate policy dialogue on livestock marketing amongst relevant stakeholders and generate policy proposals.
- (g) Advise the County Executive Member on matters relating to livestock marketing in the County.
- (h) Open and maintain bank accounts in furtherance of the Board's mandate; and
- (i) Develop procedures and rules to be followed in Market Facilities.
- (j) Appoint Livestock market monitors for purposes of managing Market Information Systems

**8. Yearly Development and Budgetary Plan**

The Board shall submit its yearly development and budgetary plan to the County Executive Member for incorporation into the County Integrated Development Plan at the beginning of the financial year in accordance with existing procedures.

**9. Membership of the Board**

- (1) The County Executive Member shall appoint the following members to the Board-;
  - (a) A non-executive Board Member who shall be the Chairperson of the Board and appointed in line with Section 10 below
  - (b) The Director in charge of matters relating to livestock production in the County, or a representative nominated in writing,.

- (c) The Director of Veterinary Services in the County;
  - (d) The Director in charge of matters relating to Revenue in the County, or a representative nominated in writing;
  - (e) The Director in charge of matters relating to Trade in the County, or a representative nominated in writing;
  - (f) The Director in charge of Urban planning in the County, or a representative nominated in writing;
  - (g) ~~The Director in charge of Public health, in the County, or a representative nominated in writing;~~
  - (h) Two persons appointed by the County Executive Member, each to represent the following interests:
    - (i) One person representing women and the youth;
    - (ii) One person representing persons with disabilities.
  - (i) One person nominated by an umbrella body in the County, that has been in existence for more than five years, representing Livestock Marketing Associations or a Livestock Marketing Cooperative Union in the County; and
  - (j) The Livestock Market Manager who shall be the secretary of the Board.
- (2) A member of the Board shall be paid such allowances as the Salaries and Remuneration Commission and the State Corporations Advisory Committee shall determine.
- (3) A member of the board appointed under subsection (1), h and shall serve for a term of three years and may be eligible for appointment for a second and last term.
- (4) A person is eligible for appointment under subsection (1) g if that person
- (a) Is a resident of the County;

- (b) Has a degree from a recognized University in Kenya, and at has at least 5 years post qualification experience; or
  - (c) Has a Diploma from an institution recognized in Kenya and at least fifteen years post qualification experience; and
  - (d) Satisfies the requirements of Chapter 6 of the Constitution of Kenya.
- (5) The appointment of persons under subsection 1 (i) shall be guided by the following principles:
- (a) County regional balance, with due regard to the demographic and geographic realities in the County is observed; and
  - (b) rotational representation within the respective sub-counties.
- (6) A member of the Board shall serve on a part-time basis.

#### **10. Eligibility for Appointment as a Chairperson of the Board**

- (1) A person is eligible for appointment as the Chairperson of the Board if that person
- (a) Holds a diploma in animal sciences and or any relevant degree from a recognized university in Kenya;
  - (b) Has proven business management or other relevant professional management experience ;
  - (c) Has served in a position of senior management for a period of at least six years;
  - (d) Has not served in the same entity as an employee in the preceding five years;
  - (e) Meets the requirement of chapter six of the Constitution; and
  - (f) Meets the requirements of the fit and proper test

#### **11. Appointment of the Livestock Market Manager**

- (1) There shall be a Livestock Market Manager who shall oversee the daily operations of the Board.

- (2) The County Executive Member may, in consultation with the Board second staff from the Department who meet the requirements in subsection (4) below to fill the position of Livestock Market Manager.
- (3) Where the County Executive Member is unable to appoint a Livestock Market Manager under subsection (2) above, the County Public Service Board may, in consultation with the Board, competitively recruit a Livestock Market Manager.
- (4) A person is qualified to be appointed as a Livestock Market Manager if that Person:
  - (a) Has a bachelor's degree in animal sciences or a marketing related course from a University recognized in Kenya;
  - (b) Has held a management position in the Public Service for at least five years;
  - (c) Has not attained retirement age;
  - (d) has not been convicted of any criminal offence;
  - (e) has not been otherwise dismissed from an office in the Public Service; and
  - (f) is not undischarged bankrupt.

