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CHAPTER 376

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

An Act of Parliament to consolidate and amend the law relating to the protection, conservation and management of wildlife in Kenya; and for purposes connected therewith and incidental thereto.

[No. 1 of 1976, No. 6 of 1976, L.N. 38 of 1976, L.N. 41 of 1976, No. 16 of 1977, L.N. 126 of 1981, No. 11 of 1983, No. 16 of 1989, No. 11 of 1992, No. 2 of 2002.]

[Commencement: 13th February, 1976]

WHEREAS it is desirable that the present powers relating to the management and conservation of wildlife in Kenya should be amalgamated and placed in a consolidated Service of the Government;

AND WHEREAS the prime objective of the Service should be to ensure that wildlife is managed and conserved so as to yield to the Nation in general and to individual areas in particular, optimum returns in terms of cultural, aesthetic and scientific gains as well as such economic gains as are incidental to proper wildlife management and conservation and which may be secured without prejudice to such proper management and conservation;

AND WHEREAS it is necessary, for the achievement of that objective, that full account should be taken of the varied forms of land use and the inter-relationship between wildlife conservation and management and other forms of land use.

PART

Preliminary

Short title

This Act may be cited as the Wildlife (Conservation and Management) Act

2. Interpretation

In this Act, unless the context otherwise requires—

[No. 11 of 1983, Schedule

“**aircraft**” means any type of aeroplane, airship, balloon or kite, whether captive, navigable or free, and whether controlled or directed by human agency or not;

“**animal**” means any animal or the young or egg thereof, but does not include a human being or any animal which is commonly considered to be a domestic animal or the young or egg thereof;

“**appointed day**” (*Deleted by No. 16 of 1989, s. 2.*)

“**authorised officer**” means an officer of the Service, a forest officer, a police officer or an administrative officer;

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“Board of Trustees” means the Board of Trustees of the Service constituted under section 3B;

[No. 16 of 1989, s. 2.]

“competent authority” means—

- (a) in relation to Government land, the Minister for the time being responsible for matters relating to land;
- (b) in relation to Trust land, the county council in which the land is vested;
- (c) in relation to any other land, the owner thereof or the person for the time being entitled to the rents and profits thereof;

“dangerous animal” means an elephant, a rhinoceros, a hippopotamus, a buffalo, a lion or a leopard;

“dealer” means any person who, in the ordinary course of any business or trade carried on by him, whether on his own behalf or on behalf of any other person—

- (a) sells, purchases, barter or otherwise in any manner deals with any trophy;
or
- (b) cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any trophy;

“Director” means the Director of the Service appointed under section 3C;

[No. 16 of 1989, s. 2.]

“export” includes re-export;

“forest officer” has the meaning assigned to it by the Forests Act;

[Cap. 385.]

“forfeiture offence” means an offence which is so designated by any of the provisions of this Act creating offences;

“former Trustees” means the Trustees of the National Parks of Kenya established by the National Parks of Kenya Act (now repealed);

[Cap. 377 (1962).]

“game animal” means an animal specified in the First Schedule;

“game bird” means a bird specified in the Second Schedule;

“game licence” means a licence issued under section 23;

“Government trophy” means a trophy declared to be a Government trophy by section 39;

“hunt” includes the doing of any act immediately directed at the killing, wounding, injuring or capture of any animal, and the taking or wilful molestation of any nest or eggs;

“land” includes land covered by sea or other water;

“licensing officer”, in respect of any of the provisions of this Act, means a person appointed by the Minister, by notice in the *Gazette*, to be a licensing officer for the purposes of that provision;

“**local sanctuary**” means an area of land declared to be a local sanctuary by or under section 19;

“**meat**” means the fat, blood, flesh or tissue of any game animal, game bird or protected species, whether fresh or dried, pickled or otherwise preserved or processed;

“**Minister**” means the Minister for the time being responsible for matters relating to Wildlife;

“**motor vehicle**” includes a vehicle of the type commonly known as a “hovercraft”;

“**National Park**” means any area of land declared to be a National Park by or under section 6;

“**National Reserve**” means any area of land declared to be a National Reserve by or under section 18;

“**owner**”, in relation to private land, includes a lessee or a mortgagee in possession, and any person authorised by an owner, lessee or mortgagee in possession to act on his behalf in his absence, and group representatives incorporated under the Land (Group Representatives) Act;

[Cap. 287

“**private land**” means any land—

(a) which is held under a conveyance, lease or licence (other than a temporary occupation licence under the Government Lands Act) from the Government or a county council; or

[Cap. 280.]

(b) which has been recorded as being in the ownership of any person or group of persons under any written law relating to the adjudication or recording of such ownership;

“**professional hunter**” means the holder of a valid licence issued under section 27;

“**protected animal**” means an animal, or an animal of a species, sub-species or group, specified in the Third Schedule;

“**protection area**” means an area declared to be a protection area under section 15;

“**ranger**” means a member of the Service, not being a warden, designated as such by the Director;

[No. 16 of 1989, s. 2.

“**rules**” means any rules, regulations or by-laws made under this Act;

“**senior officer**” means a warden, a forest officer of or above the rank of assistant conservator of forests, or a police officer of or above the rank of Assistant Inspector;

“**Service**” means the Kenya Wildlife Service established under section 3

[No. 16 of 1989, s. 2.]

“State Corporations Advisory Committee” (*Deleted by No. 2 of 2002, Schedule.*)

“subordinate officer” means any authorised officer who is not a senior officer;

“trophy” means any protected animal, game animal, or game bird alive or dead, and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk or other durable portion whatsoever of that animal or bird or fish or other aquatic life whether processed, added to or changed by the work of man or not, which is recognisable as such a durable portion;

“Trustees” (*Deleted by No. 16 of 1989, s. 2.*)

“vegetable” includes any form of vegetable matter, alive or dead;

“warden” means an member of the Service above the rank of ranger.

[No. 16 of 1989, s. 2.]

PART II

Administration

3. Establishment of the Service

(1) There is hereby established a uniformed and disciplined service to be known as the Kenya Wildlife Service.

[No. 16 of 1989, s. 3.]

(2) The Kenya Wildlife Service shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purposes of the Service and this Act.

(3) The headquarters of the Service shall be in Nairobi.

(4) The Service shall be the successor to the Wildlife Fund Trustees established under section 58 (now repealed) and, subject to this Act all rights, duties, obligations, assets and liabilities of the Wildlife Fund Trustees existing at the date of the coming into operation of this Act shall be automatically and duly transferred to the Service and any reference to the Wildlife Fund Trustees in any written law or in any contract or document shall for all purposes be deemed to be a reference to the Service established under subsection (1).

3A. Functions of the Service

The functions of the Service shall be to—

[No. 16 of 1989, s. 3.]

- (a) formulate policies regarding the conservation, management and utilisation of all types of fauna (not being domestic animals) and flora;
- (b) advise the Government on establishment of National Parks, National Reserves and other protected wildlife sanctuaries;
- (c) manage National Parks and National Reserves;
- (d) prepare and implement management plans for National Parks and National Reserves and the display of fauna and flora in their natural state for the

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Wildlife (Conservation and Management) Act

(2) The chairman and the trustees appointed under subsection (1) (a) and (i) shall hold office for three years and shall be eligible for reappointment.

(3) The Board shall elect a vice-chairman from among its members.

(4) The Board shall meet at least four times in every year.

(5) The chairman shall convene an extraordinary meeting of the Board within fourteen days after receipt by him of a written requisition to that effect signed by at least three trustees.

(6) Not less than seven days' previous notice of a meeting of the Board shall be given in writing to every trustee; but accidental failure to give or to receive such notice shall not invalidate the proceedings of a meeting.

(7) The quorum necessary for the transaction of the business of the Board shall be seven trustees inclusive of the person presiding; and all acts, matters and things authorised or required to be done by the Board shall be effected by a resolution passed by a majority of the members present and voting at a meeting at which there is a quorum.

(8) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Board; but in case of the absence of both the chairman and vice-chairman at any meeting of the Board the trustees present at the meeting shall elect one of their number to preside at that particular meeting.

(9) At every meeting of the Board the chairman, or in his absence the vice-chairman or the trustee presiding, shall have a casting as well as a deliberative vote.

(10) The Board of Trustees shall determine its own procedure.

[No. 16 of 1989, s. 3, No. 2 of 2002, Schedule.]

3C. Appointment of Director

(1) There shall be a Director of the Service who shall be a member of the Board of Trustees, the chief executive and head of the Service.

[No. 16 of 1989, s. 3.]

(2) The Director shall be appointed by the President.

(3) The Director or his nominee shall be the secretary to the Board of Trustees.

(4) The Director shall, on behalf of the Board of Trustees and subject to this Act, have the general superintendence of all matters within the scope of this Act.

3D. Terms and conditions of appointment, enlistment and secondment to the Service

(1) The Board of Trustees shall establish the terms and conditions for the appointment and enlistment of the members of the Service and the secondment of any other persons to serve with the Service.

[No. 16 of 1989, s. 3, No. 2 of 2002, Schedule.]

(2) The Board of Trustees may appoint and may employ such members, agents or servants of the Service as may be necessary for the discharge of the functions of the

Service under this Act upon the terms and conditions of service established under subsection (1).

(3) The Board of Trustees shall within a reasonable time provide for a staff superannuation scheme of a type that will enable the President to determine service with the Kenya Wildlife Service to be public service for the purposes of the Pensions Act.

[Cap. 189.]

3E. Ranks of, and direction of, the members of the Service

(1) Members of the Service shall be of the ranks specified in the Fourth Schedule and the Minister may, by notice in the *Gazette*, amend that Schedule.

[No. 16 of 1989, s. 3.]

(2) All members of the Service shall, in exercise of the powers and in performance of the duties conferred or imposed upon them under this Act, conform with any lawful instructions, directions or orders, whether general or specific, which may be given to them by the Director.

(3) The Director may, with the approval of the Board of Trustees, from time to time make administrative orders, to be called "Service Standing Orders", for the general control, direction and information of the members of the Service.

(4) The Board of Trustees may give such general or special directions to the Director as may be necessary for the more efficient carrying into effect of the provisions of this Act.

3F. Disciplinary code and regulations

(1) The Board of Trustees may issue a disciplinary code for the Service and the disciplinary code may provide for the following matters:

[No. 16 of 1989, s. 3.]

- (a) the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings; and
- (b) disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be included in the disciplinary code for infringements of such code:

- (a) dismissal from the Service;
- (b) reduction in rank;
- (c) confinement in a guard room or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
- (d) fines;
- (e) where the offence has occasioned any expense, loss or damage, stoppages of pay or allowances;
- (f) extra drills, parades or fatigues;
- (g) severe reprimand;
- (h) reprimand;
- (i) admonition.

(3) A disciplinary code issued under this section may provide that a member of the Service committing a disciplinary offence may be arrested without warrant by or on the order of a member senior to himself or placed in command over him, who may, if the circumstances so warrant, confine that member or cause that member to be confined in a building suitable for the purpose, pending the determination of disciplinary proceedings.

3G. Prohibition against members of the Service joining trade unions

(1) No member of the Service shall be or become a member of—

[No. 16 of 1989, s. 3.]

- (a) a trade union or any body or association affiliated to a union;
- (b) a body or association the objects, or one of the objects, of which is to control or influence conditions of employment in a trade or profession;
- (c) a body or association the objects, or one of the objects, of which is to control or influence pay, pension or conditions of service of the Service other than a staff association established and regulated by rules or regulations made under this Act.

(2) A member of the Service who contravenes subsection (1) shall be liable to be dismissed from the Service and forfeit all rights to pension or gratuity.

(3) If a question arises as to whether a body is a trade union or an association to which this section applies, the question shall be referred to the Minister whose decision thereon shall be final.

3H. Insubordinate behaviour

(1) A member of the Service who—

[No. 16 of 1989, s. 3.]

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to a member senior to or placed in command over him or to that other person; or
- (b) uses threatening or insubordinate language to a member senior to or placed in command over him,

shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

(2) The Director or an officer of or above the rank of senior warden to whom the power so to do has been delegated by the Director may direct that an offence committed under subsection (1) be tried summarily and not prosecuted in court.

3I. Desertion

(1) A member of the Service who absents himself from duty without leave or just cause for a period of twenty-one days or more shall, unless he proves the contrary, be deemed to have deserted from the Service.

[No. 16 of 1989, s. 3.]

(2) A member who deserts the Service shall forfeit any pay or allowances due to him, and all rights in respect of any pension, provident or other scheme operated by the Service.

(3) No pay or allowance shall be paid to a member in respect of any day during which he is absent from duty without leave, unless the Director otherwise directs.

3J Liability under other law

Nothing in this Act or any subsidiary legislation made thereunder shall exempt a member of the Service from being proceeded against for an offence under any other law.

[No. 16 of 1989, s. 3.]

3K. Members of Service not to engage in trade, etc.

No member of the Service shall, without, in the case of a gazetted officer, the prior written approval of the Board of Trustees and, in the case of any other member, the prior written approval of the Director, engage himself in any trade, business or employment or take part in any commercial undertaking outside the scope of his duties as a member of the Service.

[No. 16 of 1989, s. 3]

4. Honorary game wardens

(1) The Director may, with the prior approval of the Minister, appoint fit and proper persons to be honorary wardens for the purpose of assisting in the carrying into effect of the provisions of this Act.

[No. 16 of 1989, s. 13.]

The appointment of an honorary warden—

[No. 16 of 1989, s. 13.]

