

L A W S O F K E N Y A

The Fisheries Act

CHAPTER 378

Revised Edition 1991

CHAPTER 378
THE FISHERIES ACT
COMMENCEMENT: 25TH AUGUST, 1989

ARRANGEMENTS OF SECTIONS

PART I - PRELIMINARY

Section

- 1- Short title
- 2- Interpretation

PART II - ADMINISTRATION

- 3- Director
- 4- Fisheries development measures
- 5- Fisheries management measures
- 6- Limitation of fishing

PART III - REGISTRATION OF FISHING VESSELS

- 7- Registration of fishing vessels

PART IV - LICENSING PROVISIONS

- 8- General licensing provisions
- 9- Local fishing vessel licence
- 10- Validity of local fishing vessel licence
- 11- Fishing and entry into Kenya fishery waters by foreign fishing vessels
- 12- Issue of foreign fishing licence
- 13- Validity of foreign fishing licence
- 14- Other licences.

PART V - OFFENCES AND ENFORCEMENT

- 15- Prohibited methods of fishing
- 16- Receiving fish in respect of which offence has been committed
- 17- Obstruction of officers
- 18- Powers of officers
- 19- Forfeiture
- 20- Compounding of offences

PART VI - GENERAL PROVISIONS

- 21- Conduct of prosecutions
- 22- Marine mammals
- 23- Minister's power to make regulations
- 24- Schemes of loans to fishermen

CHAPTER 378
THE FISHERIES ACT
COMMENCEMENT: 25TH AUGUST, 1989

An Act of Parliament to provide for the development, management, exploitation, utilisation and conservation of fisheries and for connected purposes

PART I - PRELIMINARY

Short title

1. This Act may be cited as the Fisheries Act

Interpretation

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

"authorised officer" means a fisheries officer, a police officer of or above the rank of inspector, an officer of the Kenya Navy or other armed force or a person appointed by the Minister, by notice in the Gazette, to be an authorised officer for the purposes of this Act

"dealing in fish" means collecting, transporting, storing, trans-shipping, exposing or offering fish or fish products for purposes of trade;

"Director" means person appointed to the office in the public service of Director of Fisheries;

"fish" means any aquatic animal, whether alive or dead, and includes any part, and the spat, brood, fry, spawn, ova and young thereof;

"Fisheries Officer" means the Director and any person in the public service of or above the rank of Assistant Fisheries Officer;

"fishing" means fishing for, catching, taking or killing, fish by any method;

"fishing gear" means any instrument, equipment, net, cork, buoy or other article including part thereof used for purposes of fish finding, congregating fish or fishing;

"fishing operations" includes fishing, supply of provisions to the fishing vessels and the handling and processing of fish up to the time it is first landed;

"fishing port" means a place on a lake shore or sea front where fishing vessels may resort for shelter, servicing, loading and off-loading of fish and fishing equipment;

"fish processing" means any action (including icing, freezing and canning) taken to alter the shape, appearance or form of fish from that in which the fish is when first taken from its natural habitat;

"fish product" means any product or part thereof (including oil) obtained by fish processing and intended for use as human food, animal feed or raw material ingredient in the manufacture of other commodities of commercial or ornamental value;

"fishing vessel" means any vessel or craft used in fishing operations including sport fishing;

"foreign fishing vessel" any fishing vessel other than a local fishing vessel;

Cap 371

"Kenya fishery waters" means the inland waters and the waters of the maritime zones described in the Maritime Zones Act and for the purpose of this Act excludes Government fish ponds and fish farms and any private fish ponds or fish farms and any private fish ponds or fish farms not established for commercial purposes;

"local fishing vessel" means a fishing vessel which is -

- (a) wholly owned by any company, society or other association of persons established under the laws of Kenya and of which at least fifty-one per cent of the voting shares are owned by the Government or citizens of Kenya; or
- (b) wholly owned and crewed by residents of Kenya or by other persons recognised by the Director by notice in the Gazette as person who traditionally fish in Kenya fishery waters and which meets such other conditions as the Minister may by regulations prescribed.

PART II - ADMINISTRATION

Director

3. (1) The Director shall, subject to the directions of the Minister, be responsible for the administration of this Act
- (2) The Director may, in writing, delegate the exercise of any of the powers and functions conferred upon him by this Act to such authorised officers as he may think fit.

Fisheries development measures:

4. The Director shall, in co-operation with other appropriate agencies and other departments of Government, promote the development of traditional and industrial fisheries, fish culture and related industries through such measures as -

- (a) providing extension and training services;
- (b) conducting research and surveys;
- (c) promoting co-operation among fishermen;
- (d) promoting arrangements for the orderly marketing of fish;
- (e) providing infrastructure facilities; and
- (f) stocking waters with fish and supplying fish to stocking.

Fisheries management measures

5.(1) The Director may with the approval of the Minister, by notice in Gazette, impose any of the following measures that are necessary for the proper management of any fishery -

- (a) closed seasons for designated areas, species of fish or methods of fishing;
- (b) prohibited fishing areas for all or designated species of fish or methods of fishing;
- (c) limitations on the methods of gear, including mesh sizes of nets, that may be used for fishing;
- (d) limitations on the amount, size age and other characteristics and species or composition of species, of fish that may be caught, landed or traded;
- (e) regulate the landing of fish and provide for the management of fish landing areas; and
- (f) control of the introduction into, or harvesting or removal from, any Kenya fishery waters of any aquatic plant.

(2) Where the use of any gear is prohibited in any area, the Director may also, by notice in the Gazette, prohibit the possession of the gear in that area.

(3) Any person who contravenes the provisions of a notice issued under this section shall be guilty of any offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Limitation of fishing

6.(1) Where proper management of fisheries requires limitations of the number of persons or of vessels, nets or areas or other means employed in a fishery, the Director may by notice in the Gazette limit such number or means and the limitation may include -

- (a) refusal issue or renew licences;
- (b) imposition of special licence and catch fees;
- (c) preferential licensing in other fisheries.

(2) a party aggrieved by the action taken by the Director under subsection (1) may in writing appeal to the Minister whose decision shall be final.

PART III - REGISTRATION OF FISHING VESSELS

Registration of fishing vessels:

7. (1) No person shall use any vessel for fishing in Kenya's fishery waters unless there is in force in relation to the vessel a valid certificate of registration.

(2) A certificate of registration in the prescribed form may on application and on payment of the prescribed fee be issued by an authorised officer to the owner of the vessel.

(3) Every vessel in respect of which a certificate of registration is issued under this Act shall be marked in such manner as the Director may require.

(4) The Director shall cause to be kept a register of all vessels registered under this Act.

(5) Any person who uses any vessel for fishing in Kenya fishery waters without a valid certificate of registration for that vessel shall be guilty of an offence.

(6) Any person who is guilty of an offence under this section shall be liable -

- (a) in the case of a first conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both; and
- (b) in the case of a second conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART IV - LICENSING PROVISIONS

General Licensing Provisions

General licensing provisions

8. (1) Without prejudice to any regulations made under this Act, no person other than persons fishing for their own consumption, shall catch or assist in catching fish in Kenya fishery waters otherwise than under and in accordance with the terms and conditions of a valid licence issued to him under this Act.

Provided that the Minister may by order published in the Gazette determine the quantity of fish which may be deemed to be fish for own consumption under this section, and different order may be made for different areas of Kenya.

Cap. 63

(2) Subsection (1) shall not apply to a person employed by a licensee, or, subject to section 23 of the Penal Code, to a company which is a licensee, in respect of any act done by the person or company as licensee.

(3) Each licence issued under this Act shall be valid for such species of fish, type of fishing gear, method of fishing and area as may be specified in the licence.

(4) It shall be a general condition of any licence issued under this Act or regulations made thereunder that the licensee shall comply with such requirements as the Director may establish concerning the making of statistical returns and the collection of information.

(5) Any person who catches fish in Kenya fishery waters without a licence, or in contravention of the conditions imposed on a licence, issued under this Act shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Licensing of Local Fishing Vessels

Local fishing vessel licence

9. (1) An application for a licence for a local fishing vessel shall be made in the prescribed form to the fisheries officer designated by the Director to receive that application or applications of that description, or, if no such officer has been designated, the Director.

(2) Upon receipt of an application under subsection (1) and on payment of the prescribed fee, a fisheries officer shall, subject to any licensing instructions of the Director, issue a licence for the local fishing vessel.

(3) A licence issued under this section shall be subject to such conditions as may be prescribed by or under this Act or as may be endorsed upon the licence by the issuing officer.

(4) The master and owner of a local fishing vessel which any person uses or attempts to use in fishing or any fishing operation without a licence issued under this section, shall each be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

(5) The master and owner of a local fishing vessel whose licence conditions under this section are contravened shall each be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Validity of local fishing vessel licence

10.(1) A local fishing vessel licence shall, unless earlier revoked or suspended, expire on the 31st December of the year in which it is issued and shall cease to be valid at any time that the vessel ceases to be a local fishing vessel.

(2) The Director may revoke or suspend a licence in respect of a local fishing vessel at any time before it expires if the holder of the lice is convicted of any offence under this Act or if

in the judgement of the Director the action is necessary for the proper management of fisheries

Licensing of Foreign Fishing Vessels

Fishing and entry into Kenya fishery waters by foreign fishing vessels

11.(1) No foreign fishing vessel shall fish, attempt to fish or participate in fishing operations in Kenya fishery waters without a licence issued under section 12.

(2) Where any foreign fishing vessel enters Kenya fishery waters without a licence issued under section 12, the fishing gear or the vessel shall, at all times while it is in such waters, be kept stowed into the prescribed manner.

(3) Where any foreign fishing vessel is used in Kenya fishery waters contrary to this section, the master and owner of the vessel shall each be guilty of an offence and liable to a fine of not less than fifty thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a period of not less than six months and not more than two years or to both.

Issue of foreign fishing vessel licence

12.(1) An application for a licence for a foreign fishing vessel shall be submitted to the Director in the prescribed form.

(2) The Director may issue a foreign fishing vessel licence if:-

- (a) he has determined that there are fishery resources surplus to the Kenya fishing industry which may be harvested under this licence; and
- (b) he has determined the quantity of the surplus that may be harvested and indicates that quantity as a condition of the licence.

(3) A foreign fishing vessel licence shall be subject to a condition requiring it to comply with any management measures that may be in force from time to time under sections 4 and 5 and to the payment of prescribed fees, royalties or charges.

Validity of foreign fishing vessel licence

13.(1) A foreign fishing vessel licence shall, unless earlier revoked or suspended, be valid for such period as the Director may specify.

(2) The Director may revoke or suspend a foreign fishing vessel licence at any time :-

- (a) for failure to comply with the provisions of this Act, regulations or management measures thereunder, or any condition of the licence; of

- (b) where he is satisfied that such action is necessary for the proper management of fisheries

(3) If a licence is revoked or suspended under this Section for the proper management of fisheries, the proportion of any fees paid for the unexpired term of the licence shall be refunded to the licensee.

(4) A party aggrieved by the suspension of a licence under subsection (2) may appeal in writing to the Minister whose decision shall be final.

Other Licences

14.(1) The Minister may, in addition to licences for fishing vessels, make regulations requiring a licence for any fishery activities including sport fishing or the use of any gear or method of fishing with or without the use of a vessel, or fish processing or dealing in fish.

(2) Any person who engages in any activity for which a licence is required by section (1) otherwise than under the authority of such a licence, shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART V OFFENCES AND ENFORCEMENT

Prohibited methods of fishing

15. Any person who uses any explosives, poisonous or noxious substances or electric shock device for the purpose of killing stunning, or disabling fish so as to render them more easily caught shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Receiving fish in respect of which offence has been committed

16. Any person who for purposes of trade and commerce receives or retains any fish knowing or having reason to believe that an offence under this Act has been committed in respect of that fish shall be guilty of an offence and liable to a fine of not less than five thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a term of not less than six months and not more than two years or to both.

Obstruction of officers

17. Any person who:-

- (a) wilfully obstructs any authorised officer in the exercise of any of the powers conferred on him by this Act; or
- (b) fails to comply with any lawful enquiry or requirement made by any authorised officer under section 18, shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Powers of officers

18. (1) For the purpose of enforcing this Act and any regulations made thereunder, any authorised officer may, without a warrant:-

- (a) stop and board any fishing vessel in Kenya fishery waters, and any local vessel outside such waters, and he may inspect such vessel, its cargo, supplies, fishing gear and equipment;
- (b) stop and inspect any vehicle or vessel transporting fish;
- (c) require to be produced, examine and take copies of any licence, log or other document required under this Act or regulations made thereunder;
- (d) require to be produced and examine any fish, net or any other fishing gear; or
- (e) impound any fish to be taken as samples and issue a receipt in the prescribed form.

(2) An authorised officer may, if he believes that an offence has been committed under this Act or regulations made thereunder, without a warrant:-

- (a) enter any premises which he has reason to believe have been used in the commission of the offence, or in respect of which the offence has been committed;
- (b) arrest any person whom he has reason to believe has committed the offence; or
- (c) seize any fish, fishing gear, vessel, vehicle or other article which he has reason to believe has been used in the commission of the offence, or in respect of which the offence has been committed.

(3) Any person arrested under this section shall be brought before a court as soon as reasonably practicable.

(4) A fisheries officer who seizes anything under this section shall, at the time of the seizure, issue to the person in whose custody or possession it then is a written receipt for the thing seized.

(5) Anything seized under this section shall where practicable, be brought before a court, and except where, otherwise provided by this act, shall be dealt with according to the Criminal Procedure Code.

(6) Where any fish or other article seized under this section is of a perishable nature, an authorised officer may dispose of it by sale or otherwise and any proceeds shall be held in place of the article disposed of.

(7) Any local fishing vessel or vehicle or fishing gear seized under this section may upon application to the court and subject to the deposit in court of adequate bond or other security for the reasonable value thereof, be released to the person entitled thereto.

Forfeiture

19. A court which convicts any person of an offence under this Act may, in addition to any penalty otherwise imposed:-

- (a) order anything other than immovable assets used in connection with the offence, including any vessel so used together with its fishing gear, stores and cargo, as well as anything in respect of which the offence has been committed to be forfeited; or
- (b) order all fish found on board any vessel or vehicle used in connection with the offence to be forfeited, except that any fish that are proved not to have been caught in the commission of an offence shall not be forfeited.

Compounding of offences

20. (1) The Director may, with the approval of the Minister, if he is satisfied that a person has committed an offence under this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section -

- (a) compound the offence by accepting a sum of money not exceeding the maximum fine specified for the offence; and
- (b) order the release of any vessel or any other thing seized in connection with the offence on payment of a sum of money not exceeding the value of the vessel or other thing.

(2) Any sum of money received under this section shall be dealt with as if it were a fine imposed by the court.

(3) If proceedings are brought against any person for an offence under this Act, it shall be a good defence if the person proves that he has compounded the offence under this section.

PART VI - GENERAL PROVISIONS

Power to act as public prosecutor

21. Any authorised officer may, subject to the direction of the Attorney General, conduct any prosecution for any offence under this Act or the regulations made thereunder and shall for that purpose have all the powers conferred upon a public prosecutor by the Criminal Procedure Code.

Marine mammals

22. (1) No person or vessel in Kenya fishery waters shall, without the prior written authority of the Minister, fish for marine mammals or use a port in Kenya for the purpose of equipping or supply a vessel intended to be used for fishing for marine mammals.