## **12. Functions of the Livestock Market Manager**

- (1) The Livestock Market Manager shall be the Chief Executive and accounting officer of the Board;
- (2) The Livestock Market Manager shall ensure that the resources of the Board are prudently utilized.
- (3) The Livestock Market Manager shall oversee the daily running of livestock Market Facilities, and shall:
  - (a) Collect all revenues resulting from the use of Market Facilities
  - (b) Ensure proper management Market Facilities developed by the County

- (c) Coordinate relevant stakeholders in the various Market Facilities
- (d) Manage maintenance Public Private Partnership Contracts for service with Livestock Marketing Association;
- (e) Liaise with the County Treasury and the National Treasury to set up a Public Private Partnership framework for managing Market Facilities;
- (f) Facilitate the collection of market data and the regular updating of the same in the County Livestock Marketing Information Systems;
- (g) Ensure that Market Facilities is properly maintained;
- (h) Promote and operationalize livestock auctions; and
- (i) Any other duty in furtherance of the objectives of this Act.

**13. Term of office**

A Livestock Market Manager shall serve for a contract term of three years, that may be renewed for a final contract term of 3 years subject to performance.

**14. Vacancy in the office of the Livestock Market Manager/manager**

The office of the Livestock Market Manager shall become vacant if that person:

- (1) dies;
- (2) resigns from office by notice in writing addressed to the County Public Service Board;
- (3) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (4) contract term lapses;
- (5) or
- (6) is removed from office for any of the following grounds —
  - (a) violation of the Constitution or any other written law;
  - (b) gross misconduct or misbehavior;
  - (c) inability to perform functions of the office arising out of physical or mental infirmity;

(d) incompetence or neglect of duty; or

(e) Bankruptcy

### **15. Committees of the Board**

(1) The Board may from time to time establish committees for the better carrying out of its functions, which committees may include but are not limited to:

(a) A finance committee;

(b) An audit committee;

(c) A human resource committee; and

(d) An operations committee

(2) The Board may co-opt into the membership of committees established

(3) under subsection (1) a person whose knowledge and skills are necessary for the functions of the Board

(4) The Board may by resolution either generally or in any case delegate to any committee of the Board the exercise of any of the powers, functions or duties of the Board.

### **16. Vacancy in the Board**

(1) The office of a nominated member of the board shall become vacant if that person:

(a) dies;

(b) resigns from office by notice in writing addressed to the County Executive Member;

(c) is convicted of a criminal offence and sentenced to a term of imprisonment;

(d) term of office expires;

(e) is absent from three consecutive meetings of the Board without good cause; or

(f) is removed from office by the County Executive Member on any of the following grounds —

- (iii) violation of the Constitution or any other written law;
- (iv) gross misconduct or misbehavior;
- (v) inability to perform functions of the office arising out of physical or mental infirmity;
- (vi) incompetence or neglect of duty; or
- (vii) Bankruptcy.

- (2) This part shall apply to the Chairperson of the Board and persons appointed under section 9 (g) and (h).

**17. Conduct of the Affairs of the Board**

- (1) The business and affairs of the Board shall be conducted in accordance with the First Schedule.
- (2) Except as provided for in this Act, the Board shall regulate its own procedure.
- (3) The Board may permit any other person to attend its meetings and participate in deliberations, but that person shall not participate in the making of any of its decisions

**18. Staff of the Board**

- (1) The County Public Service Board in Consultation with the County Executive Member shall develop a Staff Establishment for the Board.
- (2) The County Public Service Board shall, in consultation with the Board, second staff from the County Public Service.
- (3) The County Public Service Board may with the approval of the Board recruit, where it is unable to sufficiently staff the Board under subsection (2) above.

**19. Remuneration of the Livestock Market Manager and Staff of the Board**

The County Public Service Board in consultation with the Salaries Remuneration Commission and the State Corporations Advisory Committee determine the salary of the Livestock Market Manager and the staff of the Board.

**20. Compliance Officers**

- (1) The Board may appoint Compliance Officers to enforce the provisions of this Act.

- (2) Compliance officers shall have power exact fines and penalties for persons acting contrary to any Rules, Procedures or Directions of the Board within Market Facilities.

### **PART III – SALE AND MARKETING OF LIVESTOCK AND LIVESTOCK PRODUCTS**

#### **21. Livestock Trading License**

- (1) A person who trades in livestock shall obtain a license from the Board
- (2) The Board shall prescribe the terms and conditions for issuing a livestock trading license.
- (3) A license issued under this section shall be valid for a period of one year.
- (4) Nothing in this section shall prohibit the purchase of stock by pastoralists for purposes of restocking.

