

LEGAL NOTICE NO.....

THE PRIVATE SECURITY REGULATION ACT

(No. 13 of 2016)

PRIVATE SECURITY (USE OF ANIMALS IN PRIVATE SECURITY SERVICES)

REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulation

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PRIVATE SECURITY REGULATION ACT

(No. 13 of 2016)

IN EXERCISE of the powers conferred by section 52(3) of the Private Security Regulation Act, 2016 the Cabinet Secretary for Interior and National Administration makes the following Regulations —

PRIVATE SECURITY (USE OF ANIMALS IN PRIVATE SECURITY SERVICES) REGULATIONS, 2024

Citation.	1. These Regulations may be cited as the Private Security (Use of Animals in Private Security Services) Regulations, 2024
Interpretation. No. 13 of 2016	2. In these Regulations, unless the context otherwise requires — “Act” means the Private Security Regulation Act, 2016; “Animal for security” includes dog species of any kind, horses, pouched rats, or any other animal that the Cabinet Secretary may declare to be an animal for security, by notice in the gazette. “Authority” means the Private Security Regulatory Authority established under section 7 of the Act; “animal protection” includes behaviours and actions aimed at keeping an animal healthy, sufficiently nourished, safe, and avoidance of any form of suffering; “animal welfare” means the state of the animal and how it is coping with the conditions in which it lives, including good health, comfort, sufficient nourishment, safety, and freedom from suffering from unpleasant states such as pain, fear or distress; “cruelty” means any deliberate act or omission that results in a compromised welfare 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;

	<p>“sentience” means the capacity of an animal to experience suffering and pleasure including pain and positive emotions with a level of conscious awareness</p> <p>“transport” means to move an animal by sea, air, road, rail or on hoof and includes where an animal is being transported when awaiting to be loaded or unloaded, when being loaded or unloaded and when awaiting, whether or not in the vessel, aircraft or vehicle, for the continuation of a journey;</p> <p>“unbroken” refers to a horse that has not been trained for riding and is therefore unsafe to ride;</p> <p>“vehicle” in relation to the transport of animals by road includes 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, includes rolling stock of any description;</p> <p>“working animal” means any animal that is used to provide security services and includes but is not limited to dogs, horses, and pouched rats.</p>
<p>Application.</p>	<p>3. These Regulations shall apply to the protection and welfare of animals with regard to—</p> <ul style="list-style-type: none"> (a) the use of animals in the provision of private security services; (b) the care of animals in the provision of private security services; (c) the training, registration, use, treatment, transportation and general care of animals used by private security service providers and (d) persons who employ private security officers that handle animals, or in connection with rendering a security service; and (e) any other relevant matter to give full effect to this section
<p>Use of animals in the provision of private security services;</p>	<p>4.(1) A private Security service provider may for the purpose of providing security employ the use of a domestic animal to enhance the services.</p> <p>(2) Where a private security provider uses an animal for any services, the use of the animal shall be as provided under these Regulations, the Act and any other written law.</p>

<p>Purposes for which an animal may be used by private security providers.</p>	<p>5. (1) A private Security service provider may use an animal in private security services for—</p> <ul style="list-style-type: none">(a) detection purposes;(b) control of crowds;(c) patrol and pursuit;(d) protection and guarding;(e) demonstration parades. <p>(2) A private security service provider shall not use an animal for the purposes of security work if the animal—</p> <ul style="list-style-type: none">(a) has been trained to kill or seriously injure people and other animals; or(b) has been diagnosed with an illness of any kind.
<p>Care and use of an animal for security purposes..</p>	<p>6. (1) A person who is a custodian of an animal that is to be used for security services shall—</p> <ul style="list-style-type: none">(a) treat the animal with respect and dignity;(b) be accountable for an act done by the animal;(c) provide the animal with sufficient water, feed, veterinary care and space;(d) not subject or cause the animal to be subjected to any form of fear, pain, stress or suffering;(e) provide an environment that is appropriate to the care and use of the animal considering specific biological behaviour of the species-;(f) transport the animal in a manner that does not subject the animal to injury, pain or anxiety;(g) use the animal in a marching parade, work, sport, transport, security or in a manner that does not subject the animal to pain, anxiety or exhaustion; and(h) provide veterinary care for the animal.