(2) Whereas any vessel is used in contravention of sub-section (1), the master and owner thereof shall each be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Minister's power to make regulations

23.(1) The Minister may make regulations for the better carrying into effect of the provision of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for any or all of the following purposes:-

- (a) presenting the conditions to be fulfilled by foreign participation in fisheries, including conditions of licensing foreign fishing vessels;
- (b) establishing the conditions of issue of, and procedures of application for, any licence or other authority under this Act or regulations thereunder, the form and the fees payable therefor;
- (c) prescribing the conditions of issue of, and procedures of application for, any licence or other authority under this Act or regulations thereunder, the form and the fees payable therefor;

- (d) regulating the handling, storage and processing of fish by prescribed methods of handling, storage and processing of fish;
- (e) providing for inspection of fish trading and processing establishments and fish products in accordance with established standards;
- (f) management and control of fishing ports and waters;
- (g) for licensing of any person to engage in any form of fishing, or of handling, transporting, processing or selling of fish products;
- (h) organising and regulating the marketing and distribution of fish;
- (i) providing for the registration of private marks to be used to distinguish the ownership of fishing gear;
- (j) prohibiting or controlling the importation, exportation and introduction into Kenya of live fish of any kind or species;
- (k) promoting and regulating or controlling the cultivation of live fish of any kind or species;
- (l) exempting any type of fishing gear or vessel or any person from any provision of this Act.

(3) Regulations made under this section may provide that the contravention of any provision shall constitute an offence and may prescribe penalties for any offence of a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

Schemes of loans to fishermen

24.(1) For the purpose of promoting modern fishing methods, the Minister may prepare a scheme, with approval of the Treasury, providing for financial assistance by way of loans to fishermen and fish farmers in respect of expenditure incurred in the acquisition of fishing vessels or their gear, fishing nets and other equipment, development of fish farms or purchase of inputs, and may provide financial assistance in accordance with the scheme upon the conditions contained in the scheme.

(2) An approved scheme shall be published in such manner as the Minister thinks fit, and may be varied or revoked by him at any time.

(3) For the purpose of administering an approved scheme, the Minister may appoint one or more loans committees, and confer upon them such functions as he thinks necessary or expedient for that purpose.

(4) The Minister may give to a loans committee directions of a general or special character as to the exercise and performance of its functions (including its procedure), and the loans committee shall give effect to any such directions.

(5) Where the Minister has, with the approval of the Treasury, prepared a scheme of the kind described in sub-section (1) which is in force immediately before the commencement of this Act and has appointed a committee to administer it, that scheme shall upon such commencement, be deemed to be an approved scheme, and the committee shall be deemed to be a loans committee.

(6) The Minister may, with the consent of the Treasury:-

- (a) make to a loans committee such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) pay to the members of a loans committee (other than a member who is a public officer in receipt of a salary) such remuneration and travelling and other allowances as he may, with the approval of the Treasury, determine;
- (c) make such other payment as may be necessary to give effect to the provisions of this section.

SUBSIDIARY LEGISLATION

Regulations under section 14 (1)

THE FISHERIES (GENERAL) REGULATIONS ARRANGEMENT OF REGULATIONS

PART I - PRELIMINARY

Regulation

- 1 - Citation
- 2 - Interpretation

PART II - REGISTRATION OF LOCAL FISHERIES VESSELS

- 3 - Registration of fishing vessels
- 4 - Identification of registered vessels
- 5 - Concealment of numbers
- 6 - Transfer of certificate of registration
- 7 - Unseaworthy vessel not allowed to sail
- 8 - Vessel licence not required

PART III - LICENSING OF FISHERMEN, ETC

- 9 - General fisherman's licence
- 10 - Aquarium fisherman's licence
- 11 - Oyster collector's licence
- 12 - Sport fisherman's licence
- 13 - Trout fishing licence
- 14 - Fish processing licence
- 15 - Fish trader's licence
- 16 - Crustacean dealer's licence
- 17 - Licence for trade in *Beche-de-mer*
- 18 - Fish movement permit
- 19 - Shell collector's licence
- 20 - Shell dealer's licence
- 21 - Culturing aquarium fish
- 22 - Keeping aquarium fish
- 23 - Export of aquarium fish
- 24 - Disposal of aquarium fish
- 25 - Live fish movement permit
- 26 - Import and export permit
- 27 - Special licence
- 28 - Registration of sport fishing clubs

PART IV ADMINISTRATION OF LICENCES PERMITS AND CERTIFICATE OF REGISTRATION

- 29 - Application
- 30 - Power to refuse a lice or permit
- 31 - Power to attach conditions
- 32 - Power to modify licence, etc
- 33 - Power to suspend or cancel licences, etc
- 34 - Appeals
- 35 - Validity
- 36 - Licence not transferable
- 37 - Replacement of licence
- 38 - Register
- 39 - Effect of conviction

PART V - NOTICE IN THE GAZETTE

- 40 - Manner of publication of notice

PART VI - GENERAL MANAGEMENT MEASURES

- 41 - Fishing in inland waters
- 42 - landing of fish
- 43 - Prohibited fishing methods and gear
- 44 - Buoying of fishing gear
- 45 - Harvesting of oysters
- 46 - Coral gathering prohibited
- 47 - protection of *Anadromous and catadromous* fish
- 48 - Berried crustacea
- 49 - Prohibition relating to licences or permits
- 53 - Requirement to provide data

PART VII - TROUT FISHING

- 54 - Powers to regulate trout fishing
- 55 - Prohibited trout fishing activities
- 56 - Offence to damage fishing camp and property

PART VIII - IMPORTATION OF LIVE FISH

- 57 - Importation of live fish

PART IX - RESTRICTION ON PURCHASE OF FISH

- 58 - Restriction on purchase of fish

PART X - PREVENTION OF POLLUTION AND PROTECTION AND CONSERVATION OF FISHERY WATERS

- 59 - Pollution prevention zone
- 60 - Pollution and abandoned fishing gear
- 61 - Movement of boat or gear to other waters
- 62 - fishing stocking

PART XI - PRIVATE MARKS FOR FISHING GEAR

- 63 - Assignment of private mark
- 64 - Transfer of private mark
- 65 - Prohibitions relating to private mark
- 66 - Reporting of loss or finding of marked gear

PART XII - ENFORCEMENT PROVISIONS

- 67 - Production of licence
- 68 - Obstruction
- 69 - Presumptions

FIRST SCHEDULE - Forms

SECOND SCHEDULE - Fees

THIRD SCHEDULE - Water open for trout fishing

FOURTH SCHEDULE - Designated fish handling stations

FIFTH SCHEDULE - Fish measurements

THE FISHERIES (GENERAL) REGULATIONS

PART I - PRELIMINARY

Citation

1. These Regulations may be cited as Fisheries (General) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires:-

"ambergris" means a fatty substance with an odour originating from the intestines of sperm whale (*Physeter macrocephalus*);

"anadromous" means artificial pond or tank used for keeping or displaying live fish aquatic plants as pets or for decorative, ornamental or entertainment purposes;

"aquarium fish" means any fish including brood, fry or ova thereof which are or may be intended for capture by or sale to any person for the purpose of display in a tank or aquarium;

"artificial lure" means any bait or lure furnished with a hook and containing no edible substance;

"authorised examiner" means a person designated by the Director to inspect a vessel to determine if it is seaworthy;

"beche-ded-mer" means an *Echinoderm* of the class *Ilolothuroidea*;

"berried fish" means fish with eggs;

"bivalve" means mollusc of the class *Pelecypoda*;

"breeding area" means an area in Kenya fishery waters which the Director has, by notice in the Gazette, designated to be a fish breeding area and includes the nurseries for ova, fry, spawn, brood, spat and young of fish thereof;

"catadromous" means a given area of the country where all surface water run off are, as a consequence of land formation, restricted to draining from; and for the purposes of these Regulations the country is divided into four major catchment areas: Lake Victoria basin, Kerio Valley basin, Uaso Nyiro basin and Indian Ocean;

"coral" means a calcareous skeleton secreted by polypoid coelenterates of the class *Anthozoa* or *Hydrozoa*;

"cowrie" means mollusc of the family *Gastropoda*;

"crustacea" means all species of aquatic *Arthropods* including shrimps, prawns, lobster, crayfish and crabs, their brood, spawn, ova and young thereof;

"dealing in fish" means acquiring, holding, selling or distributing fish or fish products for purposes of trade;

"electric fishing" means fishing by using electric current;

"employee of a licensee" means a person in receipt of wages or remuneration paid to him for services rendered by him to the licensee, who has been issued an employment register of the licensee;

"fish culture" means a person fishing in Kenya fishery waters;

"fisherman's licence" a licence issued under regulation 9;

"fish farmer" means a person engaged in fish culture;

"fishing camp" means an established area or building designated by the Fisheries Department for use by sport fishermen;

"fishing ground" means all fishery waters of Kenya together with the shorelines thereto except the points designated as fish landing stations under regulation 42;

"fish landing station" means a point on the shore of any waters or coastline of which the Director has, by notice in the Gazette, designated as a point to land fish;

"fish trader" means any person other than a fisherman or fish farmer who deals in fish;

"fish trader's licence" means the licence described under regulation 15;

"gill net" means a net which is placed into position in water with the object of fish swimming into it and becoming caught therein;

"inland waters" means any public river, lake, estuary, stream, tank, pool, pound, channel lagoon and any other public areas of fresh or brackish water in Kenya;

"licensing officer" means the Director and any person in the public service in the Fisheries Department of above the rank of Assistant Fisheries Officer, or any other officer in the public service appointed in writing by the Director to be a licensing officer;

"losing lining" means fishing with several hooks attached to a long line;

"marine mammal" means any animal of the class *Mammalia* living in aquatic environment and includes eggs and young thereof;

"marine turtle" means any animal of the family *Testudinae* living in the aquatic environment and includes eggs and young thereof;

"marketing fish" means acquiring or offering fish or fish products for purpose of trade;

"marketing fish" means acquiring or offering fish or fish products for purpose of trade;

"master" means the person for the time being having command or charge of the fish craft;

"mother of pearl" means the pearl-bearing shell;

"Nyanza Gulf" means all the water body of Lake Victoria east of Rusinga Island;

"oyster" means any mollusc of any species of the genus *Ostrea*;

"pearl" means an abnormal concretion of nacre formed inside a mollusc shell round a foreign body such as a sand particle or a parasite;

"private land" means land which is held under conveyance, lease or licence from the Government or local authority but does not include land held under temporary occupation licence under the Government Land Act;

"rod and line" means single rod or pole to which is attached a line or thread with hook or lure fastened on the line for fishing;

"sea weed" means aquatic plant;

"seining" means the use of a net to enclose an area of water and subsequently drawing the net ashore or on to a vessel;

"shell" means whole part of the hard outer cover of a mollusc;

"special licence" has the meaning ascribed in regulation 27;

"sport fisherman" means any person holding and using as authority for his fishing a licence issued under regulation 12 or 13;

"sport fishing" means angling or fishing for recreation;

"sport fishing club" means a person or institution which offer sport fishing facilities;

"sport fishing facility" means vessel or fishing gear used for sport fishing;

"trawling" means casting of a net into water and subsequently towing the net by a fishing vessel;

"trout" means any fish of the family *salmonidae* commonly known as trout and includes eggs and young thereof.

PART II REGISTRATION OF LOCAL FISHING VESSELS

Registration of fishing vessels

3.(1) Pursuant to section 7 of the Act, no person shall use any vessel for fishing in Kenya fishery waters unless there is force in relation to that vessel a valid certificate of registration.

(2) A certificate of registration of a fishing vessel in FORM DF/CR 1 in the First Schedule may, on application to and approved by the Director, be issued on payment of the fee prescribed in the Second Schedule.

(3) With the approval of the Minister, the Director may, in writing, exempt any owner of a vessel from payment of the whole or part of the registration fee.

(4) for purposes of ascertaining whether or not a vessel complies with the provisions of the Act, a licensing officer may direct that before any vessel is registered under these Regulations, the owner shall produce the vessel for inspection by an authorised officer.

(5) The licensing officer shall allot an identification number, which may include letters, to the vessel in respect of which a certificate of registration is issued, and shall cause entry of the allotted identification number of registration to be made in a register to be kept for that purpose

(6) Any person who contravenes this regulation shall be guilty of an offence and shall be liable to the penalties set forth in section 7 of the Act.

Identification of registered vessels

4. (1) The owner of a vessel for which a certificate of registration has been issued shall:

- (a) cause the identification number allotted under regulation 3(5) to be clearly painted on each side of the bow of the vessel within seven days after issue of the certificate of registration; and the number shall be painted in black on a white background, or in white on a black background, and each figure or letter shall be at least 250mm. in height, 150mm. in breadth and 40mm thickness;
- (b) at all times maintain the identification in a clear legible and visible condition.

(2) The owner of a fishing vessel operating in Kenya fishery waters which is not marked in the manner prescribed in this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

Concealment of numbers

5. (1) No person using any vessel registered under these Regulations shall cause or permit the identification marks of the vessel to be defaced, covered or concealed in any manner whatsoever.

(2) Any person who contravenes this regulations hall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both

Transfer of certificate of registration

6. (1) Where the ownership of a registered fishing vessel transfers from one person to another, the person from whom the ownership has transferred together with the person to whom the ownership has been transferred shall jointly submit to the Director an application seeking the transfer of the certificate of registration.

(2) The application shall contain -

- (a) the names and addresses of both parties;
- (b) documentary evidence of the transfer and acquisition of the certificate of ownership;
- (c) signature of both parties;
- (d) attestation by an independent witness;

(3) Upon approval of the application, the Director shall cancel from the register the name of the person from whom the certificate of registration of fishing vessel has transferred and in lieu thereof enter in the register the name of the person to whom ownership of the same has been transferred and shall accordingly change the name of the owner on the certificate of registration.

Unseaworthy vessel not allowed to sail

7. (1) No fishing vessel registered under regulation 3 shall proceed on a fishing voyage unless it is seaworthy.

(2) Where a fisheries officer, upon inspection of any licensed fishing vessel which is being prepared to proceed on a fishing voyage, considers that the vessel is unseaworthy, he may detain the vessel until it is made seaworthy and a certificate of seaworthiness from an authorised examiner is produced to him.

(3) The owner or master of a vessel who wilfully allows an unseaworthy or unfit vessels to proceed on a voyage knowing it to be unseaworthy, shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Vessel licence not required

8. Any vessel registered under regulation 3 is deemed to have a licence required for a local fishing vessel under section 9 of the Act.

PART III - LICENSING OF FISHERMEN, ETC

9. (1) No person shall fish in Kenya fishery waters unless:-

General fisherman's licence

- (a) he is a holder of a valid fishing licence issued to him under these Regulations and is fishing in accordance with the terms and conditions of the licence;
- (b) he is an employee of a licensee and is fishing in accordance with the terms and conditions of the applicable licence; or
- (c) he is fishing for his own consumption and in accordance with the Minister's order published in the Gazette.

(2) A fisherman's licence as set out in FORM DF/L1 in the First Schedule may on application to an approval by the Director be issued to the applicant, on payment of the fees specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Aquarium fisherman's licence

10.(1) No person shall fish for aquarium fish in Kenya fishery waters unless:-

- (a) he is a holder of a valid aquarium fisherman's licence issued to him under this regulation and is fishing in accordance with the terms and conditions of the licence; or
- (b) he is an employee of the licensee and is fishing in accordance with the terms and conditions of the licence.