#### **22. Sale in designated Market Facilities**

- (1) Livestock and livestock products shall be offered and displayed for sale in the County within designated Market Facilities.
- (2) Subsection (1) does not prohibit farm gate sales of livestock by an individual owner at that individual's usual residence.
- (3) Where there is no builtup market facility within an area, a place designated as a livestock market by the County shall be deemed to be a market facility.
- (4) A person who undertakes bulk purchase of livestock in the County shall obtain a bulk license from the Board

#### **23. Registration of Livestock Marketing Associations**

- (1) Persons who produces or trade in livestock and livestock products may form Livestock Marketing Associations.
- (2) A Livestock Marketing Association may be registered as:
  - (a) A Cooperative Society, or
  - (b) A Community Organization registered under the Community Organizations Act 2022.
- (3) Livestock Market Associations shall only have natural persons as members,



- (4) The Livestock Market Manager shall keep a register of Livestock Marketing Associations in the County, that meet the criteria under this Act.
- (5) The County Executive Member shall develop guidelines for the working and management of Livestock Marketing Associations.

**24. Animal health and welfare**

- (1) The users of Market Facilities shall adhere to all relevant laws and procedures pertaining to Animal Health, Veterinary Public Health and Animal Welfare.
- (2) The users of Market Facilities shall grant lawful access to persons having the legal authority to enforce matters regarding to Animal Health, Veterinary Public Health and Animal Welfare.

**25. Condition of animals**

- (1) A person shall not trade in or present an animal for sale in a livestock market, when there is sufficient reason to suspect that the animal is sick or injured.
- (2) A livestock trader who engages in the sale of sick or injured animals shall have their license revoked for a period of one year.

**26. Fair Trade**

- (1) The County Executive may issue guidelines on market practice to promote fair trade practices within Market Facilities
- (2) Guidelines issued under this section shall include the promotion of access to relevant market information.

**27. Reports**

- (a) The Board shall publish quarterly reports on the statistics and relevant information regarding the activities of Market Facilities in the County.
- (b) The information published by the Board may include:
  - (c) Quantities and types of livestock traded in the Market Facilities;
  - (d) disease surveillance reports; and
  - (e) Price trends for livestock and livestock products.
- (3) The Board shall prepare yearly reports to be submitted to the County Executive Member for sharing with the County Assembly.

**PART IV – MARKET MANAGEMENT**

**28. Public Private Partnerships**

- (1) The Board may engage private entities through public private partnerships for the management of Public Livestock Markets
- (2) The engagement under subsection (1) shall be through a duly executed contract for service for a period of two years, which may be renewed subject to performance
- (3) The County Treasury in consultation with the County Executive Member shall prescribe management fees for services offered.
- (4) This section shall only apply to Livestock Market Associations that are registered as Cooperatives and shall be governed by the Public Private Partnerships Act

**29. Community Participation**

- (1) The Board may engage Livestock Market Associations to provide market maintenance and management services using the Community Participation in the public livestock markets
- (2) This section shall apply to Livestock Market Association that are registered as Community Based Organizations.

**PART V - FINANCIAL PROVISIONS**

**30. Funds of the Board**

- (1) The funds of the Board shall consist of:
  - (a) monies appropriated by the County Assembly for the purposes of the Board;
  - (b) revenue collected from the use of and activities in Market Facilities;
  - (c) Grants, donations or gifts to the Board;
  - (d) monies and assets lawfully donated to the Board; and
  - (e) Any monies accruing to the Board from any other source

- (2) The funds of the Board shall be used in the maintenance of Market Facilities...basic improvements
- (3) Any surplus arising from the activities of the Board shall be paid to the County Revenue Fund.
- (4) Without prejudice to subsection (3), the County Executive Member in charge of Finance may in consultation with the County Executive member determine a percentage of the revenue collected from the Market Facilities that may be regularly paid to the County Revenue Fund.

**31. Accounts and Audit**

- (1) The books and records of accounts of the income, expenditure, assets and liabilities of the Board shall be kept and maintained in accordance with the Public Finance Management Act (No. 18 of 2012).
- (2) The accounts of the Board shall be audited and reported in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act (No. 34 of 2015)

**PART V - MISCELLANEOUS PROVISIONS**

**32. Offence and Penalties**

- (1) A person who contravenes any provision of this Act, including failing to obey directives and guidelines issued under this Act commits an offence.
- (2) A person who commits an offence shall upon conviction be liable to a fine not exceeding one hundred thousand Kenya Shillings, or to community service, or both.
- (3) Fines collected under this Act shall be paid to the Board.
- (4) A Compliance Officer may detain livestock and livestock products where a person commits and offence and is liable to pay a fine.
- (5) The County Executive shall prescribe regulations for the better administration of this part.