- (a) shall be notified in the *Gazette*;
- (b) shall be effective unless sooner revoked by the Director, for a period of three years; and
- (c) may be made subject to any conditions which the Director may think fit to impose.

5. Delegation, etc., of functions

(1) The Director may delegate or assign any of his functions under this Act—

- (a) to any member of the Service; or
- (b) to any officer of the Forest Department; or
- (c) to any officer of the Fisheries Department; or
- (d) to any public officer, approved by the Minister.

[No. 16 of 1989, s. 13.]

(2) Any delegation or assignment under this section shall be by notice in the *Gazette* and may have effect throughout Kenya or in such area only as may be specified in the notice.

18. National Reserves

(1) With the agreement of the competent authority, the Minister may, by notice in the *Gazette*, declare any area of land to be a National Reserve.

(2) An agreement between the Minister and a competent authority under subsection (1) may include agreement as to restrictions or conditions relating to the provisions of this Part which shall apply to the area concerned, and any such restrictions or conditions shall be specified by the Minister in the notice declaring the area to be a National Reserve.

(3) The provisions of this Part shall apply to a National Reserve as they apply to a National Park except in so far as—

- (a) they are modified or excluded by any such conditions or restrictions as are mentioned in subsection (2); or
- (b) they are further modified or excluded as the Minister may, by the notice declaring the area to be a National Reserve or by a subsequent notice in the *Gazette*, otherwise direct.

(4) Any areas which, immediately before the appointed day, were administered by the former Trustees as national reserves shall on that day become National Reserves for the purposes of this Act, and the powers, duties and functions which immediately before the appointed day were exercisable by the former Trustees in any such area shall thereafter be exercisable by the Director in so far as they conform to the provisions of this Part.

(5) Notwithstanding any law to the contrary, no person shall purport to establish any game reserve or National Reserve except with the approval of the Minister, and any such approval—

- (a) may be made subject to such conditions and restrictions, including conditions relating to the application of this Part to such reserve, as the Minister may, after consultations with the competent authority impose;
- (b) shall be published in the *Gazette*.

(6) Any area which, immediately before the appointed day, was administered by a local authority as a game reserve shall become a National Reserve and shall continue to be so administered until the Minister, after consultations with the competent authority, by notice in the *Gazette*, otherwise directs either generally or in relation to any specified area.

19. Local sanctuaries

(1) The Minister may, after consultation with the competent authority, by notice in the *Gazette*, declare that any specified area shall be a local sanctuary wherein any animal specified in the same or a later notice shall not be hunted.

(2) The area of a local sanctuary shall not exceed two thousand six hundred hectares

(3) All local sanctuaries declared to be such under the Wild Animals Protection Act (*now repealed*) and existing immediately before the appointed day are declared to be local sanctuaries for all the purposes of this Act.

[Cap. 376 (1962).]

PART III

*National Parks, National Reserves and Local Sanctuaries***6. Declaration of National Parks**

(1) The Minister, after consultation with the competent authority, may by order declare any area of land to be a National Park:

Provided that, where the competent authority does not consent to the declaration, no order shall be made unless—

- (a) the National Assembly has by resolution, approved a draft of the order, whether with or without modification; and
- (b) in the case of Trust land, the area concerned has first been set apart in accordance with section 118 of the Constitution; or
- (c) in the case of private land, the area concerned has first been acquired under the Land Acquisition Act.

[Cap. 295.]

(2) All National Parks declared to be such under the National Parks of Kenya Act and existing immediately before the appointed day are declared to be National Parks for all the purposes of this Act, and the names and boundaries of such National Parks, unless and until they are amended under this Act, shall be those existing on the appointed day.

(3) All National Parks staff existing immediately before the appointed day, unless and until replaced under this Act, shall be the staff of the Government on the appointed day.

7. Cessation of area as a National Park, National Reserve or local sanctuary

(1) Subject to subsection (2), the Minister, after consultation with the competent authority, may by order declare that any National Park, National Reserve, local sanctuary or a specified part thereof, shall cease to be a National Park, National Reserve or local sanctuary.

(2) No order shall be made under subsection (1) unless—

- (a) a notice of the intention to make the order, with details thereof, and inviting objections thereto within a period of not more than 60 days, has been published in the *Gazette* and in at least one newspaper circulating throughout Kenya; and
- (b) not earlier than sixty days after the last date of such publication a draft of the order has been laid before the National Assembly and the National Assembly has by resolution approved the order.

8. Amendment of boundaries

Subject to sections 6 and 7, the Minister may, by order—

- (a) assign a name to a National Park or amend any such name;
- (b) define the boundaries of a National Park, or alter the same whether by adding to or subtracting from the area thereof or otherwise;

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- amalgamate two or more National Parks into one National Park
- (d) divide any National Park into two or more National Parks;
- (e) transfer any part of a National Park to another National Park.

9. Management of National Parks

(1) The Director shall, through the members of the Service, control, manage and maintain all National Parks.

[No. 16 of 1989, s

2) Within a National Park the Director may—

- (i) reserve or set aside any portion of the Park as a breeding place for animals or as nurseries for vegetation;
- (ii) authorise the construction of such roads, bridges, airfields, buildings and fences, the provision of such water supplies, and the carrying out of such other works, as may be necessary for the purposes of the Park;
- (iii) with the approval of the Minister, let sites for the erection of hotels, or other accommodation for visitors to the Park:

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the Park by the Service, or as preventing the Director from giving directions as to the manner in which the premises concerned shall be managed in the interests of the matters set forth in paragraph (i).

10. Restriction on prospecting and mining

(1) Subject to any rights lawfully acquired before the relevant date, and notwithstanding anything contained in any other written law, no person shall search for, attempt to win or win any minerals in, or remove any minerals from, a National Park except with the written consent of the Minister given after consultation with the Minister for the time being responsible for Mines, and in accordance with any conditions which the Minister may impose in relation to that consent.

(2) Any person who is aggrieved by the giving or withholding of consent by the Minister and any conditions imposed in connection therewith may, within fourteen days of the Minister's decision, appeal to the High Court.

(3) The Minister may, in consultation with the Minister for the time being responsible for Mines, by notice in the *Gazette*, prescribe fees chargeable in respect of any consent given under this section.

(4) The giving of a consent under this section shall not be construed as in any manner exempting any person from complying with the provisions of any other written law relating to the searching for, or the mining or winning of, minerals.

For the purposes of subsection (1), “**relevant date**” means—

- (a) in respect of a National Park declared by subsection (2) of section 6 to be a National Park, the appointed day; or

- b)* in respect of any area declared under subsection (1) of section 6 to be a National Park, the date upon which the relevant order under that subsection comes into operation.

(6) Any person who contravenes subsection (1), or who fails to comply with any conditions imposed by the Minister under that subsection, shall be guilty of a forfeiture offence and shall be liable to a fine of not less than twenty thousand shillings or to imprisonment for a period of not less than three years, or to both in addition to any penalty for forfeiture offences.

11 Restriction on commercial film making

(1) Notwithstanding anything contained in the Films and Stage Plays Act, no person shall in a National Park make any cinematograph film for sale or other commercial use unless the filming licence issued under that Act has been produced to the Director and the Director has, upon payment of the prescribed fee, given his written authorisation, subject to such conditions as he may think necessary, to the making of the film.

[Cap. 222.]

(2) Any person who contravenes subsection (1), or who fails to comply with any conditions imposed in connection with any authorisation under this section, shall be guilty of a forfeiture offence.

12. Flying restrictions in respect of National Parks

(1) Except as may be necessitated by sudden emergency endangering the safety of any aircraft, the proof of which shall lie on the pilot thereof, no aircraft—

[No. 6 of 1976, Schedule.]

- (a)* shall be landed in a National Park otherwise than at a recognised airfield and in accordance with the rules;
- (b)* except for the purpose of landing at or taking off from a recognised airfield, shall be flown at a height of less than one thousand five hundred feet over a National Park unless the written authorisation of the Minister, which may be given subject to such conditions as the Minister may think fit to impose, has previously been obtained.

(2) The pilot of an aircraft who contravenes the provisions of this section, or fails to comply with any conditions attached to an authorisation by the Minister, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both:

Provided that nothing in this subsection shall apply to the operation of any aircraft which is, at the time of the contravention, being used for any purpose of the Service.

General offences in National Parks

(1) Any person who, not being a member of the Service acting in the course of his duties as such, hunts any animal in a National Park shall be guilty of a forfeiture offence and liable to a fine of not less than five thousand shillings and not more than twenty thousand shillings or to imprisonment for a term which shall not be less than six months and not more than three years, with or without corporal punishment or to both.

[No. 16 of 1989, s. 13.]

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(2) Any person who, without authorisation conveys into a National Park, or being within the area thereof, is in possession of, any weapon, ammunition, explosive, trap or poison, shall be guilty of a forfeiture offence.

(3) Any person who, without authorisation—

- (a) enters or resides in a National Park otherwise than in the course of his duty as a public officer or as a person lawfully employed in the Park;
- (b) cuts, injures or sets fire to any vegetation in a National Park, or allows any fire lighted by himself or his servants to enter a National Park;
- (c) collects or attempts to collect any honey or beeswax or hangs on any tree or elsewhere any honey barrel or other receptacle for the purpose of collecting honey or beeswax, in a National Park;
- (d) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a National Park, or knowingly removes or attempts to remove any such object or any portion thereof from a National Park;
- (e) is, without lawful excuse in possession of any animal or trophy within or without a National Park;
- (f) knowingly introduces any animal or domestic animal or vegetation into a National Park;
- (g) deliberately disturbs or stampedes any animal in a National Park;
- (h) wilfully damages any structure lawfully placed in a National Park;
- (i) clears, cultivates or breaks up for cultivation any land in a National Park; or
- (j) catches or attempts to catch any fish in a National Park,

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.

(4) For the purposes of this section, an act shall be deemed to be done with authorisation if, but only if, it—

- (a) is authorised by the rules; or
- (b) is done with the written permission of an officer of the Service; and
- (c) the provisions of the rules, or any conditions imposed upon such permission by the officer concerned, are fully complied with.

14. Animal not to be followed into National Park

(1) Notwithstanding any other provision of this Act, no person shall follow any wounded animal into a National Park, and where, under that provision, a person has in other circumstances a duty to follow or kill, or to make a report relating to a wounded animal he shall, at the earliest practicable moment, make a report to an officer of the Service as to all the circumstances of the case.

(2) Any person who contravenes this section 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.

15. Protection areas

(1) Where the Minister, after consultation with the competent authority, is satisfied that it is necessary, for ensuring the security of the animal or vegetable life in a National Park or in a National Reserve or in a local sanctuary or for preserving the habitat and ecology thereof, to prohibit, restrict or regulate any particular acts in any area adjacent to the Park, National Reserve or local sanctuary he may, by notice in the *Gazette*, declare the area to be a protection area and may, by the same or a subsequent notice, specify the acts which are prohibited or restricted or regulated and the extent or manner of the restriction or regulation.

(2) Any person who, in a protection area, does any act in contravention of a notice under subsection (1) relating to that area 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.

16. National Park Regulations

(1) The Minister may make regulations for any or all of the following matters:

- (a) the form in, and the conditions subject to which permission to enter a National Park may be granted or withdrawn, and the periods or times during which a National Park or any portion thereof shall be open to the public;
- (b) the fees to be paid for permission to enter or reside in a National Park, for the admission of vehicles, or for the use of any amenities provided by the Service in a National Park;
- (c) the conditions under, and the extent to, which any of the acts mentioned in subsection (2) or subsection (3) of section 13 may be lawfully performed and the fees to be paid in respect of such performance;
- (d) the conditions under which the services or attendance of members of the Service, or of any other person licensed in that behalf by the Director, may be obtained in a National Park, and the fees to be paid in respect thereof;
[No. 16 of 1989, s. 13.]
- (e) the regulation of landing of aircraft in, and of traffic in or over, a National Park, the carriage of goods and passengers in a National Park, the points by which a person may enter, and the routes to be followed in or through a National Park;
- (f) generally for the efficient control and management of a National Park and the efficient performance of the duties of the Service therein.

(2) Regulations under this section may be made applicable to all or any specified National Parks, and different regulations may be made in respect of different National Parks.

(3) Regulations under this section may provide, in respect of any contravention thereof, penalties not exceeding a fine of six thousand shillings or imprisonment for a term not exceeding six months.

17. Impounding of domestic animals

Any domestic animal found in a National Park may be impounded by an Officer of the Service and the owner thereof shall prove ownership before delivery.

(4) Any person who in a local sanctuary hunts any animal which is specified in respect of that sanctuary under subsection (1) shall be guilty of a forfeiture offence.

20. Agreements by Director

(1) The Director may enter into any agreement with a competent authority which the Director may consider necessary for the purpose of ensuring that animal migration patterns essential to the continued viability of a National Park or National Reserve are maintained.

(2) An agreement under this section may, with the approval of the Minister, provide for compensation to be payable to the competent authority concerned in respect of rights forgone or of damage caused by animals.

PART IV

Control of Hunting

21. Powers of honorary wardens

An honorary warden appointed under section 4 shall, for all the purposes of this Part, be deemed to be a warden.

[No. 16 of 1989, s. 13.]

22. Prohibition of unlicensed hunting, etc.

(1) Except as otherwise expressly provided by this Act or the rules any person who—

- (a) hunts any protected animal; or
- (b) hunts any game animal otherwise than as the holder of, and in accordance with any conditions attaching to, a game licence authorising him to hunt that animal,

shall be guilty of a forfeiture offence.