(2) A licence to fish for aquarium fish in the form set out in FORM DF/L9 in the Fish Schedule may on application to and approval by the Director be issued to the applicant on payment of the fee specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Oyster collector's licence

11. (1) No person shall collect or culture any oyster unless he holds a valid licence issued to him under this regulation.

(2) A licence as set out in FORM DF/L5 in the First Schedule, may on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) No licensee shall use any mechanical apparatus to take oyster from any natural or culture oyster beds.

(4) the area where the licensee is to collect oysters shall be specified in the licence and may be demarcated on the ground by the Director before the licensee commences collection.

(5) The cost of demarcation under paragraph (4) shall be assessed by the Director and the amount thereof shall, before issue of a licence, be paid to the Director by the applicant.

(6) If in the opinion of the Director the operations of the licensee become or are likely to become detrimental to the proper management of oyster resources in any area specified in the licence, the Director may, by notice in writing to the licensee, forthwith cancel altogether or amend the licence thereby modifying or cancelling all or part of the licensee's operations.

(7) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Sport fisherman's licence

12 (1) No person shall participate in sport fishing in Kenya fishery waters unless -

- (a) he is holder of a valid sport fishing licence issued to him under this regulation and is fishing in accordance with the terms and conditions of the licence; or
- (b) he is a holder of a valid trout licence described in regulation 13 and is fishing in accordance with the terms and conditions of the licence.

(2) a sport fisherman's licence as set out in FORM DF/L2 IN the First schedule, may on application to and approval by the Director be issue to the applicant by the licensing officer, on payment of the fee set out in the Second Schedule.

(3) A sport fisherman's licence shall entitle the holder to catch fish with only a rod and line for his own consumption or personal trophies and not for sale.

(4) a sport fishing licence may be issued as follows:

- (a) an annual licence which shall remain in operation up to 31st December of the year in which it is issued;
- (b) a monthly licence which shall remain in operation for a period of thirty consecutive days from the date on which it is issued; or
- (c) a fortnightly licence which shall remain in operation for fourteen consecutive days from the date on which it is issued.

(5) any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

Trout fishing licence

13 (1) No person shall fish for trout in Kenya fishery waters unless he is a holder of a valid trout fishing licence issued to him under this regulation and is fishing in accordance with the terms and conditions of the licence.

(2) A trout licence as set out on FORM DF/TL in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both.

Fish processing licence

14 (1) No person shall, for the purpose of trade, engage in the processing of fish by any means unless he is in possession of a valid fish processing licence issued to him under these Regulations and is operating in conformity with the terms and conditions of the licence.

(2) Paragraph (1) shall not apply to :-

- (a) the icing of fish;
- (b) sun-drying or smoking of fish without using electric power or motorised plant machinery; or
- (c) catering institutions which sell or serve fish already prepared as food for eating by their patrons.

(3) Upon application to and approval by the Director, a fish processing licence as set out in FORM DF/L4 in the First Schedule, may be issued in respect of each processing premises on payment of the fees specified in the Second Schedule.

(4) The validity of the licence shall remain restricted to the premises named thereon.

(5) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Fish trader's licence

15 (1) No person shall trade in fish or fish products unless:

- (a) he is in lawful possession of a fish trader's licence issued under this regulation and is operating in conformity with the terms and conditions of the licence; or
- (b) he is a licensed fisherman; or
- (c) he is a fish farmer; or
- (d) a fisherman's co-operative society

(2) Paragraph (1) shall not apply to fish already prepared as food and sold by catering institutions for eating by their patrons.

(3) This regulation shall not apply to trading in crustacea, *beche-de-mer* or shall, for which licences shall be obtained under these Regulations.

(4) A fish trader's licence, as set out in FORM DF/L3 in the First Schedule, may on application to and approval by the Director be issued on payment of the fee specified in the Second Schedule.

(5) Notwithstanding any authority granted by the licence issued under paragraph 1, no fish trader shall deal in fish before it is landed at a landing station designated under regulation 42.

(6) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Crustacea dealer's licence

16 (1) No person shall for the purposes of trade, deal in crustacea unless:-

(a) he is in lawful possession of a crustacea dealer's licence issued to him under this regulation and is operating in conformity with the terms and conditions of the licence; or

(b) he is a fisherman with a licence to take crustacea.

(2) A crustacea dealer's licence, as prescribed in FORM DF/L6 in the First Schedule, may on application to and approval by the Director and on payment of appropriate fee set out in the Second Schedule, be issued to the applicant.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Licence to trade beche-de-mer

17. (1) No person shall, for purposes of trade, acquire or sell *beche-de-mer* unless he is in possession of a valid licence issued to him under this regulation and is operating in conformity with the terms and conditions of the licence.

(2) A licence as set out in FORM DF/L12 of the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) Notwithstanding the rights conferred on the licensee by the licence issued under paragraph (2), any person wishing to export *beche-de-mer* shall pay royalties at rates prescribed by the Director, based on value and quantities exported.

(4) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

Fish movement permit

18. (1) No person shall, for the purpose of trade, move fish or fish products from one place to another unless:-

(a) he is in possession of a valid fish movement permit issued under these Regulations and is operating in conformity with the terms and conditions of such permit; or

(b) he is a licensed fisherman; or

(c) he is a fish farmer

(2) A fish movement permit as prescribed in FORM DF/P1 in the First Schedule may, on application to and approval by the Director be issued to a person, vehicle or vessel conveying fish or fish products, on payment of the fee specified in the Second Schedule.

(3) Where the fish movement permit is to be issued in respect of a vehicle or vessel, identification and registration details of the vehicle or vessel shall be entered in the fish movement permit before the same is issued.

(4) The holder of a fish movement permit shall cause the permit to be carried and exhibited all the times, in the vehicle or vessel.

(5) The fish movement permit shall not be transferred to or used for any other vehicle or vessel.

(6) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding one year or to both.

Shell collector's licence

19. (1) No person shall collect shell unless he is in possession of a valid licence issued to him under this regulation and is operating in conformity with the terms and conditions of the licence.

(2) A licence in the form set out in FORM DF/L7 in the first Schedule, may on application to and approval by the Director, be issued on payment of a fee specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Shell dealer's licence

20. (1) No person shall engage in wholesale or retail trade in shell unless he is in possession of a valid licence issued to him under these Regulations and is operating in conformity with the terms and conditions of the licence.

(2) A licence as set out in FORM DF/L8 in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Culturing aquarium fish

(1) No person shall engage in dealing in or culturing of aquarium fish unless he is in possession of a valid licence issued to him under these Regulations and is operating in conformity with the terms and conditions of the licence.

(2) a licence as set out in FORM DF/L10 in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Keeping aquarium fish

23. (1) No person shall export aquarium fish unless he is in possession of a permit issued to him under this regulation and he is operating in conformity with the terms and conditions of the permit.

(2) a permit as set out in FORM DF/P2 in the First Schedule may, on application to and approval by the Director, be issued upon payment of the fee set out in the Second Schedule.

(3) The following conditions shall be attached to every export permit issued under paragraph (1):

- (a) each permit issued under paragraph (1) shall be surrendered to the collector of customs at the port of export;
- (b) The validity of each permit issued under paragraph (1) shall expire either on the date specified thereon or when the consignment is shipped or which of the two events occurs first.

(4) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Disposal of aquarium fish

24. (1) any licensee wishing to dispose of or transfer ownership other than by export of aquarium fish for which he has been issued a licence to fish, culture or

keep shall, before disposing of the aquarium fish, notify the Director in writing of how and where he proposes to transfer the fish.

(2) When ownership of the fish is to be transferred to another person or institution, except where such transfer of ownership occurs from export aquarium fish, the new owner shall apply for and obtain the necessary licence before taking possession of the aquarium fish.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a time not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Live fish movement permit

25. (1) No person shall move live fish from one water catchment area to another unless he is in possession of a permit issued to him under this regulation and he is operating in conformity with the terms and conditions of the permit.

(2) A permit as set out in FORM DF/P4 in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Import and export permit

26. (1) No person shall export from or import into Kenya and fish or fish product unless he is in possession of a permit issued to him under this regulation and is operating in conformity with the permit.

(2) The permit as set out in FORM DF/P3 in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) The validity of the permit issued under paragraph (2) shall expire on the date specified thereon or on shipment or arrival of the consignment whichever of the two occurs first.

(4) Where the application is in respect of live fish, the applicant shall provide proper description of the fish by giving both scientific and common names in the application.

(5) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Special licence

27. (1) Notwithstanding anything contained in these Regulations, the Director may in writing grant to any person or institution, authority to be called special licence, which shall entitle the holder to engage in fish and to do other things as may be specified therein for any of the following purposes:

- (a) scientific research;
- (b) educational purposes;
- (c) the supply of food in case of emergency;
- (d) collection of brood stock for breeding purposes;
- (e) any other purpose the Director deems appropriate.

(2) Any special licence shall be valid for the period specified therein.

(3) Any person who contravenes this regulation or any terms or conditions of a special licence shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Registration of sport fishing clubs

28. (1) No person or club shall operate any sport fishing facility unless there is in force in relation to that person or club a valid certificate of registration of sport fishing club issued under this regulation.

(2) A certificate of registration of the sport fishing club in FORM DF/CR2 in the First Schedule may, on application to and approval by the Director, be issued on payment of the fee specified in the Second Schedule.

(3) Any person or institution who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART IV - ADMINISTRATION OF LICENCES, PERMITS AND CERTIFICATES OF REGISTRATION

Application

29. Any person requiring a licence, permit or certificate of registration under these Regulations shall apply in writing to a licensing officer on the appropriate form as set out in the First Schedule or in such other form as the Director shall specify.

Power to refuse a licence

30. (1) Any licensing officer may without disclosing any person, refuse to issue any licence or permit required under these Regulations and where such refusal is made by a licensing officer other than the Director, the licensing officer shall report every case in writing detailing reasons for refusal to the Director.

(2) Any person aggrieved by the decision of the licensing officer may, within thirty days of communication to him of such refusal, appeal in writing to the Director.

(3) The Director may confirm, vary or reverse the decision and shall accordingly issue instructions to the licensing officer.

Power to attach conditions

31. (1) The Director may attach to any licence or permit issued under these Regulations any conditions which in his opinion are necessary or expedient for carrying into effect the objects and purpose of the Act and of these Regulations, which conditions shall not be inconsistent with the provisions of the Act or regulations may thereunder.

(2) Without prejudice to the generality of the provisions of paragraph (1), the Director may impose conditions as to:-

- (a) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto; or
- (b) the methods used in fishing and disposal of fish or particular species of fish and use of any equipment, appliance, instruments, net, fishing weir or any other means whatsoever.

Power to modify licence, etc

32. (1) The Director may modify a licence, permit or certificate of registration if he determines that such modification is for the proper management of the fishery, and shall accordingly inform the licensees of such modification.

(2) Where the Director has modified a licence, permit or certificate of registration the licensee shall be required to deliver the instrument to a licensing officer for endorsement accordingly within seventy-two hours after delivery of a written notice of modification.

(3) Where any licence, permit or certificate of registration against which the Director has issued a variation order shall not have been surrendered for endorsement seventy-two hours after delivery of notice for variation, such licence,

permit or certificate of registration shall be deemed to have been revoked and fallen invalid.

(4) After a licence has been endorsed under paragraph (2), it shall be returned to the licensee.

Power to suspend or cancel licences, etc.

33. (1) The Director may suspend a licence or permit if he determines:-

- (a) that such a suspension is necessary or expedient for proper management of the fishing industry for such period as he deems fit in the whole or in specified parts of the country; or
- (b) that the licence or permit has been used in contravention of any regulation or any conditions therein.

(2) Any licence or permit suspended under paragraph (1) shall be invalid during the period the suspension is in force.

(3) The Director may cancel or revoke any licence or permit granted under this regulation if he is satisfied that the holder has contravened any of the provisions made thereunder.

(4) Where the Director has suspended, cancelled or revoked a licence or permit as provided for under paragraph (1) and (3), the director of fisheries or an officer authorised by him in writing shall repossess the instrument.

(5) Where the instrument is repossessed on grounds of suspension, the Director, if he is satisfied that the circumstances which mitigated suspension no longer apply, may authorise that the instrument be returned to the licensee.

Appeals

34. (1) Any person aggrieved by -

- (a) the refusal of the Director to issue a licence or permit to him;
- (b) the suspension or revocation of a licence or permit by the Director; or
- (c) any condition or restriction attached or imposed on a licence or permit, may, within thirty days of communication to him of such refusal, suspension, revocation, condition or restriction, appeal in writing to the Minister.

(2) A petition of appeal lodged under paragraph (1) need not be in any standard form, but the appellant shall -

- (a) prepare the petition in duplicate;
- (b) adequately describe the matter to which the appeal relates;
- (c) set forth concisely the grounds of appeal;
- (d) sign the petition;
- (e) serve the original on the Minister; and
- (f) serve the duplicate on the Director.

(3) On receipt of the duplicate referred to in paragraph (2), the Director shall without delay forward to the Minister a written statement setting out such particulars relating to the subject matter of the appeal together with his own comments thereon which in his opinion are useful towards a just determination of appeal.

(4) The decision of the Minister in an appeal shall be final and shall be communicated in writing to the appellant with a copy to the Director.

35. Every licence, permit or certificate or registration issued under the Act or these Regulations, shall unless invalidated pursuant to provisions of the Act or any regulations made thereunder, remain valid upto the date stated therein or where no such date is specified upto 31st December of the year in which it is issued.

36. A licence or permit issued under these Regulations shall not be transferable.

37. (1) When any licence, certificate of registration or permit which has been issued under the Act or any regulation made thereunder has been lost, become defaced or mutilated, the person to whom it was issued may upon application to and approval by the Director, be issued with a duplicate upon payment of the fee specified in the Second Schedule.

(2) On issue duplicate licence, certificate of registration or permit pursuant to this regulation, the original shall cease to be valid.

38. The Director shall cause to be kept and maintained a separate register for each type of licence, permit and certificate of registration issued under the Act or any regulations made thereunder

Effect of conviction

39. (1) The conviction of the holder of a licence, permit or certificate of registration or his authorised agent for any offence under the Act or any regulation made thereunder shall, unless the Director in writing otherwise directs, have the effect of cancelling the licence, permit or certificate of registration and such instrument shall cease to be valid from the moment of conviction.

(2) Any person convicted of an offence under the Act or these Regulations shall, unless the Director in writing otherwise directs, stand disqualified from holding a licence, permit or certificate of registration related to the provisions under which he has been convicted, for a period of two years from the moment of conviction.

(3) The holder of any licence, permit or certificate or registration which is cancelled pursuant to paragraph (1) shall, within fourteen days from the date of conviction, surrender the licence, permit or certificate of registration or any document evidencing permission or authority to engage in business for which authority is required under the Act or these Regulations to a licensing officer.

(4) The licensing officer shall record the surrender of the instrument in the appropriate register kept under regulation 38.

(5) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

PART V - NOTICES IN THE GAZETTE

Manner of publication of notice

40. Where under the Act or these Regulations the Director may exercise any power by notice, the notice shall be -

- (a) published in Gazette; or
- (b) exhibited at each place where a register of licences, permit or certificate of registration is kept pursuant to these Regulations.

PART VI - GENERAL MANAGEMENT MEASURES

Fishing in inland waters

41. (1) No person shall fish in the inland and territorial waters of Kenya except -

- (a) a citizen of Kenya; or
 - (b) a non-citizen of Kenya holding a valid sport fishing licence or trout licence; or
 - (c) a resident of Kenya or other persons recognised by the Director by notice in the Gazette as persons who traditionally fish in Kenya fishery waters
- (2) Any person contravening this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or imprisonment for term not exceeding two years or to both.

