

DRAFT FISHERIES MANAGEMENT AND DEVELOPMENT (MARINE AND INLAND FISHERIES) REGULATIONS

FISHERIES MANAGEMENT AND DEVELOPMENT (MARINE) REGULATIONS

PART I - PRELIMINARY

1. Citation

These regulations may be cited as the Fisheries (Marine) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires –

"**Competent Authority**" means the Ministry responsible for the Kenya Fisheries Service with respect to official control for the safety of fish, fishery products and fish feed;

"**County Executive Committee Member**" under these Regulations means the County Executive Committee Member responsible for fisheries at the County;

"**County Fish Inspector**" means a person appointed under Part III of the General Provisions;

"**deal in fish or fish products**" includes collecting, transporting, storing, transshipping, buying or selling fish or fish products for purposes of trade;

"**foot fisher**" means a fisher fishing for commercial purposes without use of a fishing vessel

"**licencing officer**" means the Director General or the County Executive Committee Member or any other officer appointed in writing to be a licencing officer;

"**live rock**" means pieces of coral rock to which are attached live specimen of invertebrates and coralline algae;

"**local fishing vessel**" means a fishing vessel which is - (a) wholly owned by any company, society or other association of persons established under the laws of Kenya and of which at least fifty-one percent of the voting shares are owned by the Government or citizens of Kenya; or (b) wholly owned and crewed by residents of Kenya or by other persons recognised by the Director by notice in the Gazette as person who traditionally fish in Kenya fishery waters and which meets such other conditions as the Cabinet Secretary may prescribe.

"**artisanal fisher**" means any person employed or engaged in any capacity on board an artisanal fishing vessel or a foot fisher;

"**artisanal fishing vessel**" means any local vessel, decked or un-decked, with an overall length of 10 meters or less, propelled by an outboard or inboard engine, paddles, sails or other mode of propulsion, and equipped for fishing purposes. This definition does not include vessels used for recreational fishing;

"**BMU**" means a Beach Management Unit as defined in the Fisheries (Beach Management Unit) Regulations;

“fish aggregating device or FAD” means any drifting or anchored floating or submerged object, which is natural or artificial and is equipped or not equipped with a monitoring device, deployed for the purpose of aggregating fish;

“fish product” means fish product as defined in the Act 2016;

“fish” means any marine or brackish water animal or plant, living or not and processed or not, and any of their parts, and includes any shell, coral, reptile or marine mammal;

“fishing related activity” means – (a) any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea; (b) deploying, monitoring, searching for, repairing, modifying or recovering any fish aggregating device or associated equipment, including radio beacons or instrumented buoys;

“fishing trip” means the period commencing from the time a fishing vessel prepares to depart from a landing site to the time it returns to a landing site or a fishing port to land or tranship its catch;

“fishing vessel” means any vessel used for, equipped to be used for, or intended to be used for fishing;

“fishing” means searching for, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the searching for, locating, catching, taking or harvesting of fish;

“industrial fishing vessel” means any decked vessel with an overall length of 20 meters or greater designed and equipped to engage in fishing, including mother ships and vessels that solely transport, store, refrigerate or provide related supplies and services. This definition does not apply to vessels used for recreational fishing and fisheries support vessels;

“IOTC” means the Indian Ocean Tuna Commission;

“Kenya marine fishery waters” means internal waters, and the territorial sea and the Economic Exclusive Zone as declared in the Maritime Zones Act, 1989;

“large-scale driftnets” means gillnets or other nets or a combination of nets that are more than 2.5 kilometres in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column;

“operator” means as defined in the Act ;

“semi-industrial fishing vessel” means any vessel, decked or un-decked, with an overall length above 10 meters but not exceeding 20 meters, propelled by an outboard or inboard engine or other mode of propulsion, and equipped for fishing purposes. This definition does not include vessels used for recreational fishing;

“small-scale purse seine net” means a long continuous stretch of netting, consisting of a float line and a bottom sink line fitted with small round metallic rings, of varied dimensions, (length, depth or mesh-size) as maybe defined in a Fisheries Management Plan;

“supply vessel” means a vessel used for , equipped to be used for, or intended to be used for, fishing related activities including resupplying, changing or transferring crew to, and other supporting services;

“support vessel” means any vessel used for searching for fish, carrying, deploying, retrieving, searching for and monitoring FADs;

“the Act” means the Fisheries Management and Development Act 2016; **PART II – Registration of Artisanal Fishing Vessels (Proposed for revision and deletion).**