(2) Except as otherwise provided by this Act or the rules, any person who hunts any game bird otherwise than as the holder of, and in accordance with any conditions attaching to, a game licence authorising him to hunt such bird shall be guilty of an offence.

23. Game licences

(1) Subject to subsection (4) of section 3, a licensing officer may issue in accordance with the rules a game licence in a prescribed form.

(2) Game licences shall, subject to Part III, authorise the hunting of such game animals or game birds, in such area, for such periods and subject to such conditions as may be prescribed, and the prescribed fees shall be payable in respect of the issue thereof.

(3) Notwithstanding any other provision of this Act, no game licence shall authorise the holder thereof to hunt any game animal unless—

- (a) he is a professional hunter; or
- (b) he is accompanied at the time of hunting by a professional hunter; or
- (c) his licence is endorsed by the Director, after such inquiry or test as to competence as the Director may think fit, to the effect that the holder may,

- (d) fails to produce the register, or to furnish a copy thereof, when required by subsection (4) so to do,

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.

26. Special authorisation to hunt

(1) Where the Director is satisfied that it is desirable so to do for scientific purposes, or by reason of any circumstances of an unusual or emergency nature, he may, with the prior approval of the Minister in each case, issue a special authorisation to hunt any animal in any specified area other than a National Park.

(2) An authorisation issued under this section—

- (a) shall be subject to such conditions as the Director may deem it necessary or desirable to impose thereon;
- (b) shall, except as may be expressly provided by any such condition, be deemed to be a game licence for all the purposes of this Act; and
- (c) shall be subject to the payment of such fee as the Minister may, on granting his approval thereof, direct.

27. Professional hunters

(1) Any person who, not being the holder of a professional hunter's licence issued under this section—

- (a) carries on the business of a professional hunter, or advertises himself or solicits custom in connection with such business; or
- (b) for hire or reward with the intention of making profit, assists any person to hunt any game animal or game bird,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding three years or to both:

Provided that paragraph (b) shall not apply to any person employed solely as a tracker, gun-bearer or beater.

(2) The Director may issue a professional hunter's licence to any person who is able to satisfy the Director that by reason of his competence with firearms, knowledge of game animals and of the written law pertaining thereto, and of any other matters which the Director may consider relevant, he is a fit and proper person to carry on the business of a professional hunter:

Provided that where a person seeks a professional hunter's licence in continuation of one previously held by him he shall, in the absence of any evidence to the contrary, be deemed to be such a fit and proper person.

(3) There shall be paid in respect of the issue of a professional hunter's licence such fee as may be prescribed and, subject to the provisions of this section, every such licence shall be valid for the period of twelve months following the date of issue thereof.

(4) If the holder of a professional hunter's licence is convicted of any offence under this Act or the rules—

- (a) he shall, within fourteen days after the date of his conviction, surrender his licence to the Director for cancellation; and
- (b) he shall not be eligible to be issued with another licence for such period as the Director may determine having regard to the circumstances of the case,

and any person who fails to surrender his licence accordingly shall be guilty of an offence.

(5) A professional hunter's licence shall not authorise the hunting of any animal by the holder thereof except in so far as may be necessary in his own defence or in the defence of any other person or to prevent the escape of a wounded animal:

Provided that where an animal so killed was wounded by the holder of a game licence employing the professional hunter it shall, for all the purposes of this Act, be deemed to have been killed by such holder.

(6) Where any person who commits an offence against this Act or the rules is accompanied by a professional hunter, employed by him, at the time that the offence is committed, the professional hunter shall, unless he establishes to the satisfaction of the Court that he used all due diligence to prevent the commission of the offence and was unable to prevent the commission thereof, be guilty of the like offence.

28. Cancellation, etc., of licences

(1) The Director may, without assigning any reason therefor, suspend or cancel any licence or authorisation issued under this Part, and in any such case a proportionate part of the fee paid for the licence may be refunded to the person to whom it was issued.

(2) Any licensing officer authorised under this Part to issue any licence or authorisation may, if he thinks fit and without assigning any reason therefor, refuse to issue the licence or authorisation.

[No. 16 of 1989, s. 13

29. Hunting on private land

(1) No game licence shall authorise hunting on any private land unless it is expressed so to do by endorsement specifying the land concerned, made by a licensing officer, and no such endorsement shall be made unless—

- (a) the holder of the licence is the owner of the land concerned; or
- (b) the person applying for the endorsement produces to the licensing officer the written consent of the owner of the land thereto; or
- (c) the land concerned is registered under subsection (2)

(2) Where the owner of private land desires to afford facilities for the hunting of game animals or game birds on the land, he may register the land, in such manner and on furnishing such particulars as may be prescribed, with the Director or with such officer of

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the Service as the Director may, by notice in the *Gazette*, appoint for that purpose, and in any such case—

- (a) the registration may be effected in respect of the whole of the land of such owner or of such portion thereof as the owner may specify;
- (b) the registration may be made subject to such conditions as to the giving of notice to the owner or his representative of intention to hunt, or as to the types of animals which may be hunted, as the owner may specify, and any endorsement under this section in respect of the land shall include a reference to such conditions;
- (c) there shall be paid to the registered owner such fees, whether calculated as a proportion of the fees paid in respect of licences endorsed as valid in respect of the land of the owner or otherwise, as may be prescribed.

30. Protection of human life

(1) Nothing in this Act shall make it an offence for any person to kill or injure by any means any animal in immediate defence of human life; but the exemption provided by this subsection shall not apply where such killing or injuring is done by any person who, at the time thereof, was committing an offence under this Act or is done under circumstances amounting to deliberate provocation or enticement of the animal by or with the knowledge of that person.

(2) Where a protected animal or game animal is killed in immediate defence of human life the person killing the animal shall make a report of the fact at the earliest practicable moment to an officer of the Service.

31. Protection of property

Notwithstanding anything to the contrary in this Act any occupier of land or his servant or any owner of crops or stock or his servant, may, if necessary for the protection of his land, crops or stock, kill any game animal which is causing material damage or loss to his land or to any crop or stock thereon.

32. Wounded animals

(1) Where any person, in any circumstances whatsoever, wounds a protected animal or game animal he and any professional hunter accompanying him shall make every endeavour to kill or recover the animal at the earliest opportunity.

(2) Where an animal mentioned in subsection (1) is not killed or recovered within twenty-four hours after the wounding thereof the person by whom the animal is wounded shall forthwith make a report of the facts to an officer of the Service, who shall take such action upon such report as he may consider necessary.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable—

- (a) if the animal wounded is a dangerous animal, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both;

- (b) in any other case, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

33. Causing suffering

Any person who—

- (a) in any circumstances whatsoever, causes unnecessary or undue suffering to a protected animal or game animal; or
- (b) without the permission of a warden, is in possession of or has in his control or keeping, any such animal which has been maimed or mutilated,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding eighteen months or to both.

34. Unlawful methods of hunting, general provisions

(1) No person shall—

- (a) sell, buy, use or have in his possession any gin or similar trap having a jaw length of four inches or more, or any snare or similar contrivance made of wire;
- (b) for the purpose of or in connection with hunting or assisting in hunting any animal, cause any fire or surround any animal with fire, or make, use or have in his possession any of the following things:
- (i) any firearm capable of firing more than one missile as a result of one pressure of the trigger or of reloading itself without further action by the operator;
 - (ii) any explosive, other than the propellant charge in firearms cartridges, or any missile containing explosive;
 - (iii) any fixed stake or similar sharp instrument;
 - (iv) any set-gun, pitfall, game-pit, trench or similar excavation;
 - (v) any net, fence or enclosure;
 - (vi) any gin, trap, snare or similar device other than such as are mentioned in paragraph (a);
 - (vii) any poison or like injurious substance, or any poisoned weapon;
 - (viii) any other means or method of hunting which may be prescribed as unlawful;
- (c) hunt any game animal during the period between seven o'clock in the evening and half-past five o'clock in the morning;
- (d) partake in any game drive other than a drive of birds;
- (e) drive any game animal into water for the purpose of incapacitating, killing or capturing it.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of a forfeiture offence.

(3) Any person who is found away from his place of abode in possession of any of the things mentioned in paragraph (b) of subsection (1) in circumstances which, having

regard in particular to the place in which he is so found and the place to or from which he is or appears to be travelling, raise a reasonable assumption that he has used, or intends or is about to use, such thing for hunting shall, unless he proves otherwise to the satisfaction of the Court, be presumed to have such thing in his possession for the purpose of hunting an animal.

35. Aircraft, motor vehicles, etc.

(1) No person shall approach in a motor vehicle or aircraft to within five hundred metres of a game animal for the purpose of hunting that animal.

(2) No person shall use an aircraft or radio telephone for locating a game animal for the purpose of that animal being hunted or killed within forty-eight hours of such use.

(3) No person shall use any aircraft, motor vehicle or mechanically propelled vessel in such a manner as to drive, stampede or unduly disturb any protected animal or game animal for any purpose whatsoever:

Provided that this subsection shall not prohibit the use of an aircraft or radio telephone or vehicle—

- (a) for the purpose of driving any animal away from a recognised aerodrome or airfield or from any other area if necessary to enable an aircraft to land safely; or
- (b) for the purpose of driving any animal away from land for the time being under cultivation or in use for the grazing or herding of stock; or
- (c) for any other purpose which may be prescribed.

(4) No person shall discharge any firearm at or in the direction of any game animal from a motor vehicle or aircraft or from within four hundred metres of a motor vehicle.

(5) No person shall shoot any game animal from a mechanically propelled vessel whilst the vessel is in mechanically induced motion.

(6) Any person who contravenes any of the provisions of this section shall be guilty of a forfeiture offence.

Use of dogs

(1) No person shall, without the written permission of a warden, which may be refused without any reason being assigned therefor, use dogs for the purpose of hunting any game animal.

(2) Any person who uses a dog in contravention of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both and the Court by which the person is convicted may also order the destruction of such dog.

37. Power to prohibit use of certain weapons, etc.

(1) The Minister may, by notice in the *Gazette*, prohibit the hunting of any game animal, or may by such notice impose such conditions or restrictions in respect of the use of any specified means of hunting, weapon or missile as he may think fit.

(2) Any person who hunts any animal—

- (a) by any means, weapon or missile the use of which is prohibited under this section; or
- (b) in breach of any condition or restriction imposed in respect of the use of the means, weapon or missile used by him in such hunting,

shall be guilty of a forfeiture offence.

38. Close seasons

(1) The Minister may, by notice in the *Gazette*, declare that, during such period and within such area as may be specified in the notice, the hunting of such game animals or game birds as may be so specified shall be unlawful.

(2) Any person who hunts any animal in contravention of a notice under this section shall be guilty of a forfeiture offence.

PART V

Trophies and Live Animals

39. Government trophies

(1) Except as otherwise provided in this Act, the following shall be Government trophies and the property of the Government—

- (a) any trophy found without an owner;
- (b) any protected animal, game animal or game bird found dead or killed by accident or mistake;
- (c) any protected animal or game animal killed in defence of life, or in other circumstances authorised by or under this Act, by a person who is not the holder of a game licence authorising him to hunt such animal;
- (d) any animal or trophy in respect of which a breach of any of the provisions of this Act or the rules has been committed;
- (e) any animal killed by a member of the Service in the course of his duties as such;

[No. 16 of 1989, s. 13.]

- (f) the meat of any animal mentioned in this subsection.

(2) Any person who by any means obtains possession of a Government trophy shall forthwith make a report thereof to an authorised officer and shall hand the trophy over to the authorised officer.

(3) Any person who—

- (a) fails to make a report required by subsection (2); or
- (b) is unlawfully in possession of, or unlawfully deals in, any Government trophy,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) Any person who fails to produce any animal or trophy as required by this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both:

Provided that it shall be a defence to any proceedings under this subsection for the accused to prove to the satisfaction of the Court that his failure to comply with the provisions of subsection (1) arose from circumstances beyond his control and that he produced the animal or trophy concerned to a warden at the earliest practicable time.

42. Certificates of ownership for possession of trophies

(1) Except as otherwise provided by this Act, any person who is in possession of any trophy, or of any ivory or rhinoceros horn of any description, without also being in possession of a certificate of ownership in respect thereof shall be guilty of a forfeiture offence and—

[No. 16 of 1977, Schedule.]

- (a) if that person is the holder of a dealer's licence under section 43, be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding five years or to both; or
- (b) in any other case, be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) This section shall not apply to the possession of a trophy by any person who has the possession solely by reason of being a receiver or trustee in bankruptcy or the personal representative of a deceased person.

(3) In this section and in sections 44 and 45 "certificate of ownership" means—

- (a) a certificate of ownership issued under any of the provisions of this Act;
- (b) a certificate of ownership issued under any former law relating to wildlife; and
- (c) a certificate of ownership or equivalent documents issued by a competent officer or other authority of the country of origin of the trophy concerned.

43. Dealers

(1) No person shall carry on the business of a dealer unless he is the holder of a valid dealer's licence issued by a licensing officer.

(2) An application for a dealer's licence shall be made to a licensing officer in the prescribed form, and the licensing officer may grant or, without assigning any reason therefor, refuse to grant the licence.

(3) A dealer's licence—

- (a) shall be in the prescribed form;
- (b) shall be subject to such conditions as may be prescribed or authorised by the rules regulating the manner, place or hours in, at or during which the licensed business may be carried on and the trophies or class of trophies which may be dealt in;
- (c) shall be subject to the payment of the prescribed fee, and different fees may be prescribed for different classes of dealers;

(d) shall, subject to any other provision of this Act, be valid for a period of twelve months from the date of issue thereof.