Landing of fish

42. (1) No person, other than a sport fisherman, shall land any fish at any point except at a fish landing station and for purposes of this regulation, the fish landing stations shall be those specified in the Fourth Schedule.

- (2) Any fisherman who lands fish at a fish landing station shall
- (a) at the request of a fisheries officer, cause the fish to be weighed by the officer: and
 - (b) keep or store the fish in a hygienic manner pending sale
- (3) no fisherman or fish dealer shall have in his possession for sale, any fish which is unfit for human consumption.
- (4) where a fisheries officer is satisfied that fish in possession of a fisherman or trader is unsuitable for human consumption on account of its poor state of preservation or of its toxic nature, he shall refuse the sale and may impound the fish; or demand production of a certificate issued by a fisheries officer or public health officer confirming suitability of the fish, for human consumption, before allowing the sale.
- (5) Where the certificate of suitability referred to in paragraph (4) is not produced for up to forty eight hours, the fisheries officer may order the fish destroyed and the Government shall not be held liable.
- (6) Any person contravening this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six month or to both.

43. (1) Trawling is a prohibited fishing method -

- (a) within five nautical miles from any point on the entire shore line of Kenya waters of Lake Victoria;
 - (b) within the Nyanza Gulf;
 - (c) in Kenya waters of Lake Turkana; and
 - (d) within five nautical mile of the coast of Kenya within the territorial waters of Kenya described under the Maritime Zones Act.
- (2) A seining net whose mesh sizes are less than 50 mm when diagonally stretched shall be prohibited fishing gear except for fishing for *Rastrineobola* (Omena)
 - (3) A seining for *Rastrineobola* (Omena) with any net whose mesh sizes are less than 10mm. when diagonally stretched is prohibited.
 - (4) Any gill net the mesh sizes of which measures less than 127 mm diagonally when stretched is a prohibited fishing gear in all Kenya waters of Lakes Victoria and Turkana, and any gill net the mesh sizes of which measure 102mm. diagonally when stretched is a prohibited fishing gear in Lakes Naivasha, Baringo, Challa and Jipe and the dams of Tana and Turkwell rivers.
 - (5) It is prohibited-
 - (a) to land from Lakes Victoria and Turkana fish whose standard length is less than 25 centimetres;
 - (b) to land from lakes Naivasha, Baringo, Jipe, Challa and the dams of Tana and Turkwell rivers any *Tilapia* fish whose standard length is less than 18 centimetres;
 - (c) to acquire, possess, buy, sell or expose for sale or barter any *Tilapia* fish the landing of which is prohibited under subparagraphs (a) and (b)
- 6) The standard length in relation to this regulation is the linear measurement of the distance between the tip of the upper lip of the fish mouth and the foot of the caudal fin of the fish as shown in diagram in the Fifth Schedule.
 - 7) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding two years or to both.

44. (1) Any fishing gear set or placed in or on water shall be marked with a clearly visible buoy so that it can be seen both during the day and night by a vessel a hundred and fifty metres away from the position of the gear.

2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

45. (1) No person shall use any mechanical apparatus to take oyster from natural or cultured oyster bed in Kenya fishery waters.

2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

46. (1) No person shall gather coral, either alive or dead, from Kenya fishery waters.

2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or imprisonment for term not exceeding two years or to both.

47. (1) No person shall fish for *Anadromous or catadromous* fish species in the river systems or within three kilometers radius of the river delta and estuary during the period designated by the Director by notice in the Gazette.

2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

48 (1) Subject to paragraph (2), no person shall fish for or have in his possession any lobster, crab or crayfish in berried state.

2) The Director may subject to such terms and conditions as he considers appropriate, authorize in writing the capture of lobster, crab or crayfish in berried state.

3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings to imprisonment for a term not exceeding two years or to both.

49. (1) No person shall use any explosives, poisonous or noxious substances, or electric shock device in order to render fish more easily caught.

2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.

50. (1) No person shall disturb any spawn or spawning fish in a breeding area.
- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty two years or to both.
51. 1) The maritime zones of Kenya are declared to be a marine mammals and turtles sanctuary.
- 2) No person shall-
- a) kill any marine mammal or turtle;
 - b) chase any marine mammal or turtle with intent to kill;
 - c) harass any marine mammal or turtle so as to disturb its behaviour or breeding habits; or
 - d) take any marine mammal or turtle, alive or dead, including any marine mammal or turtle stranded on land.
- 3) Where any marine mammal or turtle is caught or taken unavoidably during fishing, such marine mammal or turtle shall, whether it is alive or dead, be released immediately into the waters.
- 4) any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.
52. (1) No person shall-
- a) unlawfully alter or endorse, transfer or lend a licence or permit issued to him, to any other person;
 - b) possess or attempt to operate pursuant to a licence or permit issued to another person; or
 - c) having been disqualified from holding a licence or permit under the Act or these Regulations, apply for a licence without disclosing for a term not exceeding one year or to both.
- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding on year or to both.
53. (1) The holder of any licence, certificate or permit issued under the Act or these Regulations shall submit any time as the Director may specify, data or information in respect of his business in the form prescribed by the Director.
- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.
- 54)(1) The Director may from time to time, by notice in the Gazette-

- a) declare any water or part thereof to be open for the purpose of trout fishing either generally by any person, or exclusively by members of a specified club or association; provided that any exclusive rights granted under this regulation may be withdrawn in such manner and in such circumstances as the Director may prescribe;
 - b) declare a closed season for the purpose of trout fishing in any water, or part thereof, which has previously been declared open for trout fishing under subparagraph (a).)
 - c) specify the maximum number of trout, which may be taken from the water by any person, during a specified period;
 - d) stipulate the minimum size below which a trout taken from the water shall not be killed but be returned to the water;
 - e) stipulate the type and size of hook or lure which may be used in any water for the purpose of fishing for trout;
 - f) stipulate the maximum number of persons who may fish for trout in any water during a specified period; and
 - g) control the entry into, and the use and occupation of, a fishing camp by any person and prescribe the fees to be paid therefore.
- 2) For the purpose of this regulation-
- a) the waters presently declared open for trout fishing shall be those specified in the Third Schedule; and
 - b) the number of trout presently authorized to be taken under paragraph (1) © is five trout per day by any licensee.

55. (1) No person shall-

- a) fish for trout unless he is in possession of a valid licence issued to him under these Regulations;
- b) fish for trout, except with a rod and line held in the hand and furnished with an artificial lure provided that-
 - i) where more than one lure are fixed on the same line to be used simultaneously, the lure shall not be fixed as less than one metre centres from each other; and
 - ii) nothing in this regulation shall prohibit the use of a landing net to remove from the water any trout being lawfully taken under this regulations;
- c) in any water fish for any trout unless that water has been declared by the Director to be open for the purpose of trout fishing exclusively by members of that club or association, no person other than members of that club or association or those authorized by the club or association shall fish trout in that water;
- d) fish for trout in violation of any provision published by notice in the Gazette;
- e) enter, use or occupy a fishing camp in contravention of any provision published by notice in the Gazette under regulation 54 or refuse to pay any prescribed fee when requested to do so by an authorized officer.

- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

56. (1) No person shall damage, alter or obliterate any dam, bridge, structure or river improvement work, fishing camp, mark, sign, notice board lawfully constructed, erected or issued by or under the authority of the Director.

- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART VIII – IMPORTATION OF LIVE FISH

57.(1) Any person importing live fish shall, on arrival of the fish in Kenya, present the fish to a fisheries officer at the port of entry for inspection for verification of declaration identity and certification of being free from any disease; and the fisheries officer may order such fish to be placed under quarantine for such period as he may determine for purpose of confirming the fish free any disease.

- 2) Where on arrival fish is confirmed diseased, the fisheries officer shall refuse such fish entry into the country and order the same destroyed immediately; and where the disease is discovered when the fish is in quarantine, the fisheries officer shall refuse the release of such fish to the importer and order the fish to be destroyed.
- 3) Any person who contravenes this regulation shall be quite of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

PART IX -RESTRICTION ON PURCHASE OF FISH

58. (1) No person shall buy fish from any person other than –

- a) a licenced fish dealer;
- b) a licenced fisherman;
- c) a fish farmer; or
- d) a fisherman's cooperative society.

2) Paragraph (1) shall not apply to a person buying from a catering institution fish already prepared for eating.

3) Any person who contravenes this regulation shall be quilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART X – PREVENTION OF POLLUTIN AND PROTECTION AND CONSERVATION OF FISHERY WATERS

59. For purposes of protecting the aquatic environment ecology the Kenya fishery waters are hereby declared to be a pollution prevention Zone.
60. (1) Except in the cases of emergency involving safety of a fishing craft or crew, no person shall intentionally or negligently place or discharge into Kenya fishery water, any article, including abandoned fishing gear, or pollutant which may-
- a) cause harm to any fisheries resource or marine mammal;
 - b) interfere with fishing or obstruct fishing gear or vessels; or
 - c) become a hazard to navigation.
- 2) In the event of an accidental placing or discharge of such articles or pollutant into the fishery water or in the event of encountering such articles, the person involved or master of the craft shall immediately report the incident to the Director giving the following information-
- a) the name of the reporting person and the name and call sign of his craft, if any;
 - b) the nature of the article disposed or encountered;
 - c) the location of the article or pollutant spill; and
 - d) the time and date of the incident.
- 3) All fishing gear which is set or otherwise deployed so that it may entrap or otherwise catch fish shall be attended at all times.
- 4) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty shillings or to imprisonment for a term not exceeding two years or to both.
61. (1) Any person who intends to move a boat or fishing gear from a body of water into another body of water within inland waters of Kenya, or anything else already placed in that body of water, shall notify a fisheries officer under whose charge the waters from which the vessel or equipment is to be moved fall.
- 2) The fisheries officer shall inspect the vessel or equipment to be sure that the necessary action has been taken to prevent unauthorized spread of weeds, fish or other organisms to other fishery water bodies from the vessel or equipment that is moved.
- 3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.
- 62.(1) No person shall place or by act of omission cause to be placed any species of fish in any body of water without authority issued in writing by the Director, except where-
- a) the fish species being so placed previously occurred in the same body of water prior to being fished thereon; or
 - b) a fish farmer is stocking his pond with fish obtained from another fish farmer with whom he shares the same water catchment area.
- 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

PART XI – PRIVATE MARKS FOR FISHING GEAR

63.(1) The Director may assign to each fisherman in an area a private mark for the purpose of identifying fishing gear belonging to the fisherman.

- 2) Each fisherman to whom a private mark has been assigned for the purpose of identification of his fishing gear shall pay to the Director the fee specified in the Second Schedule.
- 3) The Director shall cause to be kept a register of private marks assigned to the fishermen for the purpose of identification of fishing gear.
- 4) A notice showing the private mark and the person in whose name it is registered shall be exhibited at a place where the register is kept during the currency of the registration.
- 5) Assignment and registration of a private mark shall be current until 31st December of the year in which it is registered, and may be renewed each year by payment of the fee specified in the Second Schedule.
- 6) No private mark shall be registered in the name of more than one person.

64. (1) When a fisherman wants to transfer his registered private mark to another fisherman, the person from whom the private mark shall be transferred, shall jointly submit to the Director, an application signed by both parties requesting entry in the register of change of the name of the person to whom the private mark is assigned.

- 2) Upon approval of the application, the Director shall cancel from the register the name of the person from whom the private mark shall be transferred together with the person to whom the same shall be transferred, shall jointly submit to the Director, an application signed by both parties requesting entry in the register the name of the person to whom the same has been transferred.

65.(1) No person who has been assigned a private mark under regulation 63 shall use of fishing in Kenya fishery waters any fishing gear which is not clearly and distinctively marked with the private mark.

- 2) No person shall affix to any fishing gear or craft a private mark which is registered in the name of another.
- 3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding two years or to both.

66(1) Any person who loses fishing gear or article or any person who finds fishing gear or article bearing the private mark of another person shall within forty eight hours, report the loss of findings therefore to a fisheries officer or police officer, having jurisdiction over the area where the loss or finding has occurred.

- 2) The officer shall cause such report to be entered into the occurrence register kept for purposes of recording lost or found articles and immediately thereafter publish by circulating to various landing stations, the details of information relating to the loss or found gear.
- 3) Any person who fails to report a fisheries officer or police officer within forty eight hours, the findings of the fishing gear or article bearing the private mark of another person shall be guilty of an offence and liable to a fine not exceeding ten

thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART XII – ENFORCEMENT PROVISIONS

67. (1) Any licence issued pursuant to the provisions of the Act or these Regulations shall, on demand, be produced to an authorized officer.

- 2) Where the person from whom the licence is demanded claims to have been issued with a licence but he is unable to produce it on demand, the authorized officer may, at his discretion, impound and detain the item in respect of which the licence is demanded until the licence is produced and where the items are of perishable nature, the authorized officer may dispose of them as provided for under section 18(6) of the Act.
- 3) Any cost accruing or consequential to holding of items impounded under paragraph (2) shall be charged to and paid by the owner of the items or his agent before the items are released.

68(1) No person shall-

- a) willfully delay or obstruct an authorized officer in the exercise of his powers under the Act or in accordance with the provisions of these Regulations; or
 - b) refuse or fail to answer any questions, or furnish any information, or produce any document or furnish any means of inspection, when requested to do so under the Act, or these Regulations.
 - 2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both.
69. In all proceedings arising out of the provisions of these Regulations, it shall be presumed, until the contrary is proved, that-
- a) the person registered as the owner of a vessel used for fishing is the owner of that vessel;
 - b) a person present in a vessel when the vessel is being used for fishing, or for the transport of fresh fish, is fishing;
 - c) a vessel being used for fishing is being so used with the consent of the registered owner thereof; and
 - d) any fishing gear marked with a private mark registered under these Regulations is the property of the registered owner of the mark.

FIRST SCHEDULE

THE FISHERIES ACT

THE FISHERIES (GENERAL) REGULATIONS

GENERAL APPLICATION FORM

1. I/We hereby apply for.....(specify the licence, certificate of registration or permit for which the application is made).
2. a) Name of the applicant.....
b) Nationality.....
ID/No./Passport No.....
c) i) Mailing Address.....
ii) Telephone No.....
e) Business Location: Name of Building/Place.....L.R.
No.....Street/Road.....
Town.....District.....
3. a) Other than the business for which this application is made, are you involved in any other trade in the fishing industry?
YES/NO.....
c) If answer to (a) above is yes, please specify nature or type of business (es).....
.....
.....
d) Please list any other gainful occupation than the ones mentioned in (a) and (b) above you are engaged in
.....
.....
.....
4. Detail of vessel:
a) i) Name of vessel.....
ii) Type of vessel (*Hori/Ngalawa/Ssesse/Canoe/Mtaruma/Jahazi/Others*)
iii) Type of Hull.....Overall length.....R.T.....
iv) Date of Construction.....Port of Reg.....Reg.No.....District of Reg.....
v) Prime Mover: Paddle/Sail/Outboard/Inboard Engine.
vi) Engine Type (fuel).....

Make.....
 HP.....
 Date Installed.....
 Engine Serial No.....

- vii) Intended Fishing Area.....
 viii) Proposed Fishing
 Methods.....