	<p>(2) Where an injury or damage is occasioned by an animal used for security purposes, and the victim is not a trespasser, the custodian of the animal commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand or to imprisonment for a term not exceeding three months, or both.</p>
<p>Confinement of an animal for security purposes</p>	<p>7. A private security provider who confines an animal for security purposes shall—</p> <ul style="list-style-type: none"> (a) provide an animal with feed, water, space, access to sunshine, air and shelter that is sufficient; and (b) confine an animal in a manner that allows an animal to express natural behaviour.
<p>Security Animal accommodation.</p>	<p>8. Where a private security provider keeps an animal in a structure after the provision of security services, the custodian shall ensure that the structure—</p> <ul style="list-style-type: none"> (a) allows the animal sufficient space to stand, turn around, stretch, sit, or lie down comfortably; (b) has sufficient space for the animal to move and engage in natural behaviour; (c) allows the animal to interact with another animal that is compatible; (d) enables appropriate management of bedding; (e) enables provision of suitable enrichment; (f) is stocked with a design of animal accommodation that-- <ul style="list-style-type: none"> (i) prevents excessive temperature and humidity; (ii) prevents competition, stress and aggression among animals and assures behaviour that is abnormal; and (iii) enables efficient and regular management of waste.

<p>Prohibition of cruelty to animals that provide security services</p>	<p>9.(1) A private security provider who uses an animal for security purposes shall ensure that the handler of the animal does not—</p> <ul style="list-style-type: none">(a) beat, kick, mistreat, over-ride, over-drive, over-load or in any manner mishandle or treat the animal in a manner that is cruel or tortures to the animal;(b) use an animal which is diseased, injured or in such physical condition that it is unfit to be used for security purposes;(c) convey, carry, confine or impound an animal in a manner that causes the animal suffering that is unnecessary;(d) starve, underfeed or deny water to an animal;(e) being the owner or custodian of an animal, without reasonable cause or excuse, abandons it, in a manner that causes an animal suffering that is unnecessary;(f) being the owner of an animal, keep it in a grossly dirty or verminous condition;(g) being the owner of an animal, without reasonable cause or excuse, fail to procure or administer veterinary treatment or attention for the animal in case of disease, injury or delivery of young;(h) wilfully, without reasonable cause or excuse, administers a substance that injures an animal;(i) subjects an animal to a veterinary or medical procedure that causes an animal suffering that is unnecessary; or(l) being the owner of an animal, without reasonable cause or excuse, do or omit to do an act which causes unnecessary suffering to the animal, <p>(2) A person who contravenes sub regulation (1) commits an offence and is liable on conviction to a fine not exceeding three hundred thousand for a</p>
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	<p>natural person or imprisonment for a term not exceeding three years, or both.</p> <p>(3) Where the offence under this Regulation is committed by a juristic person, the private security provider shall be liable, upon conviction to a fine of one million shillings.</p> <p>(4) Nothing in sub regulation (1) shall render illegal —</p> <ul style="list-style-type: none">(a) the killing or destruction of an animal under the provisions of Public Health Act or any written law; or(b) the training of an animal for security purposes.
<p>Use of animals in private security services.</p>	<p>10. (1) The Authority may authorize a private security service provider, to use trained animals in carrying out private security services, if the Authority is satisfied that the animals —</p> <ul style="list-style-type: none">(a) have been sufficiently trained by a licensed training institution for the security work for which the animals are employed;(b) are capable of obeying the commands; and are handled by competent persons trained for that purpose. <p>(2) A private security service provider who handles animals shall ensure regular treatment and vaccination of the animals by a qualified veterinary officer.</p> <p>(3) A private security service provider who handles animals shall furnish the Authority with the health record and husbandry welfare report of each animal from a licensed veterinary officer.</p> <p>(4) An animal used for private security services shall —</p> <ul style="list-style-type: none">(a) be uniquely identified by way of an embedded ear tag

	<p>(b) be accompanied by and be under the control of a trained person;</p> <p>(c) where it is a dog, be on a leash at all times during ground patrol; and</p> <p>(d) be transported in a vehicle that has a separate cage for each animal as approved by a certified veterinary surgeon.</p> <p>(5) A private security service provider shall keep records of the following particulars in respect of the animal—</p> <p>(a). name;</p> <p>(b). breed;</p> <p>(c). date of birth;</p> <p>(d). identifying marks and characteristics;</p> <p>(e) training and certification for the security work; and</p> <p>(f) training and certification of the security officer or security guard handling the animal; and</p> <p>(g) health records for each animal from every visit to a licensed veterinary.</p> <p>(6) A private security service provider handling an animal shall feed, care and protect the animal from cruelty.</p> <p>(7) A person who contravenes this regulation commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding three months, or both..</p>
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Made, 2024

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Cabinet Secretary for Interior and National Administration