(4) Any person who—

- (a) not being the holder of a dealer's licence, carries on the business of a dealer; or
- (b) being the holder of a dealer's licence, fails to comply with any condition to which the licence is subject,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years or to both.

44. Transfer of trophies

(1) Subject to subsection (3), no person shall transfer the ownership of any trophy to any other person by way of gift, sale or otherwise unless he is in possession of a certificate of ownership in respect of the trophy and unless, at the time of the transfer, he endorses the certificate with the date of transfer and the name of the person to whom the trophy is transferred and hands over the certificate to that other person.

(2) Any person who transfers any trophy to another otherwise than in compliance with subsection (1) shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(3) Nothing in this section shall apply to any transfer of ownership of a trophy by operation of law or in consequence of the death of the owner of the trophy.

45. Export of trophies, etc.

(1) No person shall export any live protected animal, game animal or game bird except—

[No. 11 of 1983, Schedule.]

- (a) through a customs port of entry; and
- (b) under and in accordance with an export permit issued by the Director on payment of the prescribed fee, which shall be non-refundable whether or not the permit is granted, and which permit may be refused by the Director without assigning any reason therefor.

(2) No person shall export any trophy other than a live animal except through a customs port of entry and upon production to a proper officer of customs of a certificate of ownership relating to that trophy.

(3) Notwithstanding subsections (1) and (2) no person shall, without the written permission of the Minister, export any animal or trophy of a class which the Minister, by notice in the *Gazette*, has declared to be a prohibited export.

(4) Nothing in this section shall apply to any animal or trophy which is—

- (a) in transit through Kenya if the animal or trophy is accompanied by the necessary transit documents issued in the country of origin or export and is entered through a customs port of entry; or

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- (b) accompanied by a person who is in possession of, and produces to a proper officer of customs, a certificate issued in Tanzania or Uganda certifying that such person is lawfully authorised to export, the animal or trophy, and the person satisfies the officer of customs that—
- (i) the certificate was issued to him; and
 - (ii) that he is himself exporting the animal or trophy from Kenya.

(5) Any person who exports or attempts to export any animal or trophy in contravention of any of the provisions of this section shall be guilty of a forfeiture offence.

46. Exemptions

The Minister may, by notice in the *Gazette*, exempt any class of trophy from all or any of the provisions of this Part.

47. Game meat

(1) The Minister may, by regulation, prohibit, control or regulate the possession or movement of, or any dealings of any nature whatsoever in, any meat.

(2) Without prejudice to the generality of subsection (1), regulations thereunder may—

- (a) provide for the licensing of persons and premises;
- (b) provide for the inspection of premises other than dwelling-houses;
- (c) specify the conditions upon which game-ranching and game cropping may be undertaken, and provide for the exemption of game-ranching and game cropping from the provisions of this Act relating to game or other licences;
- (d) prescribe the fees to be payable in respect of any licence, permit or authorisation issued or given thereunder;
- (e) impose penalties, in respect of any breach of the regulations, not exceeding a fine of twenty thousand shillings or imprisonment for a term not exceeding three years or both;
- (f) provide for the forfeiture of any meat in respect of which any breach of the regulations occurs.

48. Permit to keep live animals

(1) No person shall keep in captivity any live protected animal, game animal or game bird except in accordance with a permit issued by a licensing officer in that behalf.

(2) A permit under this section—

- (a) shall be in addition to any certificate of ownership required under this Act;
- (b) shall be issued, upon application, by the licensing officer unless he has reason to believe that the applicant is not a proper person to keep the animal when the licensing officer may refer the matter to the Director who may direct the licensing officer to issue or refuse the permit, and the decision of the Director thereon shall be final.

(3) Any animal or birds kept under the authority of a permit under this section shall be made available for inspection, together with the cage or other enclosure in which it is normally kept, by any warden at all reasonable times.

(4) If, upon an inspection made under this section, a warden is satisfied that the animal or bird concerned is not being adequately cared for, or that the conditions under which it is kept are not reasonably healthy or humane, the warden shall report the facts to the Director who may thereupon cancel the permit concerned and confiscate the animal or bird concerned which shall become the property of the Government.

(5) Any person who keeps any animal or bird in contravention of subsection (1), or fails to make an animal, bird, cage or enclosure available for inspection as required by subsection (3), 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.

PART VI

Enforcement

49. Powers of officers

(1) An authorised officer may stop and detain any person whom he finds doing any act for which a licence or permit is required under this Act or the rules for the purpose of requiring that person to produce his licence or permit, and if the person fails to produce the appropriate licence or permit he may be arrested by the officer without a warrant.

[No. 16 of 1989, s. 6.]

(2) If an authorised officer has reasonable grounds for believing that any person has committed an offence under this Act or the rules he may—

- (a) require the person to produce for inspection—
 - (i) any animal, or any meat or other part of an animal, in his possession;
 - (ii) any firearm or other weapon, trap, net or poison, or any instrument, material or thing, in relation to or in connection with which any offence appears to the officer to have been committed;
 - (iii) any licence, permit or other document required to be had or be kept by such person under the provisions of this Act or the rules;
- (b) enter and search, with or without assistance, any land, building, tent, vehicle or boat in the occupation or possession of such person, and open and search any baggage or other thing in the possession of such person:
Provided that no dwelling-house shall be entered without a warrant except under exceptional circumstances;
- (c) seize and detain anything which appears to the officer to be a Government trophy, or any vehicle, boat, firearm or other weapon, trap, net or poison, or any instrument, material or thing whatsoever in relation to or in connection with which any offence against this Act or the rules appears to have been committed or which appears to the officer to have been used in, or for the purposes of, the commission of any such offence, whether or not it is in the immediate possession of any person;

- (d) arrest and detain such person if he has reason to believe that such person will not appear and answer any charge which may be preferred against him.

(3) For the purpose of the more effective enforcement of the provisions of this Act, a senior officer, or a subordinate officer authorised by him in that behalf, may erect a temporary barrier across any road or place and any person approaching the barrier shall, on being required by the officer so to do, stop and allow the officer to carry out such search of his own person and of any vehicle as may appear to the officer to be necessary or expedient.

(4) Any person who—

- (a) without reasonable excuse, fails to produce anything which, under the powers conferred by this section, he is required to produce; or
- (b) fails to stop or to allow a search when so required under subsection (3); or
- (c) assaults, resists or wilfully obstructs any officer in the exercise of the powers conferred upon such officer by this section,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding twelve months or to both.

(5) Neither the Government nor any officer shall be responsible for any loss or damage which may occur to any property during an act of seizure, or whilst such property is detained, under this section, unless the same has been caused maliciously or fraudulently or by gross neglect.

50. Disposal of persons arrested and things seized

(1) Any person arrested under section 49 shall forthwith be taken before a court to be dealt with according to law.

(2) Where anything other than a trophy is seized and detained under section 49 of this Act it shall be forfeited to the Government after a period of three months unless within that period some person is charged with a forfeiture offence under the Act and it is alleged that—

- (a) the offence was committed in relation to or in connection with that thing; or
- (b) the thing was used in, or for the purpose of, the commission of such an offence.

[No. 16 of 1989, s. 7.]

(3) Notwithstanding subsection (2)—

- (a) where anything seized and detained under section 49 is subject to speedy and natural decay, and it is not reasonably practicable to take effective steps to preserve the same, the officer by whom the same is seized or an officer to whose orders he is subject may, without obtaining any order from a court, destroy or otherwise dispose of that thing if he considers it desirable so to do;
- (b) where any apparently unlawful means of hunting cannot practicably be removed from its location it may forthwith be rendered inoperative.
- (c) *(deleted by No. 16 of 1989, s. 7.)*

51 Effect of conviction and powers of court

(1) Where the holder of a licence, permit, permission or authorisation granted or issued under this Act or the rules is convicted of an offence under this Act the conviction shall, unless the Court otherwise directs for reasons to be recorded in writing, have the effect of cancelling the licence, permit, permission or authorisation with effect from the date of conviction.

(2) The holder of a licence, permit, permission or authorisation which is cancelled under subsection (1) shall, within fourteen days from the date of conviction, surrender to the Court the licence or permit, or any document evidencing the permission or authorisation, and any person who fails to comply with the provisions of this subsection shall be guilty of an offence.

(3) Where any person is convicted of an offence under this Act or the rules in respect of any game-pit, pitfall, trench or similar excavation, or any fence or enclosure, or any other device whatsoever fixed to the ground, which such person has unlawfully made, used or had in his possession for the purpose of hunting, the Court may, in addition to any other punishment, order that such game-pit, pitfall, trench, excavation, fence, enclosure or device shall be destroyed or obliterated by the Service in such manner as the Court may specify, and any expenditure incurred on account of such order shall be a civil debt recoverable summarily from such person by the Government.

(4) A court before which a person is convicted of an offence against this Act or the rules shall forthwith make a report in the prescribed form to the Director containing the details of the offence and the sentence and particulars of any other order made by the Court in relation to the conviction.

52. Forfeiture

(1) Where a person is convicted of a forfeiture offence the Court shall, unless it considers, for reasons to be recorded by the Court, that in all the circumstances of the case it would be unjust so to do, order that any animal, trophy, weapon, net, vehicle, instrument, material or thing whatsoever, whether similar to those enumerated or not, in relation to, in connection with, or by means of which the offence has been committed shall be forfeited to the Government.

(2) Where anything other than a Government trophy has been seized and detained under section 49 of this Act and a person charged with a forfeiture offence in relation thereto within three months of the seizure has not appeared to answer the charge, that thing shall be forfeited to the Government.

[No. 16 of 1989, s. 8.]

3) *(Deleted by No. 16 of 1989, s. 8.)*

53. Ineligibility to hold licences, etc.

Except as otherwise expressly provided in this Act, any person who is convicted of an offence under this Act or the rules, or under any law relating to the preservation of wild game for the time being in force in Tanzania or Uganda, shall be disqualified from

individual for the offence, every manager or other person concerned in the management of such business shall, unless he proves that the offence was committed without his knowledge or consent, also be liable to be prosecuted, tried, convicted and punished for that offence.

57A. Use of firearms

(1) The President may, through the Commissioner of Police, make available to the Service such firearms as may be necessary for the Service to effectively carry out its functions under this Act.

(2) A member of the Service may use firearms to the extent necessary for the efficient management and conservation of wildlife including but without prejudice to the generality of the foregoing—

- (a) in the course of law enforcement, against—
 - (i) any person in lawful custody charged with an offence punishable under section 56 (1) (a), (b) or (c) when that person is escaping or attempting to escape;
 - (ii) any person who by force rescues or attempts to rescue any other person from lawful custody;
 - (iii) any person who by force rescues or attempts to prevent the lawful arrest of himself or any other person; and
 - (iv) any person unlawfully hunting any game animal or protected animal in any place or hunting any animal, bird or reptile within a National Park, National Reserve or local sanctuary;
- (b) in the course of animal population control and management and also for the protection of persons and property against any animal, bird or reptile causing destruction to human life or property or crops:

Provided that resort to the use of firearms shall not be had—

- (i) under paragraph (a) (i) of this subsection unless the member of the Service concerned has reasonable grounds to believe that he cannot otherwise prevent the escape and unless he has given warning to the person that he is about to use firearms against him and the warning is unheeded;
- (ii) under paragraph (a) (ii) or paragraph (a) (iii) of this subsection unless the member of the Service concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm or that he cannot otherwise prevent the rescue, or, as the case may be, effect the arrest.

PART VII

58 to 60. (*Repealed by No. 16 of 1989, s. 10.*)

PART VIII*General Provisions as to Officers, etc., of the Service***61. Unlawful possession of Service property, etc.**

(1) Any person who, not being a member of the Service, is in possession of any article which has been supplied to any such member for use in the execution of his duties as

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such, and who fails to account satisfactorily for such possession shall be guilty of an offence.

[No. 16 of 1989, s. 13.]

(2) Any person who, without lawful authority—

(a) purchases or receives any article which has been supplied to a member of the Service for use in the execution of his duties as such; or

[No. 16 of 1989, s. 13.]

(b) aids or abets any member of the Service in selling or disposing of any such article; or

[No. 16 of 1989, s. 13.]

(c) assumes the uniform, or any distinctive part thereof, of, or otherwise pretends to act as or to personate, any member of the Service,

[No. 16 of 1989, s. 13.]

shall be guilty of an offence

PART IX

*Miscellaneous***62. Compensation for personal injury or death**

(1) Where any person suffers any bodily injury from or is killed by any animal, the person injured or in the case of a deceased person, any other person who was dependent upon him at the date of his death, may make application to a district committee established by this section, for the award of compensation for the injury or death:

Provided that no compensation shall be claimable where the injury or death occurred—

(a) in the course of any conduct on the part of the person concerned which would constitute an offence under this Act; or

(b) in the course of normal wildlife utilisation activities.

[No. 16 of 1989, s. 11.]

(2) For the purposes of receiving and considering applications under subsection (1), and of awarding compensation thereunder, there is hereby established in each district a committee which shall consist of—

(a) the District Commissioner, who shall be the chairman of the committee;

(b) the Divisional Officer of the Service;

(c) the Officer in Charge of the Police Division;

(d) the District Medical Officer;

(e) one Elected Member of the National Assembly representing a constituency in the district, who shall be appointed by the Minister;

(f) the chairman of County Council in the district; and

(g) three other members appointed by the Minister to represent the general public of the district.