*Delete whichever is inapplicable

- b) (I) Will the boat be exclusively used by you or it will be shared by the other licenced fishermen.....Will/will not shared.
 ii) If boat will be shared with other licenced fishermen, please state the number of those fishermen.....
 c) Detail of crew:
 I) Total Number of Crew.....
 ii) Name of Master of Vessel.....
 iii) Nationality of Master of Vessel.....
 iv) ID or passport No.of Master of Vessel.....
 v) Number of Crew who are not Kenyan citizens.....

5. Details to be Supplied by Corporate Body Applicants

- a) I) Name of
 Company.....

 ii) Number of certificate of incorporation or registration of
 business.....(please attach copy)
 b) State:
 i.Nominal Share of the Company.....
 ii. Issued Shares.....

Name	Nationality Citizenship	Passport ID/No.	No. of Shares Held

c) Details of Directors

Name	Nationality Citizenship	Passport No. ID/No.
------	-------------------------	---------------------

6. Details for Sport Fishing Clubs

- a) i. Name of Sport Fishing Club.....
 ii. Mailing Address.....
 iii. Telephone No.....
- b) Location of the Club: Name of Building/Place.....
 L.R. No.....Town.....
 District.....

c) Details of Office Bearers

Position	Name	Nationality Citizenship	Passport No. ID/NO.
Chairman			
Vice-Chairman			
Secretary			
Asst. Secretary			
Treasurer			

7. Details for Model of Transporting Fish

- a) Specify the form of transport you will use to move fish. Own motor vehicle/own vessel/public transport vehicle/any other means.....
- b) If mode of fish movement is own vehicle/own vessel give:
 i. Make of vehicle.....
 ii. Registration mark and No.....
 iii. Load capacity (kg.).....

8. I/We declare that the particulars and information as supplied by me/us herein are true, accurate and correct in every respect. I/We understand clearly that discovery of any false information provided by me/us will render this application invalid.

Signature.....Date.....
 Name (of Signatory).....
 Position (in the business).....

NOTES

The licence, registration or permit for which this application form may be used to apply include:

1. Aquarium Fisherman's licence

2. Aquarium Fish-keepers permit
3. Crustacea dealers
4. Fishermn's licence
5. Fish movement permit
6. Fish processing licence
7. Fish traders licence
8. Oysters collectors licence
9. Registration of fishing vessels
10. Registration of sport fishing club
11. Shell collectors licence
12. Shell dealers licence
13. Beche-de-mer.

THE FISHERIES (GENERAL) REGULATIONS

APPLICATION FOR TRANSFER OF CERTIFICATE OR REGISTRATION OF LOCAL FISHING VESSEL/PRIVATE MARK

I/We.....of
address.....hereby
authorize the transfer of ownership of certificate of registration of local fishing
vessel/private mark No..... toof
address.....
..... Reasons for
transfer.....
.....
Signed.....
Witness.....
Date.....

FOR OFFICIAL USE ONLY

Comment/Decision..... of..... Licensing
Officer.....
.....
.....

Note – This application must be submitted together with appropriate application for
certificate or registration duly completed by a person or institution to whom the transfer
is to be made.

THE FISHERIES (GENERAL) REGULATIONS

Fisherman's Licence

Name.....ID.No.....

Of (address.....is hereby authorized to fish (State
Location.....of.....Fishery
waters).....subject to
compliance with the provisions of the Fisheries Act, and the Regulations made
thereunder, and contingent to conditions specified hereunder-

.....
.....
.....
.....
.....

Fees Paid.....Date of issue.....

This fisherman's licence expires on 31st December.....

.....

Director

THE FISHERIES (GENERAL) REGULATIONS

SPORT FISHERMAN'S LICENCE

Name.....

Address.....

Class of Licence: Yearly/Monthly/Fortnightly
(delete whichever is inapplicable)

is hereby authorized to engage in sport fishing subject to compliance with the provisions of the Fisheries Act and Regulations made thereunder, and contingent to conditions specified hereunder-

.....
.....
.....
.....

Fees Paid.....Date of Issue.....

.....
Director

NOTE:

- a) A yearly Sports Fisherman's Licence expires on the 31st December.....
- b) A monthly Sports Fisherman's Licence is valid for 30 consecutive days from the date of issue.
- c) A fortnightly Sport Fisherman's Licence is valid for fourteen (14) consecutive days, from the date of issue.

Condition

The holder of this licence hereby undertakes to furnish a report either monthly or end of fishing trip in prescribed manner to the Director.

THE FISHERIES (GENERAL) REGULATIONS

FISH TRADER'S LICENCE

Name.....

ID.No./Passport No..... of
(address.....is hereby licenced

to trade in fish and fish products subject to the provisions of the Fisheries Act and to the Regulations made thereunder and contingent to conditions specified hereunder-

.....
.....
.....

Category of licence: Wholesale/Retail

(delete where inapplicable)

Fees paid.....
Date of issue.....
Date of expiry: 31st December.....

.....
Director

THE FISHERIES (GENERAL) REGULATIONS
FISH PROCESSING LICENCE

Name..... of
(address..... is hereby authorized to process fish
and fish products at-

Name of Building.....LR.No.....

Street.....Town.....District.....

Subject to the provisions of the Fisheries Act, and to the Regulations made thereunder
and contingent to conditions specified hereunder-

.....
.....
.....
.....
.....
.....

Fees paid.....

Date of issue.....

Date of expiry: 31st December.....

.....

Director

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his
business, in the form prescribed by the Director.

.....

THE FISHERIES (GENERAL) REGULATIONS
OYSTER COLLECTOR'S LICENCE

Name of Licensee.....

ID/No./Passport No.....of
(address).....is hereby

licensed to collect oysters in the area or areas specified hereunder and subject to the
Fisheries Act, and any Regulations made thereunder, and contingent to conditions
endorsed hereunder and overleaf.

a) Area specified for oyster
collection:.....

.....
.....
.....
.....

b) Endorsement:.....
.....
.....

Fees Paid.....

Date of issue.....

Date of expiry: 31st December.....

.....

Signature of Licensee

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his business, in the form prescribed by the Director.

FIRST SCHEDULE

THE FISHERIES (GENERAL) REGULATIONS

CRUSTACEA DEALER'S LICENCE

Name.....

ID.No./Passport No.....

Address.....

.....is hereby licensed to deal in
crustacea subject to the provisions of the Fisheries Act, and Regulations made thereunder
and contingent to the conditions endorsed hereunder:

.....
.....
.....
.....
.....

Fees paid.....

Date of Issue.....

Date of expiry: 31st December.....

.....

Director

.....

Licensee

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his business, in the form prescribed by the Director.

Failure to supply the required information may cause cancellation of the licence.

THE FISHERIES (GENERAL) REGULATIONS

SHELL COLLECTOR'S LICENCE

Name.....

ID.No./Passport No.....

Address..... is hereby
licensed to collect shells, subject to the provisions of the Fisheries Act, and Regulations
made thereunder, and to the conditions endorsed hereunder and overleaf.

.....

.....

.....

.....

Fees Paid.....

Date of issue.....

Date of expiry: 31st December.....

.....
Director

.....
signature of Licensee

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his
business, in the form prescribed by the Director.

Failure to supply the required information may cause cancellation of the licence.

THE FISHERIES (GENERAL) REGULATIONS

SHELL DEALER'S LICENCE

Name.....

ID.No./Passport No.....

Address.....

Category of licence: Wholesale/Retail.....

Whose business is located:.....

Name of building.....

LR. No.....Street.....

Town.....District.....

Is hereby licensed to deal in shells subject to the provisions of the Fisheries Act and
Regulations made thereunder and contingent to the conditions made hereunder.

.....
.....
.....
.....
.....

Fees Paid.....

Date of issue.....

Date of expiry: 31st December.....

.....
Director

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his business in the form prescribed by the Director.

Failure to supply the required information may cause cancellation of the licence.

THE FISHERIES (GENERAL) REGULATIONS

LICENCE TO FISH FOR AQUARIUM FISH

Name.....

ID.No./Passport No.....

Address..... is hereby
licensed to fish for aquarium fish, subject to the provisions of the Fisheries Act, and the
Regulations made thereunder, and contingent to the conditions endorsed hereunder and
overleaf:

.....
.....
.....
.....
.....

Fees Paid.....

Date of issue.....

Date of expiry: 31st December.....

.....
Director

CONDITION

The holder of this licence hereby undertakes to furnish a monthly return in respect of his business in the form prescribed by the Director.

Failure to supply the required information may cause cancellation of the licence.

THE FISHERIES (GENERAL) REGULATIONS
LICENCE TO CULTURE OR DEAL IN AQUARIUM FISH

1. a) Name of Licensee

.....
.....
.....

b. Nationality.....ID/Passport No.....

c. Mailing Address.....

d. Business Location: Name of Building/Place.....LR.

No.....Street/Rd.....Town.....

District.....has been authorized to culture/deal in
aquarium fish subject to compliance with the provisions of the Fisheries Act, and the
Regulations made thereunder and contingent to conditions specified thereunder:

.....
.....
.....
.....

Fees paid (Kshs.).....Date issued.....

Date of expiry: 31st December.....

.....
Director

THE FISHERIES (GENERAL) REGULATIONS
LICENCE TO KEEP AQUARIUM FISH

1. a) Name of Licensee.....

b. Address.....

c. Nationality.....ID/Passport No.....

d. Place of Residence (District).....

Plot No.....LR. No.....Street/Rd..... has
been authorized to keep aquarium fish subject to the compliance with the provisions
of the Fisheries Act, and the Regulations made thereunder and contingent to
conditions specified hereunder:

.....
.....
.....
.....

Fees Paid.....Date issued.....

Date.....of.....expiry: 31st
December.....

.....
Director

THE FISHERIES (GENERAL) REGULATIONS

LICENCE TO COLLECT OR TRADE IN BECHE-DE-MER

Name..... Of
address.....is hereby licenced to collect/trade in *beche-de-mer*
at-

a)Collector's particulars:

h) Area of collection.....

ii) Where processed.....

b) Trader's particulars:

i) Name of building (Business premises/stores)

ii. LR. NO.....

iii. Street.....

iv. Town.....

v. District.....

Subject to provisions of the Fisheries Act and Regulations made thereunder and
contingent of conditions specified hereunder:

.....
.....
.....
.....
.....

Fees Paid.....Date issued.....
Date of expiry: 31st
December.....

.....

Director

THE FISHERIES (GENERAL) REGULATIONS

CERTIFICATE OF REGISTRATION OF LOCL FISHING VESSEL

The Vessel.....

Name of Vessel.....

Name of owner.....

Address of licensing officer).....

For the purpose of fishing in accordance with Fisheries Act and the vessel has been
allotted the following identification number for the purpose of complying with the
provisions of regulation 5(5) of The Fisheries (General)
Regulations,No.....

Type of vessel (State Local Name or other).....

.....
.....

Length (Overall).....Beam(greatest width).....

Depth (greatest depth).....Tonnage(if known).....

Port Registration No.....

Method of propulsion (State whether, paddle sail/inboard or outboard/powering fuel.

Fees paid.....Date of issue.....

.....
Director

Form DF/CR2

THE FISHERIES (GENERAL) REGULATIONS

CERTIFICATE OF REGISTRATION OF SPORT FISHING CLUB/ASSOCIATION

r.28

1.(a) Name of Club/Association.....

.....
.....

b) Address.....

.....

.....
.....
c) Registrar's of Societies Registration Certificate
No.....

2. Location of Club/Association:

District.....Division/Town.....
.....

Location.....Village.....
.....

Has been registered as Sport Fishing Club/Association for the purpose of hiring boats or fishing gear in accordance with the provisions of the Fisheries Act and Regulations made thereunder and contingent to conditions specified hereunder:

.....
.....
.....
.....

Fees Paid.....Date of Issue.....

Date of Expiry: 31st December.....

.....
Director

THE FISHERIES (GENERAL) REGULATIONS

FISH AND FISH PRODUCT IMPORT/EXPORT PERMIT

TO: The Collector of Customs
Customs and Excise Department

.....
(Port/Airport of Export)

1. This is to confirm that
(name).....

.....of
 (address).....
has been authorized to Import/Export * Fish/Fish
 Products/Live Fish* mentioned hereinbelow to (country of destination):

.....

2. A-FISH AND FISH PRODUCTS

Fish/Fish Product	Quantity	Value

B-LIVE FISH

Species	Common Name	Number	Value

3. Name and address of
 Consignee.....

.....

.....

Director

.....

- Delete inapplicable word.
 NOTE: See conditions overleaf.

VALIDITY

The validity of this permit expires on the date specified overleaf or immediately on shipment of the consignment whichever of the two occurs earlier.

THE FISHERIES (GENERAL) REGULATIONS

LIVE FISH MOVEMENT PERMIT

1. Name.....of
(address).....
.....
.....

Nationality.....ID NO./Passport
No.....
Occupation.....
.....

Is hereby authorized to move fish species named hereinbelow:-

Zoological Name	Common Name
a)	
b)	
c)	
d)	

FROM		TO	
District (Name)	Place	District (Name)	Place
a)			
b)			
c)			

2. Reasons for movement/transfer of live
fish.....
.....
.....

3. Contingent to the conditions specified hereunder:

.....
.....
.....
.....

.....

Director

THE FISHERIES (GENERAL) REGULATIONS

FISH MOVEMENT PERMIT

1. Name.....
.....

Of
(Address).....
.....
.....

2. Trader's License No..... is
hereby authorized to move fish and fish products from one part of the country to
another, subject tot he provisions of the Fisheries Act, and Regulations made
thereunder and contingent to the conditions specified hereunder:-

.....
.....
.....
.....
.....

Fees
paid.....
....

Date of issue.....

Date of expiry: 31st December.....

.....
Director

THE FISHERIES (GENERAL) REGULATIONS

AQUARIUM FISH EXPORT PERMIT

To: The Collector of Customs
Customs and Excise Department

.....
(Port/Airport of Export)

This is confirm that
(Name).....

.....of
(address).....

.....has been authorized to import/export the aquarium fish mentioned herein
below:-

1.

SPECIES	NUMBER	VALUE
a)		
b)		
c)		
d)		
e)		

2. Country of destination.....

3. Name and address of
consignee.....

.....
.....
.....

Fees paid.....

Date Issued.....

Date of Expiry.....
(Insert approximate date of shipment)

.....
for: Director

-
- Delete inapplicable word.

NOTE: *see* conditions overleaf.

VALIDITY

The validity of this permit expires on the date specified overleaf or immediately on shipment of the consignment whichever of the two occurs earlier.

THE FISHERIES (GENERAL) REGULATIONS

RECEIPT OF NOTICE OF SEIZURE OF ITEMS

1. Particulars of items seized.....
.....
.....
.....

Name of Items Seized	Unity of Quantify	quantity	Estimated Value
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

2. Particulars of the person from whom the above items have been seized.
Name.....
Nationality.....ID/No./Passport
No.....
Date.....signature.....

3. Name of officer impounding items
Designation.....P/No.....
Station.....Signature.....
Date.....

4. (a) Location where seizure occurred.
i) District.....town/Location/sub-
location.....Road/Street.....
...
ii) time of seizure.....a.m./p.m.

THE FISHERIES (GENERAL) REGULATIONS

TROUT LICENCE

1. (a)licence is hereby granted to
b).....©.....to
fish trout within the Republic of Kenya, subject to the provisions of the
Fisheries Act and Fisheries (General) Regulations and all Rules and
notices thereunder.

2. This licence commences on
.....
and expires on (date)
.....
Date of
Issue.....

.....
Licensing Officer

Fee paid kshs.....
Station.....