1. Artisanal fishing vessel certificate

- (1) No person shall use an artisanal fishing vessel for fishing in Kenya marine fishery waters without a valid artisanal fishing vessel certificate.
- (2) The owner of an artisanal fishing vessel shall apply for an artisanal fishing vessel certificate on the Form FAR/1 .../...prescribed in the First Schedule where –
 - (a) the artisanal fishing vessel in respect of which a certificate is sought has been vetted by the BMU to which the owner of the artisanal fishing vessel is a member in accordance with applicable BMU rules; and
 - (b) the artisanal fishing vessel has been inspected by a fisheries officer.
- (3) An application for an artisanal fishing vessel certificate under sub-regulation (2) shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation 2(a) is located.
- (4) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.
- (5) Upon approval of the application under sub-regulation (4), the County Officer in charge of fisheries shall issue an artisanal fishing vessel certificate upon payment of the fee prescribed in the Second Schedule.
- (6) The County officer in charge of fisheries shall allot an identification mark to the vessel in respect of which an artisanal fishing vessel certificate is issued and shall cause an entry of the allotted identification mark to be made in the record of artisanal fishing vessels to be kept under regulation 5.
- (7) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both

2. Transfer of artisanal fishing vessel certificate

- (1) Where the ownership of a recorded artisanal fishing vessel transfers from one person to another, the person from whom the ownership has transferred together with the person to whom the ownership has been transferred shall jointly submit to the relevant County officer in charge of fisheries an application seeking the transfer of the artisanal fishing vessel certificate.
- (2) The application shall contain—
 - (a) the names and addresses of both parties;
 - (b) documentary evidence of the transfer and acquisition of the certificate of ownership;
 - (c) signature of both parties;
 - (d) attestation by an independent witness.
- (3) Upon approval of the application, the County officer in charge of fisheries shall cancel from the record of artisanal fishing vessels under regulation 5 the name of the person from whom the artisanal fishing vessel certificate has transferred and in lieu thereof enter in the record the name of the person to whom ownership of the same has been transferred and shall accordingly change the name of the owner on the artisanal fishing vessel certificate.

3. Record of artisanal fishing vessels

- (1) The County officer in charge of fisheries in every County shall keep and maintain a record of artisanal fishing vessels for which an artisanal fishing certificate has been issued in accordance with these regulations.
- (2) The record of artisanal fishing vessels shall contain the following information
 - i. the name and address of the owner;
 - ii. the name of the BMU where the vessel owner is registered;
 - iii. the technical characteristics of the vessel including length, width and engine power;
 - iv. the identification marks;
 - v. the type of fishing gears used; and
 - vi. any other information that the County officer may require.
- (3) The County officer in charge of fisheries in every county shall furnish to the Director-General, every three months and in such manner as may be prescribed, any information contained in the artisanal fishing record.

PART III – Registration of Fishing Vessels

4. Requirements for the registration of a fishing or supply vessel as a Kenya fishing vessel

(1) In addition to the requirements under the Merchant Shipping Act, 2009 relating to the registration of vessels entitled to fly the flag of Kenya, a fishing or supply vessel shall not be registered on the Kenya Register of Ships unless the following additional requirements set out in regulations 6 to 10 are fulfilled.

(2) The provisions in regulations 6 to 10 do not apply to an artisanal fishing vessel as defined in regulation 2 of these regulations

5. Procedure for the registration of a Kenya fishing or supply vessel

(1) The registration of a fishing or supply vessel as a Kenya fishing or supply vessel in the Kenya Register of Ships shall be carried out in a manner consistent with the obligations of the Republic of Kenya under any international or regional treaty to which the Republic of Kenya is a party, including international conservation and management measures relating to fishing effort and capacity limits and the prevention, deterrence, and elimination of Illegal, Unreported and Unregulated fishing.

(2) A person who intends to register a fishing or supply vessel as a Kenya fishing or supply vessel shall submit a written application on form KeFS/A1 to the Director-General providing the following information –

- i. the name of the vessel and the previous name(s), if any;
- ii. the registration number and port of registry;
- iii. previous flag(s) and owners of the vessel, if any;
- iv. previous details of deletion from other registries, if any;
- v. the International Radio Call Sign of the vessel, if any;
- vi. the names, addresses and details of the beneficial owners and operators of the vessel;
- vii. the normal crew complement;
- viii. the date and place of manufacture of the vessel;
- ix. a recent colour photo of the vessel of a size not smaller than 15 cm x 10 cm;
- x. the type of fishing vessel;
- xi. the length overall of the vessel;
- xii. the type of fishing method and gears used on the fishing vessel;
- xiii. the moulded depth of the vessel;
- xiv. the beam of the vessel;
- xv. the International Maritime Organisation number of the vessel, if any;
- xvi. the gross registered tonnage of the vessel;
- xvii. the horse power of the main engine of the vessel;

- xviii. the holding capacity, including the number of holds;
- xix. the types and specifications of the vessel monitoring system on the vessel;
- xx. processing equipment, if any; and
- xxi. any other information that the Director-General may so require.