(3) A District Committee may co-opt any person whom it considers may assist it either generally or for the consideration of any particular case.

(4) Compensation awarded under this section shall be payable out of moneys provided by Parliament for that purpose.

63. Land use

Where any written law, or any document of title to any land, makes a reference to improvements to such land, or to principles of good husbandry, or any like reference which relates to livestock, such reference shall be deemed to include any game-ranching, game cropping or other wildlife utilisation lawfully undertaken under the rules.

64. Application of Act to non-game animals

The Minister may, by notice in the *Gazette*, declare that any provision of this Act shall apply to any animal not mentioned in a Schedule, or to any trophy or meat of any such animal, and upon publication of such notice the animal concerned shall be deemed to be a game animal or game bird for the purposes of such provision.

65. Appeal to Tribunal

(1) There is hereby established an Appeal Tribunal which shall be known as the Wildlife Conservation and Management Service Appeal Tribunal.

(2) The Tribunal shall consider and determine appeals from any decision in any matter, wherein any person is aggrieved by a refusal of the grant or issue of, or by any condition other than a prescribed condition attached to, or the cancellation or suspension of, any licence, permit or authorisation under this Act.

(3) Any person who is dissatisfied with the manner in which compensation is made or not made under section 62 may appeal to the Tribunal within the time prescribed by regulations made under section 67 (g).

[No. 11 of 1992, Schedule.]

(4) Appeals to the Tribunal under this Act shall be made within thirty days of the date of the decision appealed against.

(5) The Tribunal shall consist of—

- (a) the chairman appointed by the Minister; and
- (b) not less than two and not more than five other members appointed by the Minister of whom one shall be appointed for his knowledge of wildlife management and conservation.

(6) There shall be an assessor to the Tribunal who shall be an advocate of not less than five years standing appointed by the Tribunal with the approval of the Minister and the assessor, when the Tribunal so requires, shall attend the proceedings of the Tribunal and advise it on questions of law.

(7) The Minister shall appoint a public officer to be secretary to the Tribunal.

(8) For the purposes of hearing and determining the appeals, by the Tribunal—

- (a) the chairman or other person presiding may administer oaths;

- (b) the chairman may, by notice under his hand, summon any person to attend and give evidence and to produce any relevant document.

(9) The cost of the appeal shall be in the discretion of the Tribunal, which may make such order as to costs as appear to it just; and any such costs shall be recoverable as a civil debt.

(10) Any person who, after payment or tender to him of his reasonable expenses, without reasonable excuse fails, when summoned by the Tribunal, to attend and give evidence or produce any document which he is required to produce 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.

66. Duplicate licences

Where any licence, permit or authorisation granted or issued under this Act or the rules has been lost or destroyed, the person to whom it was granted or issued may apply to the officer by whom it was issued for a duplicate thereof which may be issued at the discretion of that officer upon payment of the prescribed fee.

67. Power to make regulations

The Minister may make regulations for the better carrying into effect of the provisions of this Act, and, without prejudice to the generality of such powers, the regulations may—

- (a) specify the conditions subject to which any licence, permit or authorisation may be granted or issued under this Act;
 - (b) prescribe the procedure to be followed in respect of an application for the licence, permit or authorisation;
 - (c) classify game licences and specify the animals which may be included in any game licence, and the numbers thereof which may be hunted under that licence;
 - (d) limit the number of game licences which may be issued to any person or in respect of any specified period or area;
 - (e) prohibit the use of any specified type or calibre of weapon in the hunting of any specified type of game animal or game bird;
 - (f) restrict, regulate or otherwise control the supply of trophies to dealers;
 - (g) make provision for the manner and time in which applications for the award of compensation under section 62 may be made, for prescribing the level of such compensation and for the regulation of the proceedings of District Committees established under that section and for the Appeal Tribunal established under section 65; and the manner and time within which appeals under section 65 (3) may be made;
- [No. 11 of 1992, Schedule, No. 2 of 2002, Schedule.]
- (h) make provision for the training of personnel for the service.

FIRST SCHEDULE

[Section 2]

Game Animals

Part

Elephant ...	<i>Loxodonta africana</i> (Blumenbach).
Leopard	<i>Panthera pardus</i> (L.).
Lion	All races of <i>Panthera leo</i> (L.).
Rhinoceros	<i>Diceros bicornis</i> (L.).

Part II

Bongo	<i>Boocercus euryceros</i> (Ogilby).
Giraffe, Reticulated	<i>Giraffa Camelopardalis reticulata</i> (De Winton).
Giraffe, Rothschild	<i>Giraffa Camelopardalis rothschildi</i> Krumbiegel.
Hartebeeste, Kenya	<i>Alcelaphus buselaphus Kenyae</i> (Günther).
Kudu, Greater	<i>Tragelaphus strepsiceros</i> (Pallas).
Monkey, Black and White Colobus	All races of <i>Colobus abyssinicus</i> (Oken).
Oryx, Beisa	<i>Oryx beisa</i> (Ruppell).
Oryx, Fringe-eared	<i>Oryx beisa callotis</i> (Thomas).
Zebra, Grevy	<i>Equus grevyi</i> (Oustalet).

Part III

African Wild Cat	All races of <i>Felis lybica</i> Forster.
Buffalo	<i>Syncerus caffer</i> (Sparman).
Bushbuck	<i>Tragelaphus scriptus</i> (Fallas).
Civet	All species of the genera <i>Civettictus</i> (Pocock) and <i>Nandinia</i> (Gray).
Crocodile	<i>Crocodylus niloticus</i> (Laurenti).
Dikdik ...	<i>Rhynoctragus kirki</i> (Günther) and <i>Rhynoctragus guentheri</i> (Thomas).
Duiker, Red or Harvey's	All races of <i>Cephalophus natalensis</i> A. Smith.
Duiker, Blue	All races of <i>Cephalophus monticola</i> (Thunberg).
Duiker, Foster's or Hook's Black-fronted	All races of <i>Cephalophus nigrifrons</i> Gray.
Duiker, Grey	All races of <i>Sylvicapra grimmia</i> (L.).
Eland	<i>Taurotragus oryx</i> (Pallas).
Gazelle, Grant's	All races of <i>Gazella granti</i> Brooke.
Gazelle, Thomson's	<i>Gazella thomsoni</i> Günther.
Genet	All species and races of genus <i>Genetta</i> (Oken).
Gerenuk	<i>Litocranius walleri</i> (Brooke).
Giant Forest Hog	<i>Hylochoerus meinertzhageni</i> (Thomas).
Giraffe, Common	All races of <i>Giraffa camelopardalis</i> (L.).
Hartebeeste, Coke's	<i>Alcelaphus buselaphus cokei</i> (Günther).
Hippopotamus	<i>Hippopotamus amphibius</i> (L.).
Honey-badger (Ratel)	<i>Mellivora capensis</i> (Schreber).

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Hyrax, Rock	<i>Procavia capensis</i> (Pallas). <i>Heterohyrax brucei</i> (Gray).
Hyrax, Tree	<i>Dendrohyrax arboreus</i> (A. Smith). <i>Heterohyrax brucei</i> (Gray).
Impala	<i>Aeypceros melampus</i> (Lichtenstein).
Jackal	<i>Canis aureus</i> (L.), <i>Canis adustus</i> Sundevall and <i>Canis mesomelas</i> Schreber.
Klipspringer	<i>Oreotragus oreotragus</i> (Zimmermann).
Kudu, Lesser	<i>Tragelaphus imberbis</i> Blyth.
Zebra, Common	<i>Equus burchelli</i> (Gray).
Monkey, Blue or Syke's	All races of <i>Cercopithecus mitis</i> (Wolff).
Monkey, Putty-nosed	All races of <i>Cercopithecus nictitans</i> (L.).
Monkey, Vervet	All races of <i>Cercopithecus aethiops</i> (L.).
Oribi, Cotton's and Haggard's and Kenya	All species and races of the genus <i>Ourebia</i> (Laurillard).
Ostrich	All races of <i>Struthio camelus</i> (L.).
Otter, River and Clawless	All members of the genera <i>Lutra</i> (Brisson) and <i>Aonyx</i> (Lesson).
Reedbuck, Bohor	<i>Redunca redunca</i> (Pallas).
Reedbuck, Chanler's	<i>Redunca fulvorufula chanleri</i> (W. Rothschild).
Steenbok	<i>Raphicerus campestris</i> (Thunberg).
Suni	All races of <i>Nesotragus moschatus</i> Von Duchen.
Topi	<i>Damaliscus korrigum</i> (Ogilby).
Warthog	<i>Phacochoerus aethiopicus</i> (Pallas).
Waterbuck, Common	<i>Kobus ellipsiprymnus</i> (Ogilby).
Waterbuck, Defassa .	<i>Kobus defassa</i> (Rüppell).
Wild Dog	<i>Lycaon pictus</i> (Temminck).
Wildebeeste	All races of <i>Connochaetes taurinus</i> (Burchell).

SECOND SCHEDULE

[Section 2]

Game Birds

Geese and Ducks	All members of the family <i>Anatidae</i> (Geese, Ducks, Pochards, Teals, Wigeons, Shovelers).
Francolins, Partridges, Quails, Guinea Fowls and Spurfwls	All members of the families <i>Phasianidae</i> and <i>Turnicidae</i> .
Lesser Bustards	All members of the general <i>Eupodotis</i> , <i>Lophotis</i> and <i>Lissotis</i> .
Snipe	All members of the general <i>Rostratula</i> , <i>Capella</i> and <i>Lymnocyptes</i> .
Sandgrouse	All members of the family <i>Pteroclididae</i> .
Pigeons and Doves	All members of the family <i>Columbidae</i>

THIRD SCHEDULE

[Section 2]

Protected Animals

[L.N. 126 of 1981.]

1. Any game animal which is obviously immature, i.e. not fully grown.
2. Any female game animal when it is either—
 - (a) clearly or seemingly pregnant; or
 - (b) in a condition indicating that it is suckling young, whether or not the young are apparent; or
 - (c) accompanied by immature young, whether dependent or not.
3. Albino and melanic animals of whatever species.
4. All birds other than Game Birds, or queleas (genus *Quelea*) and Mouse-birds (genus *Collius*).
5. Any animal of any of the following species, sub-species or groups:

Aardvark	<i>Oryzomys afer</i> (Pallas).
Aardwolf	<i>Proteles cristatus</i> (Sparman).
Bat-eared Fox	<i>Otocyon megalotis</i> (Desmarest).
Caracal or Lynx	<i>Felis caracal</i> Schreber.
Cheetah	<i>Acinonyx jubatus</i> (Schreber).
Dugong	<i>Dugong dugong</i> (Mueller).
Duiker, Abbott's	<i>Cephalophus spadix</i> True.
Duiker, Yellow-backed	<i>Cephalophus silvicultor</i> (Afzelius).
Golden Cat	<i>Felis aurata</i> Temminck.
Hartebeeste, var. Jackson's Lelwel, or Neumann's	Stipulated sub-species or races of <i>Alcelaphus buselaphus</i> with the exception of Coke's hartebeeste (<i>Alcelaphus buselaphus cokei</i>) Günther.
Hunter's Antelope (or Hiriola)	<i>Damaliscus hunteri</i> (P.L. Sclater).
Kob, Thomas's	<i>Adonota kob thomasi</i> (P.L. Sclater).
Monkey, De Brazza's	All races of <i>Cercopithecus neglectus</i> Schlegel.
Monkey, Mangabey	All races of <i>Cercocebus galeritus</i> Peters.
Monkey, Red or Patas	All races of <i>Erythrocerus patas</i> (Schreber).
Potto	All races of <i>Perodicticus potto</i> (P.L.S. Müller).
Pangolins	All members of the family <i>Manidae</i> .
Roan Antelope	All races of <i>Hippotragus equines</i> (Desmarest).
Sable Antelope	All races of <i>Hippotragus niger</i> (Harris).
Serval Cat	All races of <i>Felis brachyura</i> (Wagner) and <i>Felis serval</i> (Schreber).
Sitatunga	All races of <i>Tragelaphus spekei</i> (P.L. Sclater).
Turtle, Green Marine	<i>Chelonia mydas</i> (L.).
Turtle, Hawksbill	<i>Chelone imbricata</i> (L.).
Baboons	All races of <i>Papio anubis</i> .
Bushbabies	All members of the family <i>Galagidae</i> .

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FOURTH SCHEDULE

[No. 16 of 1989, s. 12, L.N. 141 of 1993.]

The ranks of some of the members of the Service in order of seniority shall include the following:

Gazetted Officers

(a) Officers of Field Rank:

Director
Deputy Director
Assistant Director
Senior Warden

(b) Senior Officers:

Warden I
Warden II

Junior Officers

Assistant Warden I
Assistant Warden II
Assistant Warden III
Field Assistant

Rangers

Ranger Sergeant Major
Senior Sergeant
Sergeant
Corporal
Ranger

NATIONAL PARKS DECLARED UNDER SECTION 6

[L.N. 92 of 1978, L.N. 13 of 1983, L.N. 18 of 1983, L.N. 100 of 1983, L.N. 13 of 1984, L.N. 368 of 1986, L.N. 315 of 1986, L.N. 426 of 1990.]

Kisite Marine National Park.

South Island National Park.

Mount Longonot National Park

Central Island National Park.

Ruma National Park.

Hell's Gate National Park

Ndere Island National Park.

Mombasa Marine National Park

Arabuko Sokoke National Park.