.....
Signature of Licensee

- (a) Kind of licence, e.g. yearly, monthly or fortnightly.
- (b) Name of licensee (in Block letters)
- © Address of licensee

NOTICE

Anglers should keep themselves informed as to the rules of or the river they are fishing
and return all undersized fish.

Great care should be exercised by the anglers when removing the hook from the trout's
mouth. It is very important that the hand holding the fish should be wet, so that the
protective slime (on the trout) does not adhere to the hand, otherwise a *fungus growth* is
liable to set in, which ultimately kills the trout.

Be careful not to exert unnecessary pressure in holding the undersized trout when removing fly hook. If squeezed unduly hard, the fish's air bladder is ruptured.

Always allow the trout to swim out of your hand when returning it to the water. *Do not throw it in.*

In the interests of trout fishing, of other licence holders and of yourself, you are invited to cooperate with the Fisheries department in their endeavor to prevent poaching, the use of illicit baits, and their infractions of the trout regulations.

Please help to keep the fishing camp clean and leave no litter on the banks.

Please take exceptional care against starting a forest fire when camping or at any time when in the forest. Always respect crops.

TROUT LICENCE FEE

1. yearly licence Kshs.....
2. Monthly licence Kshs.....
3. Fortnightly or 14 days licence Kshs.....

THE FISHERIES (GENERAL) REGULATIONS

FEES FOR REGISTRATION, LICENCE, PERMITS AND OTHER CHARGES¹.

1. REGISTRATION OF LOCAL FISHING VESSELS

Sh.

A-Non-mechanized fishing vessels 100

B-Mechanized fishing vessel:

- | | | |
|------|--|--------|
| i) | Vessel not exceeding 5 (five) metres length and 1½ (one and half) metres beam | 200 |
| ii) | Vessel of more than 5 (five) metres but not exceeding 10 (ten) metres length and 2½ (two and half) metres beam | 500 |
| iii) | Vessel of more than 10 (ten) metres but not exceeding 15 (fifteen) metres length | 5,000 |
| vi) | Vessels of more than 15 (fifteen) metres length..... | 10,000 |

2. FISHERMEN, SPORT AND TROUT FISHING LICENCES

2.1 Fisherman's licence

CLASS A

Fisherman not using any craft.....50

CLASS B

Fisherman using non-mechanized vessel:

- | | | |
|-----|--|-----|
| i) | vessel not exceeding 5 (five) metres length..... | 100 |
| ii. | Vessel exceeding 5 (five) metres length..... | 200 |

CLASS C

Fisherman using mechanized vessel:

- | | | |
|-----|---|-----|
| i. | Vessel of more than 5 (five) metres length and 1½ (one and half) metres beam..... | 150 |
| ii. | Vessel of more than 5 (five) metres length and 1½ (two and half) metres beam..... | 300 |

- iii. Vessel of more than 10 (ten) metres length and 2½ (two and half) metres beam but not exceeding 15 (fifteen) metres length.....1500
- iv. Vessel of more than 15 (fifteen) metres length.....5000

2.2 Sport Fishing Licence

- i. Annual licence.....1500
- ii. Monthly Licence.....600
- iii. Fortnightly licence.....400

2.3 Trout Fishing Licence:\

- i. Annual licence.....500
- ii. Monthly Licence.....300
- iii. Fortnightly licence.....200

3.0 Miscellaneous Licences/Certificates:

- a) Aquarium fish dealer's licence.....2000
- b) Aquarium fisherman's permit.....200
- c) Aquarium fish keeper's permit.....100
- d) Beche-de-mer collectors licence.....100
- e) Beche-de-mer export fee calculated at 5% (five percent) *ad valorem* of market price
- f) Camping fee per person per day.....50
- g) Crustacea dealers licence:
 - i. Wet.....1500
 - ii. Dry and live crabs.....500
- h) Fish import fee at 5% (five per cent) *ad valorem of market price*.
- i) Fish movement permit for:
 - 1. Vehicle a) Not exceeding 3 (three tonnes).....500
 - b) Exceeding 3 (three tonnes).....1000
 - 2. Boats a) Not exceeding 101000
 - c) Exceeding 10.....5000
- 3. Luggage accompanying trader using public passenger carrier vehicle.....50
- j) Fish processing licence.....1000
- k) Fish export fee t 0.5% (zero point five per cent) *Ad valorem* of market price.
- l) Fish trader's licence (Rural).....100
- m) Fish trader's licence (Urban).....300
- n) Live fish movement permit.....100
- o) Registration of private mark.....300
- p) Renewal of private mark.....100
- q) Registration of sport fishing club.....1500
- r) Shell collectors licence.....100
- s) Shell dealers licence (Retail).....500

- t) Shell dealers licence (Wholesale).....1500
u) Oyster collectors licence.....200

THE FISHERIES (GENERAL) REGULATIONS

WATER DECLARED OPEN FOR PURPOSES OF TROUT FISHING

DISTRICT	RIVER
1. Embu	Ena, Kapingazi, Rupingazia, Thambana, Thuci
2. Kericho	Itare, Kipsonoi, Kiptiget
3. Kiambu	Gatamaiyu, Karimenu, Ndarugu, Ruwabura, Thiririka
4. Kirinyaga	Kamweti, Kiringa, Mukengeria, Nyamindi, Thiba
5. Laikipia	Liki, Nanyuki, Ngare Naro, Nyiro, Ngobit, Tingithi
6. Meru	Kazita, Mutonga, Nithi siremoni
7. Muranga	Chania, Kimakia, Maragua, Mathioya (North), mathioya (South), Thika
8. Nakuru	Malewa
9. Nyandarua	Kitiri, Malewa, Mutara Pesi, Turasha, Uaso Nyiro, Wanjohi
10. Nyeri	Burguret, Chania, Bura, Naromoru, Ragati, Sagana, Thego
11. Trans Nzoia	Kabewyan, Kisawai, Koitabus, Little Nzoia, Noigamet
12. Uasin Gishu	Kaptagat, Kipkaren, Moiben, timboroa
13. Elgeyo/Marakwet	Aror
14. West Pokot	Morun

TROUT DAMS

District	Names
a) Nyandarua	Sasumua, Olraimutia, Gathanyi, Ya Kiongozi
b) Uasin Gishu	Elligrin

THE FISHERIES (GENERAL) REGULATIONS

DESIGNATED FISH LANDING STATIONS

1. LAKE VICTORIA

a) Busia	Budalangi	Bunyala South	Bulwani Namabusi Osieko Rukala Runyu
		Bunyala	Budubusi Bukoma Marenga Rudacho Sisenye Nalera
	Funyula	Samia South	Bumbe Buyukha Busembe Busijo Bwolokoma Sio Port
b) Siaya	Bondo	Sakwa Central	Liunda Uyawi Wagusu Sirongo
		Sakwa South	Nyamnwa Wichlum Ludhi
		Sakwa West	Nyamarimba
		Yimbo Central	Uwaria
		Yimbo East	Oele
		Yimbo West	Hange Mahanga and Sike (Mageta Island) Nambo Usenge
	Boro	Alego West	Gangu (L. Kanyaboli)
	Rarieda	Asembo East	Kokach Ralayo
		Asembo West	Kowange
		Uyoma Central	Aram Kogonga

			Kopiata Lwanda Kotieno Madundu Nyangoe
		Uyoma West	Kamariga Misoru Kayuava Osindo
c) South Nyanz	Kendu	Karachuonyo Central	Obaria Siara
		Karachuonyo West	Achuodho Alara Chwowe Dunga Kagwe Kawere Rakwaro
		Karachuonyo North	Kendu Bay
		Karachuonyo North/West	Awana Mitimbili Sare Wathremo
		Karachuonyo West	Alum Bala Rawi Doho Kaimbo Mainugu Rangombe
	Mbita	Gembe	Kaugege Lwanda Nyamasare Mirunda Misoru Kobar Tabla
		Gwassu Central	Kagoro Kinda Rasira
		Gwassu North	Kisegi Kitawa Kiwa Nyandiwa Osiri Oterere Gingo
		Kakisingiri	Kibuogi Nyakwara Sindo

			Ragwe Ukula
		Mfang'ano	Kasarani Milundu Ringiti (Remba Island) Kamarach (Takawiri Island) Nyakweri Sena Ugina Yokiya Wakula
		Rusinga	Kiumba Lwanda Rombo Misenye Mwanga Sienga Okowe Nyagina Ufira Utajo Urya (Godhe Island)
	Nyakite	Kadem Central	Kaobe Modi
		Kadem North	Lwanda - Konyango
		Kadem West	Aneko Got Kachola Lidha Matuso
		Karungu East	Ngira
		Karungu West	Ohodi Okiro Sori
		Muhuru	Kibro Mugabo Nyangwenda Sumba Tagache
	Rangwe	Kanyada East	Lela
		Kanyada West	Kananga Koginga
		Kochia	Ngegu
d) Kisumu	Maseno	Seme Central	Asat
		Seme East	Kaloka
		Seme West	Arongo

			Nyamarwaka
	Nyando	Kano North West	Nyamware
		Kano South West	Nduru Oseth
	Nyakach Lower	Nyakach North	Kusa
	Nyakach Upper	Nyakach West	Bala Koguta Sango Rota
	Winam	Kisumu East	Paga Usare Usoma
		Kolwa West	Dunga Tako Block
		Town	Kichinjio

2. INDIAN OCEAN

District	Division	Location	Beach
a) Kilifi	Malindi		Ngombeni Malindi Mayundu Watamu Kilifi Takaungu Mtwapa
b) Kwale	Matuga	Ngombeni	Tsunza Mbuguni Mkwaju Mwanyerere
		Tiwi	Kikadinu Nyari Tiwi
	Msambweni	Diani	Mwakamba Gomani Mwambombi Trade Winds
		Kinondo	Mwaepe Mvuleni Mgwani Jeza Chale Gazi
		Msambweni	Mwandamu

			Mkunguni Mwaembe Munge Shirazi Funzi Bodo
		Pongwe/Kidimu	Ramisi Kiwambale Anziwani Shimoni Mkwiro Wasini Kibuyuni Mtimbwani Kijiweni Kivuma Aleni Chete cha kale
		Vanga	Kiwegu Vanga Jimbo
c) Lamu	Kiunga	Kiunga	Ishakani Kiunga Kiwayuu
	Faza	Faza	Kizingitini Rasini Shanga
	Amu	Amu	Amu Ndununi Mtondoni
		Mokowe	Mokowe
	Mpeketoni	Mkunumbi	Mkunumbi
		Mteketoni	L. Kenyatta
	Witu	witu	Bulto Moa
d) Mombasa	Kisauni	Bamburi	Utange
		Kisauni	Bamburi Nyali Mkomani Mishomoroni
	Island	Island	Mkupe Old Port Market Tudor
	Likoni	Likoni	Mtongwe Likoni Timbwani

	Changamwe	Changamwe	Jomvu ya Vyungu Mikindani Kitanga Juu
e) Tana River	Kipini	Kipini	Kipini

3. LAKE TURKANA

District	Division	Location	Beach
a) Turkana	Central		Tondenyang Lawarengak Nachukwi Kataboi Namandak Kalokol Eliye Spring Kerio
b) Marsabit			Ileret Moite El Molo Bay Loiyangalani

4. LAKE BARINGO

a) Baringo	Marigat Tungulbel	Njemps Korofi	Kambi ya Samaki Ngenyin Komolion
	Muchongon	Makutano	Noosuguro Kiserian
	Nginya	Loyamaruk	Loruk

5. LAKE NAIVASHA

a) Nakuru	Naivasha	Naivasha	Central landing
-----------	----------	----------	-----------------

6. LAKE JIPE AND CHALA

a) Taita Taveta	Taveta	Jibe	Kajero Kilometre 7 Mwanjohi
		Chala	Darajani Lesesia

7. MAN-MADE DAMS

NAME	DISTRICT	
a) Masinga	Machakos	Ekalakala Mananja Tumutum Riakanau Tumutumu
	Embu	Katooni Kamburu
b) Kiambere	Kitui	
c) Kamburu	Machakos	
d) Kindaruma	Embu	
e) Gitaru	Embu	

THE FISHERIES (GENERAL) REGULATIONS

FISH MEASUREMENTS

1. DEFINITIONS

- a) *Standard length (SL)* is the length from the interior end of upper lip to the root of the caudal fin.
- b) *Total length (L)* is the sum of standard length and any projecting part of the lower jaw and length of caudal fin.
- c) Depth of body is the greatest depth, excluding fins.
- d) LCF length of caudal fin.
- e) L head length of head.

THE FISHERIES (FOREIGN FISHING CRAFT) REGULATIONS

ARRANGEMENT OF REGULATIONS

Part I – Preliminary

- 1- Citation
- 2- Interpretation

PART II – LICENSING OF FOREIGN FISHING VESSELS

- 3-Licence required.
- 4-Communication to be made through diplomatic representative.
- 5-Application for licence
- 6- Issuance of licence
- 7- Fishing Plan
- 8- Local representative
- 9-Fees
- 10 – Conditions of licence
- 11 – Modification of licence
- 12 – Replacement of licence
- 13 – Licence not transferable
- 14 – Licence to be kept on the vessel
- 15 – Production of licence
- 16 – Suspension or revocation of licence
- 17 – Appeal

PART III – CONTROL OF FOREIGN FISHING VESSELS IN KENYA – FISHERY WATERS

- 18 – Fishing in Kenya territorial waters prohibited
- 19 – Stowage of fishing gear
- 20 – Trans-shipment of catch
- 21 – Notice of intention to enter the zone
- 22 – Port inspection
- 23 – Inspection before leaving zone
- 24 – Exemption
- 25 - Port call
- 26 – Flags
- 27 – Markings
- 28 – Navigational lights and shapes
- 29 – Communication
- 30 – Compliance with directions
- 31 – Records
- 32 – Reporting
- 33 – Notification of completion of quota
- 34 – Avoidance of set gear
- 35 – Pollution, abandoned fishing gear
- 36- Navigational, customs laws, etc.

PART IV – MARINE FISHERIES RESEARCH

- 37 – Scientific Research
- 38 – Right to withhold consent
- 39- Application to do marine fisheries research

- 40 – Conditions
- 41 – Grant of permit
- 42 – Suspension, cessation of research

PART V – MISCELLANEOUS PROVISIONS

- 43- Powers of authorized officers
- 44 – observers
- 45- Security
- 46- penalties
- 47 – Presumption.

THE FISHERIES (FOREIGN FISHING CRAFT) REGULATIONS

PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries (Foreign Fishing Craft) Regulations.
2. In these Regulations, unless the context otherwise requires – Interpretation
 - “approved fishing plan” means a fishing plan approved by the Director under regulation 7;
 - “by-catch” means any species taken incidental to the target species in respect of which the licence has been granted;
 - “call sign” means the international radio call sign;
 - “diplomatic representative” means the diplomatic representative of the country or the accredited representative of the inter-governmental organization representing a country;
 - “exclusive economic zone” means the exclusive economic zone of Kenya as described in Section 4 of the Maritime Zones Act;
 - “flag state” means the state in which the craft is recognized at international law as being registered;
 - “high seas” means all waters beyond the exclusive economic zone of Kenya;
 - “inspection port” means a Kenyan port that the Director has, by notification to the owner or master of a foreign fishing craft, designated as an inspection port for the purpose of these Regulations;
 - “Kenya scientific authority” means the Kenyan authority at the time empowered to grant permission for research;
 - “master” means the person for the time being having command or charge of the fishing craft;
 - “owner” in relation to a fishing craft, includes any person by whom the craft is owned, and any charterer, sub-charterer, lessee, or sub-lessee of the craft;
 - “pollutant” means any substance or energy, which is introduced into the marine environment, including estuaries, results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the

sea, impairment of quality for uses of the sea, impairment of quality for use of sea water and reduction of amenities;

“ship’s log” means a ship’s log required to be maintained on a licensed craft under regulations 31 (1);

“territorial waters” has the meaning assigned to it by Section 3 of Maritime Zones Act.