**33. Protection from Personal Liability**

Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done

by him or her under the direction of the Board, shall, if the Court holds that such act was done bona fide, be paid out of the funds of the Board, unless such expenses are recovered by him or her in such suit or prosecution

**34. Liability for damages**

The provisions of Section 26 (Financial provisions) shall not relive the Board of the liability to pay compensation or damages to any person or any injury to him or her, his or her property or any of his or her interests caused by this Act or any other written law

**35. Transition**

- (1) Any person, being an employee of the County Government, and designated to work within Market Facilities before the commencement of this Act shall upon commencement be deemed to be seconded as staff of the Board.
- (2) Persons in subsection (1) above, may be given an option to elect to become staff of the Board or be retained by the County Public Service Board.

**36. Power to make Regulations**

The County Executive Member may develop regulations to facilitate the objectives of this Act

**FIRST SCHEDULE**

[Section 17]

Conduct of the business and affairs of the Board

- (1) The Board shall meet at least once in every four months in any financial year for the dispatch of its business
- (2) A meeting of the Board shall be held on such date and time as the Board may determine.
- (3) The Chairperson shall, on the written application of at least one-third of the members of the Board, convene a special meeting of the Board.
- (4) Unless a majority of the members of the Board otherwise agree, at least fourteen days' notice shall be given to each member of the Board in relation to the convening of a meeting of the Board.
- (5) The quorum for the conduct of business at a meeting of the Board shall be five members
- (6) Despite the provisions of paragraph 5, a meeting of the Board shall not be invalid merely because of a vacancy among the members of the Board.
- (7) The decisions of the Board shall be by concurrence of the members present but where concurrence is not achieved, decisions shall be by a majority of the members present and voting.
- (8) All instruments made by, and decisions of, the Board shall be signified in writing under the hand of the Chairperson and Secretary save as may be provided for in any other written law.
- (9) The Board may co-opt any person to attend and deliberate at its meetings if that person's knowledge or skills are necessary for the purposes of this Act.
- (10) A person who has been co-opted to attend and deliberate at a meeting of the Board shall not have a right to vote at the meeting.
- (11) The Board shall cause the minutes of its meetings to be entered in books kept and maintained for that purpose.
- (12) If a person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter

the person, the person's spouse or the person's immediate relative or associate is directly or indirectly interested in a private capacity, the person shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not take part in any consideration or discussion, or vote on any question touching on such matter unless the Board determines otherwise.

- (13) A disclosure of interest made under paragraph 12 shall be recorded in the minutes of the meeting at which it is made.

**MEMORANDUM OF OBJECTS**

The Bill seeks to give effect to provide for the promotion of livestock trade and markets in the County. It seeks to implement the functions of the County Government in relation to Livestock and specifically the livestock trade and markets

PART—I of the Bill provides for preliminary provisions of the Bill including the short title, interpretation, application of the Act and the objects of the Act.

PART—II of the Bill deals with the administrative structures including establishment of Garissa Livestock Marketing Bill, Functions of the Committee Board, functions of the Livestock Market Manager and appointment of Compliance Officers..

PART—III of the Bill provides for the application and issuance of a License, **the objection**, suspension and revocation of a License, registration of a Livestock Trader and additionally the obligations of Livestock Trader.

PART—IV of the bill provides for the arrangements for managing livestock markets.

PART – V of the Bill deals with Finance provisions. Establishment of a Fund and the Administration of the Fund.

PART—VI of the Bill is on general provisions where General Penalties and Regulations to enhance implementation of the Act are provided for.

The enactment of this Bill will occasion additional expenditure of public funds to be provided for through the annual estimates.

**STATEMENT ON CONSTITUTIONALITY AND CONFLICT OF LAWS**

The Bill does not contravene any of the provisions of the Constitution and is not ultra vires to any of the provisions of any national law relating to Livestock.

In case of any conflict between the Bill and any National laws, the provisions of Article 191 of the Constitution shall take effect.

**Hon. Abdi Muhiyadin Abdi**  
**Chairperson, Agriculture, Livestock and**  
**Pastoral Economy Committee.**