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Wildlife (Conservation and Management) Act – Subsidiary Legislation

REGULATIONS UNDER SECTION 12

**WILDLIFE (CONSERVATION AND MANAGEMENT)
(RECOGNISED AIRFIELDS) REGULATIONS**

[L.N. 122 of 1976.]

1. These Regulations may be cited as the Wildlife (Conservation and Management) (Recognised Airfields) Regulations.
2. The following are recognised airfields for the purposes of the Act:
 - (a) Voi Airfield.
 - (b) Tsavo Tsafaris Airfield.
 - (c) Ngulia Airfield.
 - (d) Kilaguni Airfield.
 - (e) Aruba Airfield.
 - (f) Meru Mulika Airfield.
 - (h) Meru Park Headquarters Airfield.
 - (g) Kamboyo Airfield.
 - (i) Koobi Fora Airfield.
 - (j) Mount Elgon Airfield.
 - (k) Lambwe Valley Airfield.
 - (l) Amboseli Airfield.
 - (m) Samburu/Buffalo Springs Airfield.
 - (n) Mara Serena Airfield.
 - (o) Keekorok Airfield.

REGULATIONS UNDER SECTION 16**WILDLIFE (CONSERVATION AND MANAGEMENT) (NATIONAL PARKS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Entry to National Parks.
4. Closure of National Parks.
5. Prohibited acts.
6. Nuisances.
7. Service badges, uniforms, etc., not to be worn.
8. Enticement of animals and use of weapons.
9. Penalties.

SCHEDULE

WILDLIFE (CONSERVATION AND MANAGEMENT) (NATIONAL PARKS) REGULATIONS

[L.N. 219 of 1976, L.N. 193 of 1981, L.N. 16 of 1982, L.N. 29 of 1984, L.N. 205 of 1984, L.N. 205 of 1985, L.N. 369 of 1987, L.N. 62 of 1990, L.N. 507 of 1990, L.N. 213 of 1991, L.N. 509 of 1991, L.N. 419 of 1992, L.N. 103 of 1993, L.N. 409 of 1993, L.N. 37 of 1994, L.N. 181 of 1995, L.N. 9 of 1996, L.N. 49 of 1997, L.N. 9 of 2003, L.N. 149 of 2003, L.N. 42 of 2006.]

1. Citation

These Regulations may be cited as the Wildlife (Conservation and Management) (National Parks) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**National Park**” means both National Parks as defined in the Act and the Mar-sabit and Shimba Hills National Reserves and where specified, Marine National Parks and Marine National Reserves;

“**prescribed fee**” means a fee for entry into a National Park or a Marine National Park/Reserve as provided in Parts II to IV, both inclusive, in the Schedule;

“**private motor vehicle**” means any motor vehicle other than a motor vehicle licensed as a public service vehicle within the meaning of the Traffic Act;

[Cap. 403.]

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“road” means the actual driving surface of any maintained road, or demarcated route for four-wheeled traffic, and includes prescribed bridges, crossings or drifts in a National Park;

“special car pass” means a pass to enter any National Park granted to the owner of any motor vehicle specified in such pass upon payment of the fee prescribed in Part IV of the Schedule;

“stopping-place” means any area, place or road which has been demarcated by the Director’s authority as such, by the erection or placing of a notice, sign or mark, as a place at or in which any person may stop, subject to such conditions as may be imposed by the Director.

3. Entry to National Parks

(1) No person shall, except with the permission of the Director or an officer of the Service of the rank above the rank of Assistant Warden or an agent of the Director duly authorised in that behalf enter a National Park unless he has paid the prescribed fee or is one of the permitted occupants of a vehicle in respect of which a special car pass is in force.

(1A) There shall be two categories of fees for entry into a National Park, one for citizens of Kenya and the other for non-citizens of Kenya, as specified in the Schedule and for the purposes of these Regulations a resident non-citizen excludes one holding a visitor’s pass under the Immigration Act.

[Cap. 172.]

(1B) An application for a special car pass shall be accompanied by two passport-size photographs of the applicant and the application shall specify the applicant’s nationality, residence status in Kenya and passport number or national identity card number.

(2) The Director or any officer of the Service or an agent of the Director duly authorised in that behalf, may refuse permission to any person to enter or be within a National Park if in his opinion the presence of such person in the National Park would be detrimental to the proper management and control of the National Park and any such person, may, if found within the National Park, be ordered to leave the National Park.

(3) In this regulation, “permitted occupant” means one of the persons entitled under the terms of a special car pass to enter a National Park in the car in respect of which any such pass is issued and is in force.

4. Closure of National Parks

(1) The Director or any officer of the Service or an agent of the Director duly authorised in that behalf in writing may, for such periods or at such times as he may consider fit for the protection of animal or vegetable life, or for the safety of the public, or for the protection of a road, or for climatic reasons, or for any other reason do either of the following:

- (a) close to the public any portion of a National Park or any road or part of a road within a National Park; or
- (b) close to any class of people or kind of traffic, any portion of a National Park, or any road or part of a road within a National Park.

(2) For the purposes of these Regulations, any portion of a National Park, or any road or part of a road, whereon by authority of the Director there has been placed a notice, a sign, a mark, a fence, a gate or a barricade indicating that it has been closed either to the public or to any class of people or kind of traffic, shall be deemed to be closed.

5. Prohibited acts

(1) Except with the special permission of the Director or an officer of the Service duly authorised, no person shall—

- (a) enter or leave any National Park elsewhere than at a place approved by the Director as an entrance or exit; or
- (b) be within any National Park unless he is in a stopping place, or unless he is in a motor vehicle designed to travel on not less than four wheels; or
- (c) be within any National Park or any portion thereof between the hours of 7.15 p.m. and 6 a.m.; or
- (d) drive, or cause to be driven, a motor vehicle at a speed greater than 40 km. an hour; or
- (e) cause a vehicle to be stopped on any road in such a manner as to obstruct or impede the passage of any other vehicles; or
- (f) drive or cause to be driven, a motor vehicle than on open and maintained roads; or
- (g) alight from or get out of, or stand up in/on a motor vehicle, except in a stopping place; or
- (h) display any notice or advertisement within a National Park, or on any boundary of a National Park; or
- (i) collect any money from members of the public, or sell any goods, or offer any goods for sale, or purchase any goods or carry on any trade, within a National Park.

6. Nuisances

Except with the special permission of the Director or an officer of the Service, or of a duly authorised agent of the Director, no person, while within any National Park shall—

- (a) discard any refuse or litter; or
- (b) in any other way disfigure the National Park or part thereof; or
- (c) unnecessary cause or make any noise or do any act which is likely to disturb or annoy any other person.

7. Service badges, uniforms, etc., not to be worn

Except with the special permission of the Director or an officer of the Service duly authorised or an agent of the Director, no person shall make use of or wear any badge, uniform or emblem authorised to be worn by officers of the Service or agent of the Director.

8. Enticement of animals and use of weapons

Except with the special permission of the Director, no person shall—

- (a) entice, or cause to be enticed, any animal out of a National Park; or

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Wildlife (Conservation and Management) Act – Subsidiary Legislation

- (b) intentionally discharge any weapon; or
- (c) release any appliance, so that a projectile therefrom passes over any portion of, or falls, within a National Park.

9. Penalties

Any person who contravenes any of the provisions of these Regulations (including regulation 5) or of any lawful order or directive given thereunder by the Director or by an officer of the Service shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months, or to both.

SCHEDULE

PART I

Passes

1. There shall be in use in the National Parks the following authorised passes—
- (a) a duty pass which shall be in form 1.
 - (b) a special pass which shall be in form 2.
 - (c) an authorised officer's pass which shall be in form 3.

FORM 1

DUTY PASS No. .

THE WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

The bearer of this pass
of is authorised to enter
..... National Park/Reserve
from to in
the course of official duty.
Date of issue Date of expiry

PHOTOGRAPH
OF THE
HOLDER

.....
Director

THIS PASS IS VALID FOR THE HOLDER ONLY

Wildlife (Conservation and Management) Act – Subsidiary Legislation

FORM 2

REPUBLIC OF KENYA

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

SPECIAL PASS No.

Name

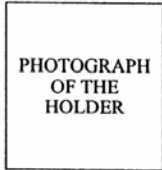
.....

Address

.....

Date of Issue

Date of Expiry



.....
Signature of Pass Holder

.....
Director

DIRECTOR'S INSTRUCTIONS

The officer in charge of any gate into any National Park/Reserve is instructed that the holder, and any person(s) accompanying him/her, is to be granted all courtesies, and all entries and exits made into or out of any National Park/Reserve by the pass holder shall be recorded in the pass.

<i>National Park or Reserve</i>	<i>Date of Entry</i>	<i>Number of Passengers</i>	<i>Date of Exit</i>	<i>Officer's Initials</i>

FORM 3

REPUBLIC OF KENYA

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

AUTHORISED OFFICERS PASS NO.

The holder of this card

has been appointed an

of the Kenya National Parks/Reserves and has been granted powers of arrest and search specified in section 49 of Wildlife (Conservation and Management) Act.

Date of issue Date of expiry

PHOTOGRAPH OF THE HOLDER

Director

Note—This pass must be returned to the Director on withdrawal of authority or soon after the date of expiry.

PART II

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Fees for Vehicles, Boats and Aircrafts

Fees for Public Service Vehicles stationed in national parks and operating from hotels and lodges, camps and other places within the parks—

	<i>Annual Entry Fees KSh.</i>
(a) for any vehicle with seating accommodation for not more than five passengers and commercial vehicles of less than two tonnes	30,000
(b) for any vehicle with seating accommodation for more than five but less than thirteen passengers and commercial vehicles more than two tonnes but not more than five tonnes	50,000
(c) for any vehicle with seating accommodation for thirteen or more passengers and commercial vehicles of more than five tonnes	100,000
(d) for delivery vehicles (per entry)	500
2. Annual fees for commercial tourist boats stationed in marine reserves or operating from hotels and lodges, camps and other places within the parks and reserves	15,000
3. Fees for annual passes for private non-commercial boats to enter national parks and marine national parks and marine reserves	5,000
4. Fees for single entries of boats to national parks and marine reserves	300

PART II—*continued*

	<i>Annual Entry Fees KSh.</i>
5. Fees for single entries to national parks by vehicles and aircrafts—	
(a) for any motor vehicle with seating accommodation for not more than five passengers per day	300
(b) for any motor vehicle with seating accommodation for more than five but less than thirteen passengers	800
(c) for any motor vehicle with seating accommodation for more than twelve but less than twenty-five passengers	1,500
(d) for any motor vehicle with seating accommodation for more than twenty-four but less than forty-five passengers	3,000
(e) for any motor vehicle with seating accommodation for forty-five or more passengers	5,000
(f) for gliders and microlights	200
(g) for trucks—	
1–3 tonnes	500
4–7 tonnes	2,000
more than 7 tonnes	3,000
(h) for any aircraft with seating accommodation for not more than two passengers (less than 3)	300
(i) for any aircraft with seating accommodation for more than two but less than seven passengers (3–6)	500
(j) for any aircraft with seating accommodation for more than seven but less than fourteen passengers (7–14)	1,000
(k) for any aircraft with seating accommodation for more than fifteen but less than twenty passengers (15–20)	2,000
(l) for any aircraft with seating accommodation for twenty-one or more passengers (21 and above)	3,000

PART III

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Fees for Entry into National Parks

1. Daily fees for entry into a national park—

	<i>Kenyan Citizens KSh.</i>	<i>Residents KSh.</i>	<i>Non- residents US\$</i>
(a) for any person aged 18 years and above:			
Category “A” parks	200	,000	40
Category “B” parks	100	500	20
Category “C” parks	100	300	10
Category “D” parks and reserves	100	300	10
Mt. Kenya	200	500	20
(b) for child aged 3 years and above but below 18 years:			
Category “A” parks	100	500	20
Category “B” parks	50	250	10

PART III—continued

	<i>Kenyan Citizens KSh.</i>	<i>Residents KSh.</i>	<i>Non- residents US\$</i>
Category "C" parks	50	150	5
Category "D" parks and reserves	50	150	5
Mt. Kenya	100	200	8
(c) for students (residents/non-residents) aged below twenty-three years and must have 2 weeks prior approval of Kenya Wildlife Service and on production of a recognised valid students pass or identity card. Individual students without arrangements from their institutions will not enjoy the concession rate:			
Category "A" parks	50	100	10
Category "B" parks	50	100	10
Category "C" parks	50	100	10
Category "D" parks and reserves	50	100	5
Mt. Kenya	50	100	8

2. Fees for annual passes for persons and their private motor vehicles or boats with seating accommodation not exceeding thirteen passengers to enter any national park or marine national park or reserve shall be as follows:

	<i>Annual Entry Fee KSh.</i>
(a) For any persons aged 18 years and above and personalised	7,000
(b) Tour driver personalised	6,000
(c) Service crew	5,000
(d) Corporate pass	36,000
(e) For any child aged 3 years but below 18 years	7,500
(f) Marine parks and reserves adult personalised	5,000
(g) Marine parks and reserves child (3–18) and personalised	2,500
(h) For replacement of smartcard	1,000

3. Mountaineering fees for any person to climb Mt. Kenya (fixed rate first 3 days minimum)—

	<i>Kenyan Citizens KSh.</i>	<i>Non-residents US\$</i>	<i>Residents KSh.</i>
(a) for persons aged 18 years and above	1,000	50	2,000
(b) for any child aged 3 years but below 18 years	400	50	1,200
(c) for any member of an organised group of at least 10 (with 2 weeks prior approval of Kenya Wildlife Service) or group of 10 students aged below 23 years on production of a valid student pass or identity cards	400	40	600

*Any additional days will be charged at daily rates.