PART II – LICENCING OF FOREIGN FISHING VESSELS

3. No foreign fishing vessel shall fish, attempt to fish or participate in fishing operations in Kenya fishery waters without a licence issued under regulation 6.
4. Every notice, other document or communication that is to be served on or given to the Minister or the Director in respect of any foreign fishing craft or of any licensee, owner, master or crew member of any foreign fishing craft, shall be served, or given, through the diplomatic representative, unless in any particular case the Minister or Director authorizes another procedure.
5. Every application for a foreign fishing licence shall be-
 - a) in Form I set out in the First Schedule; and
 - b) submitted in writing to the Director by the diplomatic representative of the flag state of the craft.

6(1) The Director may grant a licence in Form 2 set out in the First Schedule to the owner of a foreign fishing craft in respect of which an application has been made if –

- a) the Government of the flag state to which the craft belongs, or an inter-governmental organization to which the craft belongs, has signed a fisheries cooperation agreement with the Government of Kenya;
 - b) the Director has approved a fishing plan, under regulation 7 for the flag state of the craft;
 - c) the licence application is complete;
 - d) the licence application is consistent with the fishing plan;
 - e) a local representative has been appointed for the craft as required by regulation 8; and
 - f) the Director has made the findings required by section 12 (2) of the Act;
 - g) the applicant has paid the licence fee specified in Second Schedule; and
 - h) the applicant has supplied a performance bond in respect of payment of royalties calculated and determined in the manner specified in the Second Schedule.
- 2) A licence granted under this section is also deemed to be a registration under Section 7 of the Act.
6. (1) The diplomatic representative of any country in respect of which the Director has made an apportionment of the allowable catch for a foreign fishing craft under Section 12 (2) of the Act in respect of any fishery in the exclusive economic zone may from time to time submit to the Director a fishing plan that complies with this regulation.
- 2) Every fishing plan shall be in English and shall be in the form of a memorandum, and shall outline the proposals for taking from the Kenyan fishery waters the country’s apportionment, including the following information-

- a) the area in the exclusive economic zone in which fishing will be carried out by the craft of the country;
 - b) an exact number of fishing crafts from that country that will be engaged;
 - c) the estimated times for arrival in and departure from the exclusive economic zone of such fishing crafts;
 - d) the proposed duration of the fishing plan;
 - e) an outline of the calls into Kenyan ports to be made by the fishing crafts of that country during the duration of the fishing plan;
 - f) an outline of all other proposed operations in support of the fishing crafts of that country in the exclusive economic zone during the duration of the fishing plan; and
 - g) such information as the Director may require in order to exercise his powers under section 12 of the Act.
- 3) The diplomatic representative of any country in respect of which a fishing plan has been submitted shall from time to time submit, in the same manner, any proposal to revise that fishing plan.
 - 4) The Director may from time to time approve any fishing plan submitted to him or any proposal to revise that plan.
 - 5) In approval of a fishing plan, or a proposal to revise a fishing plan, the Director may specify the time for which the approval shall remain in force.
 - 6) The Director may from time to time, of his own motion, revise or suspend any approved fishing plan, or cancel his approval of any fishing plan.
 - 7) The approval of a fishing plan shall not be construed to limit any power of the Director relating to the licensing of any foreign vessel.
 - 8) No licence shall be issued in respect of a foreign fishing vessel unless there is appointed a local representative who is authorized to act on behalf of the owner and master of that vessel and who is able to accept legal responsibility on behalf of the owner and master.
 - 9) (1) The licence of fee and any other charges as may be prescribed from time to time by the Director, shall be paid before the licence is delivered to the applicant.
2) Payment of licence fees and charges shall be as follows –
 - a) the Director shall issue an order of payment for each applicant specifying the amount due in a nominated foreign currency;
 - b) the applicant shall make the payment in the designated foreign currency to the Central bank of Kenya, for the account of Paymaster-General.
9. A licence may contain such terms and conditions as the Director, with the approval of the Minister, may determine and may include the following-
 - a) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto;
 - b) the types, size and amount of fishing gear that may be used or carried on board, and the modes of storage of that gear when not in use;
 - c) the activities authorized by the licence shall be carried out only at the times and in the area of Kenya fishery waters as set out in the licence;
 - d) the amount of by-catch that may be retained;
 - e) the requirement to take on board authorized officers or observers;
 - f) the inspection of any fishing or fishing-support vessel at any specified periods;

- g) the landing of fish in Kenya
- h) the provision of statistical and other information required to be given by the foreign fishing vessel to the Director, including statistics relating to catch and effort and reports as to the position of the vessel;
- i) the training of Kenyan citizens in the methods of fishing employed by the foreign fishing vessel and the transfer to Kenya of technology relating to fisheries;
- j) the employment of Kenyan citizens in the fishing activities;
- k) the period during which the licence has effect and the date of commencement of operations under the licence;
- l) the marking of the fishing vessel and other means for its identification;
- m) the installation on the fishing vessel and maintenance in working order of a transponder or other equipment for the identification and location of the vessel and of adequate navigation equipment to enable its position to be fixed from the vessel;
- n) directions, instructions and other requirements given or made by vessels or aircraft of the Kenyan Armed Forces or other government vessels to the fishing craft that shall be complied with;
- o) fees and other related charges to be paid;
- p) instruction given by the Director; from time to time, to carry out a programme of sampling or observations in connection with fisheries and scientific research in the Kenya fishery waters;
- q) management measures in force under sections 4 and 5 of the Act; and
- r) such other matters as the Director considers necessary or expedient for the conservation or management of fisheries resources within the exclusive economic zone.

10. (1) If the Director modifies a fishing plan of a country under regulations 7 he may modify any licence of a craft with the revised fishing plan.
 - 2) If the Director modifies a licence he shall notify the local representative of the craft of the terms of the modification and of the person to whom the licence shall be delivered for endorsement.
 - 3) The modification shall take effect seven days after the local representative is notified.
 - 4) When a craft's licence has been modified and the craft's local representative has been notified of the modification, within seventy-two hours of when the craft next enters a Kenya Port the master or owner shall cause the licence to be delivered to the designated person so that the modification can be endorsed on the licence.
 - 5) After the licence has been endorsed it shall be returned to the owner or master of the craft.
12. The Director may issue a duplicate licence to the licensee or master of a foreign fishing vessel on payment of the prescribed fee –
- a) if he is satisfied that a licence has been accidentally lost, destroyed; or so damaged as to be illegible; or
 - b) for any other reason he deems appropriate.
13. A licence issued under regulations 6 is not transferable to any other vessel.

14. Except as provided in regulations 11 and 16 every licence shall be maintained in good condition the foreign vessel in respect of which it was issued, in a place where it can be readily inspected by an authorized officer and where it is safe from the elements.
15. Every master of a licensed foreign fishing vessel in Kenyan fishery waters shall, on demand of any authorized officer; produce to that officer for inspection the licence issued in respect of the vessel.
16. (1) The Director may revoke, or suspend for the periods he deems appropriate, a foreign fishing licence at any time –
 - a) if he determines that the owner or master has failed to comply with any provisions of the Act, these Regulations, any management measures issued under the Act or any condition of the licence; or
 - b) if he determines that such action is necessary for the proper management of the fisheries.
- 2) The Director shall deliver notice of the revocation or suspension of a licence to the local representative of the vessel for which the licence was revoked or suspended and advise him of the person to whom the revoked or suspended licence shall be delivered.
- 3) Within seventy two hours of his delivery of the notice of revocation or suspension, the owner or master shall cause the licence to be delivered to the designated person.
- 4) If a licence is revoked or suspended under this regulation for the proper management of the fisheries, the proportion of the fees paid for any unexpired term of the licence shall be refunded to the licensee.
17. (1) Any person aggrieved by an action taken by the Director under regulation 16 may appeal to the Minister within thirty days of the delivery of the notice of revocation or suspension to the local representative.
 - 2) The appellant shall-
 - a) prepare the petition in duplicate;
 - b) describe the matter to which the appeal relates;
 - c) set forth concisely the grounds of the appeal;
 - d) sign the petition;
 - e) serve the original on the Minister;
 - f) serve the copy on the Director;
 - 3) The decision of the Minister shall be final and shall be communicated in writing to the appellant or his local representative with a copy to the Director.

PART III- CONTROL OF FOREIGN FISHING VESSELS IN KENYA FISHERY WATERS

18. No person shall undertake fishing from a foreign fishing vessel within the territorial waters of Kenya.
19. (1) Any foreign fishing vessel to which this regulation applies shall, while in Kenya fishery waters, keep all fishing gear stowed in such a manner that it is not readily available for fishing, and shall comply with the following specific provisions-
- a) all fishing gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place it is normally used for fishing, and placed where it cannot be readily used for fishing;
 - b) all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and
 - c) all fishing gear carried on deck shall be secured to some part of the superstructure of the vessel;
 - d) in the case of purse seines the boom shall be lowered as far as possible so that the vessel cannot be used for fishing, but so that the skiff is accessible for use in emergency situations, helicopter shall be tied down, and launching shall be secured.
- (2) This regulations applies to-
- a) any foreign fishing vessel that is not licensed under regulation 6;
 - b) any licensed foreign fishing vessel before it receives port inspection as required by regulation 22; and
 - c) any licensed foreign fishing vessel after it has been granted clearance to leave the exclusive economic zone under regulation 23.
20. (1) No fish shall be transshipped from a foreign fishing, vessel in Kenya fishery waters to another vessel except at the port designated by the Director and at a time authorized for the purpose by the Director, and in accordance with such conditions as he may specify.
- (2) paragraph (1) shall not apply to a trans-shipment at the direction of an authorized officer.
21. (1) No foreign fishing vessel to which this regulation applies shall enter the exclusive economic zone from the high seas unless, not less than twenty-four hours before its entry, the Director has been notified of the following matters-
- a) the name, call sign and flag state of the craft;
 - b) the latitude and longitude of the point at which the craft will enter the zone;
 - c) the port to which the craft will proceed for inspection under regulation 22;

- d) the species of fish on board the craft, and the quantity and condition of each species.
- 2) This regulation applies to_
 - a) any foreign fishing vessel entering the zone in furtherance of or for the purpose of making an application for a license; and for the purpose of making an application for a licence; and
 - b) any licensed vessel.
- 22. (1) Every vessel to which regulation 19 applies shall on entering the zone except in pursuance of clearance to leave the zone given by an authorized officer at an inspection port.

2) No licensed vessel shall enter the high seas from the economic zone except in pursuance of clearance to fish in the zone given by an authorized officer at an inspection port.
- 23. (1) No licensed vessel shall enter the high seas from the exclusive economic zone except in pursuance of a clearance to leave the zone given by an authorized officer at an inspection port.

(2) Every licensed vessel in respect of which a clearance has been given under paragraph (1) shall be used for fishing in the exclusive economic zone before it enters the high seas.
(3) No licensed vessel in respect of which clearance has been given under paragraph(1) shall be used for fishing in the exclusive economic zone before it enters the high seas.
- 24. The Director may in any particular case or class of cases exempt a licensed vessel from compliance with regulations 22 and 23 on such conditions as he may specify.
- 25. Where a licensed vessel wishes to enter a Kenyan port after it has been given clearance under regulation 22 to fish in the exclusive economic zone but before it has been given clearance under regulation 23 to leave the zone, the Director shall be notified not less than twenty-four hours before its intended entry of the following details-
 - a) the name, call sign, and flag state of the craft;
 - b) the intended port of entry, and
 - c) the purpose of the intended entry.
- 26. Every licensed vessel shall, at all times while it is in Kenya fishery waters, fly both the flag of Kenya and that of its flag state.

27. (1) Every licensed vessel shall, at all times while it is in Kenya fishery waters, display its call sign in block Roman alphabet letters and Arabic numerals, in white markings on a black background or in black on a white background, on the port and the starboard side of the hull in such a manner that the markings are clearly visible and legible from the air and at sea level.
- (2) without limiting the requirements of paragraph (1) –
- a) in the case of a licensed vessel whose overall length exceeds twenty metres, the lettering shall be not less than one metre in height; and
 - b) in the case of licensed vessel whose overall length does not exceed twenty metres, the lettering shall be not less than half a metre in height.
- 3) No licensed vessel shall use for fishing in the Zone any fishing equipment that cannot be readily seen to be attached to the vessel unless the equipment is permanently and legibly marked with the call sign of the vessel in such a manner that it can be readily identified as being used by the craft.
- 4) The owner or master of a foreign fishing vessel operating in Kenya fishery waters which is not marked as required by this regulation shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or equivalent but which amount shall be paid in designated foreign currency.
28. Every licensed vessel shall, while it is in Kenya fishery waters, display lights and shapes prescribed by the International Regulations for preventing collisions at sea, 1972, for the craft and the activity in which it is engaged.
29. (1) Every licensed vessel in Kenya fishery waters shall carry the latest edition of the “International Code of Signals” published by the Inter-governmental Maritime Consultative Organization, Maritime Safety Committee (IMCO, MSC).
- (2) Every person who is a master or officer of a licensed vessel shall have a working knowledge of the code.
- (3) In every communication by radio, flag or light between any licensed craft in Kenya fishery waters and Kenyan authorities, the signal specified in the code shall be used.
- (4) For the purpose of commanding a fishing craft to stop immediately to the signal shall be-
- a) the hoisting of the International Code letter “L” ;
 - b) the flashing of the International Morse Code letter “L” or
 - c) the sounding of a horn or whistle to indicate the International Morse Code letter “L”.

- 5) Where an authorized officer on board a Government vessel intends to board the fishing craft at sea, the signal to be used on board the Government vessel shall be-
- a) the hoisting of the International Code flag "SQ3";
 - b) the flashing of the International Morse Code letter "SQ3"; or
 - c) the sounding of a horn or whistle to indicate the International Code letter "SQ3"
30. (1) The master and each member of the crew of a licensed foreign fishing craft shall, while in Kenya fishery waters, comply with any directions given to him by any authorized officer, and in particular, shall on request by the officer-
- a) stop the vessel;
 - b) permit an authorized officer to board the vessel and cooperate with him in any inspection; and
 - c) bring the vessel into port.
- 2) The master and each member of the crew of a licensed foreign fishing craft who does not understand a signal for a Government vessel or aircraft and who is unable to obtain clarification must consider the signal to be a command to stop the vessel instantly.
31. (1) Every master of a licensed vessel shall maintain in English on board the vessel, at all time while the vessel is in Kenya fishery waters, a ship's log and shall enter in that log a record of the date, time and nature of every instruction, direction or requirement communicated to the master by the Director or an authorized officer while the vessel is in Kenya fishery waters.
- (2) Every master of a licensed vessel shall maintain in English, on board the vessel in duplicate, at all times while the vessel is in Kenya fishery waters, a separate fishing log in which he shall enter daily, whenever the vessel is in Kenya fishery waters, the following information relating to the activities of the craft during that day-
- a) the methods of fishing used;
 - b) the fishing of hauls of trawls or seine nets and in case of the set nets or long lines, the length of netting or number of hooks set per day;
 - c) the area in which fishing was undertaken specified in longitude and latitude position;
 - d) the species of fish taken, and the quantity and average size of fish of each species measured by weight;
 - e) the species of fish returned from the vessel to the sea and the quantity;
 - f) such other information as the Director may require in order to ascertain the fishing activities of the craft in the Kenya fishery waters.