*Wildlife (Conservation and Management) Act – Subsidiary Legislation*PART III—*continued*

4. Daily fees for entry into a marine National park or reserve—

	<i>Kenyan Citizens KSh.</i>	<i>Non-residents US\$</i>	<i>Residents KSh.</i>
(a) for any person aged 18 years and above ..	100	10	300
(b) for any child aged 3 years but below 18 years	50	5	150
(c) for any member of an organised group of at least 10 (with 2 weeks prior approval of Kenya Wildlife Service) or students aged below 23 years on production of a recognised valid cards	50	5	100

PART IV

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Fees for Nairobi Animal Orphanage, Nairobi Safari Walk and Impala Sanctuary

Daily fees for entry into the Nairobi Animal Orphanage, Nairobi Safari Walk and Impala Sanctuary—

	<i>Residents KSh.</i>	<i>Non-residents US\$</i>	<i>Citizens KSh.</i>
(a) for every child aged 3 years and above but below 18 years	150	5	50
(b) for any person aged 18 years and above ..	300	10	100
(c) for any member of any organised group (with 2 weeks prior approval of Kenya Wildlife Service) or student aged below 23 years on production of a valid student's pass or identity card	50	5	20

PART V

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Fees for Arabuko Sokoke Forest, Kakamega Forest, Shimba Hills Reserve, Tana River Primate and Nderi Island and all other Parks

	<i>Residents KSh.</i>	<i>Non-residents US\$.</i>	<i>Citizens KSh.</i>
(a) For any person aged 18 years and above .	500	20	100
(b) For any child aged 3 years and above but below 18 years	250	10	50
(c) For any member of an organised group (with 2 weeks prior approval of Kenya Wildlife Service) or students aged below 23 years on production of valid student's pass or identity card	200	5	50

PART VI

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Fees for Camping and Accommodation

	<i>Residents KSh.</i>	<i>Non-residents US\$</i>	<i>Citizens KSh.</i>
1. (a) For any person aged 18 years and above in a public camp site in categories "A" parks and reserves (per night)	300	10	150
(b) For any person aged 18 years and above in a public camp site in category "B", "C", "D" or "Other" parks and reserves (per night)	150	5	150
(c) For any person aged 18 years and above in a special camp site (per night):			
Category "A"	500	25	150
Category "B", "C", "D", "other"	300	15	150
(d) For any member of an organised group of at least 10 in a public or special camp (with 2 weeks prior approval of Kenya Wildlife Service) students or child aged below 3 years and above but below 18 years in all categories of parks and reserves (per night)	100	5	50
2. Accommodation fees per night for organised groups (with prior approval of Kenya Wildlife Service) for persons staying in a "field study center" established in a national park—			
	<i>Residents/Citizens KSh.</i>	<i>Non-residents US\$</i>	
(a) For any student on production of a valid student's pass or identity card	100	5	
(b) For any non-student	250	10	
3. There shall be payable a non-refundable reservation fee in respect of all "designated special camp sites" at the following rates:			
(a) Designated special camp site reservation fee per week or part thereof shall be seven thousand five hundred Kenya Shillings.			
(b) Guided foot or horse safaris per person per day shall be one thousand shillings and five hundred shillings per half-day (4 hours) whether the person is alone or in a group, in addition to the park entry fees.			
(c) Cancellation fee for special camp sites/all reserved sites is seven thousand five hundred Kenya Shillings.			
4. For the purposes of these Regulations, a "daily fee" is a fee for one day (twenty-four hours or part thereof) of continuous stay within a specified national park.			
5. "Student" is hereby defined as an individual from a recognised tertiary institution visiting the parks for purposes of learning about conservation through documented and organised arrangement with that institution. This excludes students on personally arranged holidays.			

*Wildlife (Conservation and Management) Act – Subsidiary Legislation**Smartcard Replacement Fee*

Card replacement fee (per card) KSh. 1,000

PART VII

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

Services and Special Activity

	<i>Half-day (KSh.)</i>	<i>Full-day (KSh.)</i>
Security service per section of ten men per day	N/A	75,000
Public site reservation Category "A"		75,000
Public site reservation Category "B"		37,500
Vehicle recovery inside park	N/A	7,500

Special Activity:

	<i>Duration</i>	<i>Rate (KShs.)</i>	<i>Rate (US\$.)</i>
Night game drive per person	per trip	1,200	15
Lake boating	per hour	1,000	15
Guided tours, per guide	per 4 hours	1,500	20
Guided tours, per guide	over 4 hours	2,500	30
River rafting	per trip	1,200	15
Walking safaris	per 4 hours	1,200	15

PART VIII—Fees for Nairobi Safari Walk

	<i>Kenya Citizens Ksh.</i>	<i>Non- Residents US\$</i>	<i>Residents Ksh.</i>
(a) for any child aged three years and above but below eighteen years	100	5	40
(b) for any person aged eighteen years and above	200	8	100
(c) for any member of an organised group (with prior approval of Kenya Wildlife Service) or student aged below twenty-three years on production of a valid student's pass or identity card	100	5	40

PART IX—Fees for Camping and Accommodation

	<i>Kenya Citizens Ksh.</i>	<i>Non- Residents US\$</i>	<i>Residents Ksh.</i>
(a) for any person aged eighteen years and above in a public camp site in categories "A", "B" and "C" parks and reserves (per night)	300	10	150
(b) for any person aged eighteen years and above in a public camp site in category "D" parks and reserves (per night)	200	10	150
(c) for any person aged eighteen years and above in a special camp site (per night):			
(d) Category "A"	300	15	150
(e) Category "B"	300	15	150
(f) Category "C" parks and reserves	300	15	150

PART IX—*continued*

- | | | | |
|--|-----|----|-----|
| (g) Category “D” parks and reserves | 300 | 10 | 150 |
| (h) for any member of an organised group (with prior approval of Kenya Wildlife Service) or a student or child aged below three years and above but below 18 years in all categories of parks and reserves (per night) | 100 | 5 | 50 |
2. Accommodation fees per night for organised groups (with prior approval of Kenya Wildlife Service) for persons staying in a “field study centre” established in a national park.
- | | <i>Residents</i> | <i>Non-Residents</i> |
|--|------------------|----------------------|
| | <i>KSh.</i> | <i>US\$</i> |
| (a) for any student on production of a valid student’s pass or identity card | 50 | 5 |
| (b) For every non-student | 250 | 10 |
3. There shall be payable a non-refundable reservation fee in respect of all “designated special camp sites” and services of a guide offered thereon at the following rates:
- (a) Designated special camp site reservation fee per week or part thereof shall be five thousand Kenya Shillings.
- (b) Guided foot or horse safaris per person per day shall be one thousand shillings and five hundred shillings per half-day (4 hours) whether the person is alone or in a group, in addition to the park entry fees.
- (c) Cancellation fee for special camp sites/all reserved sites is one thousand Kenya Shillings.
4. For the purposes of these Regulations, a “daily fee” is a fee for one day (twenty-four hours or part thereof) continuous stay within a specified national park.
5. Kenya Wildlife Service may, whenever possible and on application, provide transport free of charge for organised groups of residents visiting a national park from or to the bus or railway station nearest to the national park concerned.

Smartcard Replacement Fee

	<i>Rate (KSh.)</i>
Card replacement fee (per card)	500

PART X—*Services and Special Activity*

[L.N. 42 of 2006 (w.e.f. 1st July, 2006).]

	<i>Half day (KSh.)</i>	<i>Full day (KSh.)</i>
Security service per section of ten men per day	—	25,000
Public site reservation up to ten tax	5,000	10,000
Public site reservation over ten tax	10,000	15,000
Vehicle recovery inside park	—	5,000

Special Activity

	<i>Duration</i>	<i>Rate Ksh.</i>	<i>Rate US\$</i>
Night game drive per person	—	—	15
Lake Boating	Per hour	1,000	
Guided tours per guide	Per four hours	500	

*Wildlife (Conservation and Management) Act – Subsidiary Legislation*PART X—*continued*

Guided tours per guide	Over four hours	1,000	
River rafting	Per trip	–	15
Walking safaris	Per four hours		15

For the purposes of these Regulations, national parks shall be categorised as follows:

Category “A”

Aberdares National Park
 Amboseli National Park
 Lake Nakuru National Park
 Tsavo East National Park
 Tsavo West National Park
 Meru National Park
 Nairobi National Park

Category “B”

Shimba Hills National Reserve
 Arabuko Sokoke Forest Reserve
 Ndere Island
 Tana Primate Reserve
 Kakamega Forest
 All other parks and reserves

Category “C”

All marine parks and reserves

Category “D”

Nairobi Safari Walk
 Animal Orphanage
 Impala Sanctuary

“Special”

Mt. Kenya

For the purposes of these Regulations, East African citizens will be charged like Kenyan citizens in all parks and reserves managed by Kenya Wildlife Service.

continued on page 29959

DECLARATION OF PROHIBITED EXPORTS UNDER SECTION 45

1. Subject to paragraphs 2 and 3, the following trophies are prohibited exports:
 - (a) trophies of the protected animals specified in the Third Schedule to the Act;
 - (b) elephant tusks;
 - (c) hippopotamus teeth;
 - (d) rhinoceros horns;
 - (e) crocodile, leopard, lion and zebra skins.

(2) The items specified in subparagraph (b) to (e) inclusive of paragraph 1 may be exported by agents for foreign principals where the items have been—

 - (a) purchased from the Government;
 - (b) held prior to export in Government bonded warehouse;
 - (c) at all times prior to export processed, handled and loaded by authorised servants or agents of the Government; and
 - (d) paid for in foreign currency.
 3. Nothing in this notice shall prevent the export of any trophy lawfully acquired by any person where the trophy is part of the personal or household effects of that person and is not intended to be resold, or otherwise dealt with for gain, and that person otherwise complies with all relevant provisions of the Act.
-

REGULATIONS UNDER SECTION 67

**WILDLIFE (CONSERVATION AND MANAGEMENT) (CONTROL OF
RAW IVORY) REGULATIONS**

[L.N. 57 of 1976.]

1. These Regulations may be cited as the Wildlife (Conservation and Management) (Control of Raw Ivory) Regulations.
2. (1) Raw ivory is hereby declared to be a prohibited import and export and shall not be imported or exported by any person or organisation other than the Government.
(2) Subregulation (1) does not apply to raw ivory obtained accordance with the provision of the Act.
(3) Raw ivory required for manufacturing or for ornament in Kenya shall be purchased from the Ivory Room at Mombasa or at any place as may be established from time to time by the Government.

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Wildlife (Conservation and Management) Act *Subsidiary Legislation*

REGULATIONS UNDER SECTION 67

**WILDLIFE (CONSERVATION AND MANAGEMENT) (CONTROL OF
RAW IVORY) REGULATIONS**

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(1) Raw ivory is hereby declared to be a prohibited import and export and shall not be imported or exported by any person or organisation other than the Government.

to time by the Government.

**WILDLIFE (CONSERVATION AND MANAGEMENT)
REGULATIONS**

[L.N. 107 of 1981, L.N. 155 of 1984, L.N. 488 of 1991, L.N. 54 of 2002.]

1. These Regulations may be cited as the Wildlife (Conservation and Management) Regulations.
2. A consent for mines shall be in Form 1 in the First Schedule.
3. An authority for cinematograph/photography film shall be in Form 2 in the First Schedule.
4. A game licence shall be in Form 3 in the First Schedule.
5. A register of game animals and/or birds shall be in Form 4 in the First Schedule.
6. A Director's special authority shall be in Form 5 in the First Schedule.
7. A professional hunters licence shall be in Form 6 in the First Schedule.
8. A certificate of ownership of hunted animals shall be in Form 7 in the First Schedule.
9. A certificate of ownership for possession of trophies shall be in Form 8 in the First Schedule.
10. A dealer's licence shall be in either Form 9 or Form 10 in the First Schedule, whichever is appropriate.
11. An application for the dealers licence shall be in Form 11 in the First Schedule.
12. There is hereby established a Committee to process the applications for the foregoing licences, which shall be composed of the following:
 - (a) the Permanent Secretary of the Ministry of Tourism and Wildlife, or his nominee, as chairman;
 - (b) the Director of Wildlife (Conservation and Management) Service, or his nominee, as deputy chairman;
 - (c) the Licensing Officer, as secretary;
 - (d) the Chief Tourist Officer; and
 - (e) two other Senior Officers of the service appointed by the Minister in consultation with the Director.
13. (1) The following procedure will apply whenever application forms are processed:
 - (a) each application form must be sent to the Licensing Officer;
 - (b) the forms will be presented to the Committee referred to in regulation 12, for processing and a decision as to their suitability;
 - (c) the Licensing Officer will notify the applicants of the decision;
 - (d) all licences will be issued by the Licensing Officer; and of the Committee;

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(e) the Committee will sit on any day of the week whenever summoned by the Licensing Officer.

(2) Notwithstanding regulations 12 and 13 (1), with prior approval of the Minister, the Committee may delegate any of its powers to at least two of its members, one of whom must be the Licensing Officer, and such two members may process and issue licences in cases requiring immediate action.

14. The fees for various licences are set out in the Second Schedule.

15. The number of animals which may be hunted under the authority of a game licence are listed in the second column of the Third Schedule and a licence fee plus an area fee, as respectively listed in the third column and the fourth column of that Schedule shall be paid in respect of each such animal which is killed, except in respect of the animals separately listed in that Schedule in respect of which an area fee only is payable.

16. The report required to be made by the Court in accordance with section 51 (4) of the Act shall be in Form 12 set out in the First Schedule.

[L.N. 488 of 1991.]

FIRST SCHEDULE

[Rules 2 to 11 (incl.)]

FORM

REPUBLIC OF KENYA

*Consent for Mining Issued under Section 10 of the Wildlife
(Conservation and Management) Act*

CONSENT No.

Fee

Consent holder's name (CAPITALS)

address

The Minister gives the person named above consent to search for, win or remove minerals from ...

..... National Park in accordance with the following conditions:

.....

.....

Given under my hand, 20

.....
Minister

NOTE—The attention of the consent holder is drawn to section 10 of the Act.



Wildlife (Conservation and Management) Act – Subsidiary Legislation

FORM 2

REPUBLIC OF KENYA

Authority for Cinematograph/Photograph Film under Section 11 of the Wildlife (Conservation and Management) Act

AUTHORITY No.

Prescribed fee

Name of authority holder (CAPITALS)

address

has produced to the Director a filming licence issued under the Films and Stage Plays Act, and the Director has authorised the said authority holder to make cinematograph/photograph film in the ...

..... National Park subject to the following conditions:

.....

.....

Given under my hand....., 20

Director

NOTE—The attention of the authority holder is drawn to section 11 of the Act.

FORM 3

REPUBLIC OF KENYA

Game Licence Issued Under Section 23 of the Wildlife (Conservation and Management) Act

LICENCE No.

Licence fee

Name of licensee (CAPITALS)

address

is authorised to hunt game animals, game birds in

..... areas

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Wildlife (Conservation and Management) Act – Subsidiary Legislation

FORM 3—continued

in accordance with the provisions of the Wildlife (Conservation and Management) Act and all regulations and notices thereunder.

Date of issue Date of expiry

Reference to any authorisation or consent of the Director if required under section 23 (3) (c)

Licensing Officer

NOTE The attention of the licensee is particularly drawn to sections: 22, 23, 24 and 25 of the Act.

Wildlife (Conservation and Management) Act *Subsidiary Legislation*

REPUBLIC OF KENYA
WILDLIFE (CONSERVATION AND MANAGEMENT) ACT
Register of Game Animals Hunted and Killed or Wounded
 [Section 25]

Type of animal	Sex	Whether wounded and lost or killed	Locality	Date	Individual weight of any tusks or rhinos horns obtained	Number(s) and Date(s) of Licence(s)

I do hereby solemnly affirm that the above is a true register, in accordance with the requirements of section 25 of the Wildlife (Conservation and Management) Act, of all the game animals killed or wounded or deemed to have been killed or wounded by me during the validity of the licence(s) specified above.

Address

Signed

Date

- NOTE—**(a) The licensee is required to produce the register to a warden within 7 days after his licence ceases to be valid under section 24 (4).
 (b) Furnish a copy to the Director within 21 days.
 (c) The attention of the licensee is drawn to section 25 of the Act.

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Wildlife (Conservation and Management) Act – Subsidiary Legislation

FORM 5

REPUBLIC OF KENYA

*Director's Special Authorisation Issued under Section 26 of the Wildlife
(Conservation and Management) Act*

Fee (if any)
Name of authority holder (CAPITALS)
.....
Address
.....
Date of issue Date of expiry
This permit entitles the holder to

This permit is issued to the following conditions:

- (1)
- (2)
- (3)

Given under my hand....., 20

.....
Director

NOTE—The attention of the authority holder is drawn to section 26 of the Act.

FORM 6

REPUBLIC OF KENYA

*Professional Hunters Licence Issued Under Section 27 of the Wildlife
(Conservation and Management) Act*

LICENCE NO.

Licence fee
Name of licensee (CAPITALS)
.....
address

FORM 6—*continued*

has satisfied the Director in accordance with section 27 of the Wildlife (Conservation and Management) Act and is hereby issued the above licence.

Date of issue Date of expiry

.....
Director

NOTE—The attention of the licensee is drawn to section 27 of the Act.

FORM 7

REPUBLIC OF KENYA

Certificate of Ownership (Hunted Animal) Issued Under Section 41 of the Wildlife (Conservation and Management) Act

CERTIFICATE NO.

Name of certificate holder (CAPITALS)

address

who, being the holder of a Game Licence No. is entitled to possess the following trophies:

(a) *Ivory or Horn (weight kg.)*

Registration Marks/Serial No.

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

(b) *Other trophies*

Type of trophy

Quantity (in words)

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

Given under my hand this day of, 20

.....
Director

FORM 7—*continued*

NOTE—This permit does not entitle the owner to export the item(s) listed unless endorsed by the Minister or his representative.

ORIGINAL—to owner.

DUPLICATE—in book.

FORM 8

REPUBLIC OF KENYA

Certificate of Ownership (For Possession of Trophies) Issued under Section 42 of the Wildlife (Conservation and Management) Act

Name of Certificate holder (CAPITALS)

address

who, being the holder of a Dealer’s Licence No.

(or any other authority)

is entitled to possess the following trophies:

(a) <i>Ivory or Horn (weight kg.)</i>	<i>Registration Marks/Serial No.</i>
.....
.....
.....
.....

(b) <i>Other trophies—</i>		
<i>Species</i>	<i>Type of trophy</i>	<i>Quantity (in words)</i>
.....
.....
.....
.....

Given under my hand this day of, 20

Director

NOTE —This permit does not entitle the owner to export the item(s) listed unless endorsed by the Minister. The attention of the certificate owner is drawn to section 42 of the Act.

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FORM 9

REPUBLIC OF KENYA

*Dealer's Licence Issued under Section 43 of the Wildlife
(Conservation and Management) Act*

LICENCE NO.

Dealer's fee

Dealer's name (CAPITALS)

Address

Place of business to which this licence applies: L.R. No.
Plot No.

Date of issue Date of expiry

The holder is permitted to manufacture articles from the following trophies only and shall dispose of such manufactured articles by wholesale to retailers only

.....

.....

.....

.....

Licensing Officer

NOTE —The attention of the licensee is drawn to section 43 of the Act.

FORM 10

REPUBLIC OF KENYA

*Dealer's Licence Issued Under Section 43 of the Wildlife
(Conservation and Management) Act*

LICENCE NO.

Dealer's fee

Dealer's name (CAPITALS)

Address

Place of business to which this licence applies

Date of issue Date of expiry



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FORM 10—continued

The holder is permitted to carry on a retail business in respect of manufactured articles of the following trophies only

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

Licensing Officer

NOTE —The attention of the licensee is drawn to section 43 of the Act.

FORM 11

REPUBLIC OF KENYA

Wildlife (Conservation and Management) Act Application for a Dealer's Licence

I/We hereby apply for a Dealer's Licence as under and I/we hereby declare to the best of my/our knowledge and belief that all the statements in the application are true.

1. *Registered Business Name* *Full names of Directors/Proprietor and Nationality*
-
-
-
2. Business Reg. No. (Business must be registered and at least 51 percent of the shares of the business must be held by Kenyans before a licence can be granted.)
3. Address
-
4. Classes of Dealer's Licence applied for
-
5. Classes of Dealer's Licence granted on any current dealers licence
-
6. Place of business (Plot No. and Street)
-
7. Number and location of stores, if any
-
8. Have you applied for a Trade Licence? **Yes/No**
9. No. of Trade Licence
10. Have you applied for a Tourist Licence? **Yes/No**
11. Tourist Licence No.

Wildlife (Conservation and Management) Act – Subsidiary Legislation

FORM 11—*continued*

- 12. Do you have any other curio shop? Yes/No.
- 13. If the answer to 12 is yes state briefly—
 - (a) Name of business
 - (b) Location
 - (c) Address
 - (d) Telephone
- 14. Give details of the source of game trophies you expect to deal in—
.....
- 15. What other business do you have in any other premises?
.....
- 16. Have you ever applied for but been refused or disqualified from holding a Dealer's Licence either in Kenya, Tanzania or Uganda?
Yes/No.
If "yes" state reasons
- 17. Have you been convicted of an offence against or in respect of Wildlife?
Yes/No.
If "yes" state what was the offence and sentence and date of conviction

18. Your attention is drawn to section 43 of the Act.
I certify that I am fully conversant with all the rules and regulations made under the Wildlife (Conservation and Management) Act governing dealings in game trophies.

Date
Signature

FORM 12
[Regulation 16]

REPUBLIC OF KENYA

Report by Court under Section 51 (4) of the Wildlife (Conservation and Management) Act

In the Magistrate's Court at
Case No.

FORM 12—continued
REPUBLIC OF KENYA

—vs—

.....
Details of the offence
.....
Sentence
.....
Particulars of any other Order
.....
Dated, 20

.....
Magistrate

SECOND SCHEDULE

[Rule 14]

Dealers Business and Licence Fees

[Section 43]

Dealing in Trophies

- 1. (a) Manufacturing of articles from ivory and rhino horns
- (b) Manufacturing of goods and articles from trophies other than ivory and
 common zebra skins
- (c) Manufacturing of goods and articles from zebra skins
- 2. (a) Curing and mounting of game trophies
- 3. (a) Dealing in articles manufactured from ivory and rhino horns; warthog and
 hippopotamus teeth
- 4. Dealing in whole lion, whole Grevy zebra, crocodile, skins, and articles made
 therefrom
- 5. Dealing in game trophies not otherwise specified in this Schedule
- 6. The forwarding of game trophies as agent for any other person

Dealing in Live animals

- A. Birds only
- B. Monkeys and baboons
- C. Non-scheduled wild animals
- D. All other dealings in live animals

GAME LICENCE FEES

	<i>Ksh./US\$</i>
(a) Visitor's game licence	US\$ 100

SECOND SCHEDULE—continued

(b) Resident's game licence Ksh. 5,000

PROFESSIONAL HUNTER'S LICENCE

[Section 27]

KSh./US\$

(a) Professional hunter's licence game animals Ksh. 20,000

(b) Professional hunter's licence game birds, the fee payable as follows:

(i) full professional hunter's licence game birds Ksh. 10,000

(ii) restricted hunter's licence game birds Ksh. 5,000

(c) Application fees for birds licence and professional hunter's licence test Ksh. 500

Birds Shooting Block Booking Fees

(a) There shall be payable a non-refundable fee in respect of birds shooting blocks as follows:

(i) for a holder of visitor game licence US\$ 50 per day

(ii) for holder of a resident game licence Ksh. 300 per day

(b) An amount equivalent to 25% of the bird shooting block fees shall be retained by the Kenya Wildlife Service to cover administrative costs

Director's Special Authorisation

(a) Mwea duck shoot Ksh. 2,000

(b) Ahero duck shoot Ksh. 2,000

Miscellaneous Charges

(a) CITES export permit Ksh. 2,000

(b) CITES import permit Ksh. 2,000

(c) CITES re-export permit Ksh. 2,000

(d) Non-CITES export permit Ksh. 1,000

(e) Certificate of ownership Ksh. 500

PROSPECTING AND MINING FEES

[Section 10]

1. Prospecting 2,000

Mining 20,000

CINEMATOGRAPH AND PHOTOGRAPH FEES

[Section 11]

*Fees per week or
part thereof in
K.sh.*

1. A party of up to 5 persons 8,000

2. A party of 6 to 10 persons 12,000

3. A party of 11 persons or more 20,000

THIRD SCHEDULE

[Rule 15]

<i>Animal</i>	<i>No. which may be hunted</i>	<i>Licence Fees Sh.</i>	<i>Area Area Sh.</i>
1. Bongo	1	1,500	3,000
2. Buffalo	3	500	1,000
3. Bushbuck		100	200
4. Crocodile		100	200
5. Duiker, Blue		100	200
6. Duiker, Black Fronted		100	200
7. Duiker, Red or Harvey's		100	200
8. Eland	1	500	1,000
9. Gerenuk		250	500
10. Giant Forest Hog		150	300
11. Giraffe, Common and Reticulated .		750	1,500
12. Impala		150	300
13. Klipspringer		1,100	200
14. Kudu, Greater		1,000	2,000
15. Kudu, Lesser		500	1,000
16. Leopard	1	2,500	5,000
17. Lion (Masai)		2,500	5,000
18. Lion (other)		1,750	3,500
19. Monkey, Blue or Sykes		60	120
20. Monkey, Putty Nosed		60	120
21. Monkey, Red or Patas		60	120
22. Monkey, Black and White Colobus		200	400
23. Oryx, Fringe Eared		300	600
24. Oryx, Beisa		300	600
25. Ostrich		200	400
26. Reedbuck, Chanler's Mountain		100	200
27. Rhinoceros		4,000	8,000
28. Suni		60	120
29. Topi		250	500
30. Waterbuck, Defassa		150	300
31. Waterbuck, Common		150	300
32. Zebra, Common Burchell's		600	1,200
33. Zebra, Grevy's		1,000	2,000
34. Duiker, (Grey)		50	100
35. Gazelle, (Grant's)		100	200
36. Hartebeest		100	200
37. Steinbuck		50	100
38. Warthog		100	200

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**WILDLIFE (CONSERVATION AND MANAGEMENT)
(PROHIBITION ON HUNTING OF GAME ANIMALS) REGULATIONS**

[L.N. 120 of 1977.]

1. These Regulations may be cited as the Wildlife (Conservation and Management) (Prohibition on Hunting of Game Animals) Regulations.
2. Hunting of game animals is prohibited.