- 3) Every fishing log shall be maintained in a form supplied or approved by the Director.
 - 4) Every master of a licensed vessel shall within 72 hours after each occasion on which the vessel enters a Kenya port, forward so much of the fishing log as it then completed to the Director and maintain a copy on the vessel.
32. Every licensed foreign fishing vessel so long as it is in Kenya fishery waters, shall report on a weekly basis, to the Director or to the person designated in the license, the following information:-
- a) the name, call sign and country of registration of the vessel'
 - b) the fishing license number;
 - c) the precise geographical position of the vessel at the time of reporting in terms of longitude and latitude;
 - d) the quantity, in kilograms, of each species of fish in the hold; and
 - e) the quantity, in kilograms, of each species of fish caught since the last port inspection the last weekly radio report, whichever is the latter.
33. Every diplomatic representative of a country to which an apportionment has been made shall notify the Director forthwith –
- a) of the completion of taking by vessels of his country of so much of the allowable catch in respect of any fishery in the exclusive economic zone as has been apportioned to the fishing vessel of his country; and
 - b) of the completion of taking so much of that apportionment as may only be taken in a specified area or by a specified method in the exclusive economic zone.
34. Every master of a foreign fishing vessel in the exclusive economic zone shall conduct his operations with due regard to the activities of other fishing vessels and shall ensure that a distance of not less than one half of a nautical mile is maintained at all times between the vessel and any fishing gear from other fishing vessels, that-
- a) has been set in the sea in such a manner that each end of the gear is anchored; and
 - b) has been marked so as to be visible to persons on board any craft navigation within one half of a nautical mile of the set gear.
35. (I) Except in the cases of emergency involving, safety of the fishing craft or crew, no fishing craft may intentionally or negligently place or discharge into the fishery waters, any article, including abandoned fishing gear, or pollutant which may-

- a) cause harm to any fishery resource or marine mammal;
 - b) interfere with fishing or obstruct fishing gear or vessels; or
 - c) become a hazard to navigation.
- 2) In the event of an accidental placing or discharge of such articles or pollutant into the fishery waters or in the event of encountering such articles, the master of the vessel shall immediately report the incident to the Director giving the following information-
- a) the name of the reporting master and the name and call sign of his craft;
 - b) the nature of the article disposed or encountered;
 - c) the location of the article or pollutant spill; and
 - d) the time and date of the incident.
36. No license shall relieve any foreign fishing craft or its master or crew of any obligation or requirement imposed by law concerning navigation, customs, immigration, health and safety or any other matter.

PART V – FISHERIES SCIENTIFIC RESEARCH

37. (1) No marine fisheries research shall be conducted in the maritime zones of Kenya without the express consent of and subject to conditions imposed by the Kenyan scientific authority and without a permit granted by the Director.
- 2) Subject to regulation 38 Kenyan scientific authority shall give its consent where the marine fisheries research would be carried out by any state or competent international organization for peaceful purposes and to increase scientific knowledge of the marine environment in Kenya fishery waters.
38. The Kenyan scientific authority may withhold its consent to the conduct of a marine fisheries research project by any state or competent international organization in the maritime zones of Kenya if it has been reason to believe that the project-
- a) is of direct significance to the exploration and exploitation of natural resources, whether living or non-living;
 - b) involves drilling into the sea bed, the use of explosives or the introduction of pollutants into the marine environment;
 - c) involves the construction, operation or use of artificial installations or structures.
 - d) Contains information communicated pursuant to regulation 40 regarding the nature and objectives of the project which is inaccurate or if the researching state or competent international organization has an outstanding obligation to Kenya from a prior research project; or

- e) Would interfere with activities undertaken by Kenya in the exercise of its sovereign rights and jurisdiction provided for under the Maritime Zones Act any applicable written law or international law.
39. (1) Any state or competent international organization which intends to undertake marine fisheries research in the maritime zones of Kenya shall, not less than six months in advance of the expected commencement date of the fisheries scientific research, provide the Kenyan scientific authority with a comprehensive description of-
- a) the nature and objectives of the research project;
 - b) the name of the sponsoring institution, its director and the person in charge of the research project;
 - c) the name and curriculum vitae of all scientific personnel expected to be on board the research vessel;
 - d) the methods and means to be used, including the name, tonnage, type and class of the research vessel and a description of scientific equipment on board;
 - e) the precise geographical location in which the research project is to be conducted;
 - f) the anticipated date of first appearance and final departure of the research vessel, or deployment of the equipment and its removal, as appropriate; and
 - g) the extent to which it is considered that Kenyan scientists should be able to participate or to be represented in the research project.
- 2) The state or competent international organization shall also apply for a permit from the Director under regulation 5.
40. (1) Every state or competent international organization undertaking marine fisheries research in the maritime zones of Kenya shall comply with the following conditions-
- a) ensure the right of the Government of Kenya, it so desires, to participate or be represented in the research project, especially on board research vessels and other crafts or scientific research installation and without obligation to contribute towards the costs of the research projects;
 - b) provide the Director and the Kenyan scientific authority with preliminary reports and with the final results and conclusions after the research project;
 - c) undertake to provide access, at the request of the Director or the Kenyan scientific authority to all data and samples derived from the research project and likewise to furnish either of them or both with data which may be copied and samples which may be divided without detriment to their scientific value;
 - d) provide, at the request of the Director or the Kenyan scientific authority an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
 - e) ensure, unless otherwise specified by the Director that the collection of the research data is recorded in duplicate and a copy surrendered to the Director

before departure, thereafter the results are made available through appropriate national or international channels as soon as practicable;

- f) inform the Director or the Kenyan scientific authority immediately of any change in the research project; and
- g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

2) This regulation is without prejudice to the conditions established by the Government of Kenya for the exercise of its discretion to give or withhold consent pursuant to regulations 38 and 39 as the case may be, including requiring prior agreement for making internationally available the research results of a research project of direct significance for the exploration and exploitation of the natural resources

41. (1) After the research project has been formally approved by the Kenyan Scientific Authority, the Director may grant a permit of such foreign research project under section 12 of the Act;

2) Where a permit under paragraph (1) is granted, the Director may apply all or any of the terms and conditions prescribed for fishing license, any conditions required by the Kenyan Scientific Authority as well as such additional conditions as may be specified.

42. (1) The Director, on the advice of the Kenyan Scientific Authority may order the suspension of any fisheries scientific research activities in progress within the maritime zones of Kenya if-

- a) the research activities are not being conducted in accordance with the information provided under regulation 39 upon which the consent was based; or
- b) the State or the competent international organization conducting the research activities fails to comply with the provisions of regulation 40.

2) The Director, on the advice of the Kenyan Scientific Authority may order the cessation of any fisheries scientific activities-

- a) which are deviating from the information provided under regulation 39 upon which the consent was based; or
- b) if any of the situations contemplated in paragraph (1) are not rectified within a reasonable period of time as determined by the Kenyan Scientific Authority.

3) Following notification by the Director of the order of suspension or cessation, the State or the competent international organization shall immediately terminate all or any of the fisheries scientific research activities that are the subject of such a notification.

- 4) An order of suspension under paragraph (1) may be lifted by the Director on the advice of the Kenyan Scientific Authority and the fisheries scientific research activities allowed to continued if the researching state or competent international organization complies with the conditions required under regulations 39 and 40, within a period of time, as determined by the Kenyan Scientific Authority.

PART IV – MISCELLANEOUS PROVISIONS

43. (1) For the purpose of enforcing the provisions of the Act, these Regulations, and any condition of a license issued under these Regulations, any authorized officer may, with or without a warrant-
 - a) stop, board and search any foreign fishing craft within the Kenya fishery waters;
 - b) require to be produced, examine and take copies of, any license, logbooks, or other documents required to be kept or maintained by or under these Regulations or the conditions stipulated in the license;
 - c) require to be produced, and examine, any fishing nets or other fishing gear on board, or belonging to the craft, and inspect any fish or aquatic plant on board the craft;
 - d) examine and take samples of any fish on board the fishing craft and open any container found on board the craft;
 - e) take photographs of any part of the vessel, its cargo, equipment and gear and make copies of any books, logs or other documents and papers on board the craft;
 - f) make such inquiries of the master and crew of the boat as may be necessary to ascertain whether any offence has been committed under the Act;
 - g) subject to any other Kenyan Law, give to the master such directions as he thinks fits at to the stowing and sealing, or the landing on shore, of any equipment on board the fishing craft that contravenes or is being used in contravention of craft that contravenes or is being used in contravention of any conditions of the license issued in respect of the fishing craft or any Kenyan law that is applicable to the craft;
 - h) give such other directions as are necessary or reasonably expedient to the master or any other crew member of the fishing craft for any purpose specified in these Regulations or to provide for the compliance by the fishing craft or the master or any other crew member with the conditions of the license or any Kenyan law applicable to the craft.
- 2) any authorized officer, where he has reasonable grounds to believe than an offence has been committed under the Act or these Regulations may, with or without a warrant-

- a) seize and detain the fishing craft used in, or in connection with, the commission of the offence including any fishing gear, nets or other fishing appliances, which he has reason to believe had been used in the commission of the offence;
 - b) arrest any person whom he has reason to believe has committed such offences;
 - c) seize any fish which he has reason to believe has been caught in the commission of an offence, or is being posed in contravention of these Regulations, the conditions of the license, or any other regulations made under the Act.
 - d) Seize any explosive, poison or other noxious substance and appliances which he has reason to believe has been used or is being posed in contravention of section 15 of the Act.
- 3) a written notice of seizure shall, wherever feasible, be given for any article or thing seized under paragraph (2) and the grounds for such seizure shall be stated in such notice of seizure.
- 4) Any person arrested under paragraph (2) (b) shall be taken as soon as practicable before a court to be dealt with according to the law.
- (1) any fish or other articles of a perishable nature seized under the provisions of paragraph (2) (c) may be sold and the proceeds shall be held in place of the article disposed of.
44. (1) For the purpose of collection scientific data and carrying out such other management and enforcement activities as he may authorize, the Director may assign shall-
- a) cause the vessel to proceed to such places and at such times as may be designated by the Director for the purpose of embarking and disembarking the observers;
 - b) provide, at no cost to the observer or the Government of Kenya, accommodation and food for the observer aboard the fishing craft, which are equivalent to those provided to the officers of the fishing craft;
 - c) allow the observer to use the craft's communications equipment and personnel as necessary for the transmission and receipt of messages; and
 - d) provide all other reasonable assistance to enable the observer to carry out his duties.
45. Every person who is a master or crew member of a foreign fishing vessel shall take all reasonable precautions for the safety of every authorized officer or observer who is boarding, on board, or disembarking the vessel.
46. Any master or owner of a foreign fishing vessel who contravenes any of these regulations shall be guilty of offence and shall be liable to a fine not exceeding five

hundred thousand shillings, which amount shall be paid in d designated foreign currency.

47. In the event of a commission of an offence under these Regulations in relation to fishing activities in the exclusive economic Zone, it will be presumed that all fish found on board the fishing craft have been caught in Kenya fishery waters during the commission of the offence, until the contrary is proved.

FIRST SCHEDULE

FORM 1

APPLICATION FOR A FOREIGN FISHING LICENCE

1. Name and address of applicant.....

2. Name and address of owner (if different from above).....

.....
.....
.....

3. Name and address of charterer of vessel if different from above:.....

.....
.....
.....
.....

4. Name and address of legal representative or agent in Kenya:

.....
.....
.....
.....

5. Name of vessel.....
.....
6. type of vessel.....
.....
7. country of registration and flag state (details of agreement to be attached).....
.....
.....
8. Port and registration number
.....
9. Fishing vessel external identification.....
10. International radio call sign and frequency.....
11. Overall length of vessel.....
12. Overall width of vessel.....
13. Engine type and rated horse power of vessel.....
14. Gross registered tonnage of vessel.....
15. Net registered tonnage of vessel.....
16. Crew complement.....

(list of names, citizenship, passport/ID Nos. to be attached)
17. type of fishing processed and type and quantity of fishing gear to be used.....

.....
.....
.....
.....
18. Proposed target species of fish to be caught.....

19. Proposed areas..... fishing

20. Period of validity of request.....

21. Details of communications and electronic equipment on board:

- a) Radio.....
- b) Auto pilot.....
- c) Depth sounder.....
- d) Sonar.....
- e) Lonar.....
- f) Radar.....
- g) Direction finder.....
- h) Decca navigator.....
- i) Other
(specify).....
.....
.....
.....
.....

Attached a recent side photograph of vessel if applying for licence for the first time.

Declaration

I affirm that the above particulars are correct and solemnly undertake-

- a) to abide by the provisions of the Fisheries Act AND THE Exclusive Economic zone (Foreign Fishing craft) Regulations. 1990;
- b) to abide by all the instructions of the Kenyan authorities regarding safety precautions to be taken on voyage or while engaged in fishing;
- c) not to carry any undesirable person on board;
- d) not to cause any undesirable activity on board the fishing craft;
- e) to take full responsibility for the crew on board.

Date.....

.....
Signature

FORM 2

FOREIGN FISHING CRAFT LICENCE

Licence number.....

1. Name of licensee.....
2. Permanent address of licensee.....
.....
.....
3. Name and address of owner if different from above.....
.....
.....
4. Name and address of agent or legal representative in Kenya
.....
.....
.....
5. (a) Name and address of master of vessel (copy of work permit to be attached if not a citizen of Kenya)
.....
.....

c) List of names of a crew (with work permit numbers incase of non-Kenyans) to be attached.

- 6. Name of vessel.....
- 7. Type of vessel.....
- 8. Port and country of registration.....
- 9. Registration number.....
- 10. Fishing craft identification mark.....
- 11. Length..... 12. Registered net tonnage.....
- 13. Engine horse power.....
- 14. Radio call sign..... 15. Frequency.....
- 16. Areas to be fished.....

.....
.....
.....

17. Species of fish to be
taken.....
.....
.....

18. Tonnage of allowable
catch.....
19. Requirements concerning disposal of incidental catch.....
.....

20. Reporting requirements.....
21. Authorized landing places.....
22. Special conditions.....
23. Period of validity fromto.....
24. Fees paid.....
25. Date of issue.....

.....
Director of Fisheries

This licence is granted subject to the following conditions:

1. The licensee shall comply with and ensure that the fishing craft is used in conformity with the provisions of the Fisheries Act and any regulations made thereunder.
2. (insert any other conditions to which the licence is subject).

SECOND SCHEDULE

THE FISHERIES (FOREGIN FISHING CRAFT) REGULATIONS FEES

- a) The fees for a Foreign Fishing Craft Licence paid in foreign currency.....
- b) In addition to the licence the licensee shall pay royalties determined in the following manner:-
 - i) a percentage of the total catch shall be determined by the Director for each agreement which shall be deemed to have been caught in the Kenya exclusive economic zone.
 - ii) a determine percentage of the value of Tuna fish and by-catch f.o.b. Mombassa is assumed caught in Kenya exclusive economic zone and hence royalties shall be calculated which will be paid at agreed intervals; and
 - iii) a non-reimbursable minimum of US\$ 20,000 per vessel per annum or at agreed intervals, may be paid in advance as deposit.