6. Statutory declaration regarding the non-compliance history of the fishing or supply vessel

In the case of a fishing or supply vessel which has been previously registered on another registry, the application under regulation 9 shall be accompanied by a statutory declaration signed by the owner, operator, master or charterer declaring that –

- (1) the fishing or supply vessel has not been deleted from its previous registry as a result of its being engaged in illegal, unreported and unregulated fishing or activities in support of such type of fishing;
- (2) there are no outstanding or pending penalties from the flag State of that registry;
- (3) the fishing or supply vessel has no outstanding or pending judicial issues with any coastal State;
- (4) the fishing or supply vessel has not been previously identified by any State or a regional fisheries management organisation to have been engaged in illegal, unreported and unregulated fishing or in activities in support of such fishing; and
- (5) the fishing or supply vessel is not currently or has not been previously listed on the illegal, unreported and unregulated fishing record maintained by a regional fisheries management organisation.

7. Verification of application

The Director-General shall verify the information provided by the applicant under regulation 6 and may consult with the following –

- (a) any regional fisheries management organisation;
- (b) relevant international organisations;
- (c) other States;
- (d) non-governmental organisations with interest in fisheries matters; and
- (e) any other source the Director-General deems appropriate and relevant.

8. Recommendation to the Kenya Maritime Authority

(1) Where the Director-General is satisfied that a fishing or supply vessel fulfils the requirements of these Regulations, the Director-General shall recommend the vessel to the Kenya Maritime Authority for registration as a Kenya fishing vessel.

(2) The Director-General shall not recommend a fishing or supply vessel to the Kenya Maritime Authority for registration as a Kenya fishing or support vessel where –

(a) the information required in regulations 6 (3), (4) and (5) has not been provided; and

(b) there is a negative finding in respect of any of the grounds specified under regulations 7, 8 and 9 or evidence that the vessel is involved or has been involved in illegal, unreported and unregulated fishing or activities in support of such fishing.

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PART III – LICENSING OF ARTISANAL FISHERS

9. Artisanal Fisher's licence

- (1) No person shall engage in artisanal fishing in marine fishery waters unless –
 - (a) he/she is a holder of a valid artisanal fisher's licence issued to him/her under these Regulations and is fishing in accordance with the terms and conditions of the licence;
 - (b) he/she is an employee of the owner of an artisanal fishing vessel and is fishing in accordance with the terms and conditions of the licence issued to the vessel's owner.
- (2) Any person who wishes to engage in artisanal fishing in marine fishery waters shall apply for an artisanal fisher's licence on the Form FAL../1.. in the First Schedule.
- (3) No person shall be eligible to apply for an artisanal fisher's licence under sub-regulation (2) unless he/she is a member of a BMU in accordance with applicable BMU rules.
- (4) An application for an artisanal fisher's licence shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation (3) is located.
- (5) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.
- (6) Upon approval of the application under sub-regulation (4), the County officer in charge of fisheries shall issue an artisanal fisher's licence to the applicant upon payment of the fee prescribed in the Second Schedule.
- (7) An artisanal fisher's licence shall be valid for one year, from the date of issue, throughout the marine fishery waters and subject to any limitation that may be in effect in accordance with a fisheries management plan.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding 50,000 shillings or to a term of imprisonment not exceeding one year(s) or to both.

10. Shell collector's licence

(1) No person shall collect shells in the Kenya marine fishery waters unless he/she is in possession of a valid licence issued to him/her under this regulation and is operating in conformity with the terms and conditions of the licence.

(2) Any person who wishes to engage in collecting shells in Kenya marine fishery waters shall apply for a shell collector's licence on the Form KeFS/L6 in the First Schedule.

(3) No person shall be eligible to apply for a shell collector's licence under sub-regulation (2) unless he/she is a member of a BMU in accordance with applicable BMU rules.

(4) An application for a shell collector's licence shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation (3) is located.

(5) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.

(6) Upon approval of the application under sub-regulation (4), the County officer in charge of fisheries shall issue a shell collector's licence to the applicant upon **payment of the fee** prescribed in the Second Schedule.

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

11. Sea cucumber fisher licence

(1) No person shall fish for sea cucumber in the Kenya marine fishery waters unless he/she is in possession of a valid licence issued to him/her under this regulation and is operating in conformity with the terms and conditions of the licence.

(2) Any person who wishes to engage in fishing for sea cucumber in Kenya marine fishery waters shall apply for a sea cucumber fisher's licence on the Form KeFS/L6 in the First Schedule.

(3) No person shall be eligible to apply for a sea cucumber fisher's licence under sub-regulation (2) unless he/she is a member of a BMU

(4) An application for a sea cucumber licence shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation (3) is located.

(5) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.

(6) Upon approval of the application under sub-regulation (4), the County officer in charge of fisheries shall issue a sea cucumber fisher's licence to the applicant upon **payment of the fee** prescribed in the Second Schedule.

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

PART IV – LICENSE FOR MARINE ORNAMENTAL

12. Marine ornamental fish licence

(a) No person shall engage in fishing or collecting aquarium fish in the Kenya marine fishery waters or keep in any aquarium or other holding facility any aquarium fish for commercial purposes except under the authority of a licence.

(b) An application for a marine aquarium fish licence under sub-regulation (1) shall be made to the Director-General through the County Officer in charge of fisheries within the jurisdiction of which the main place of business of the applicant is located.

(c) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.

(d) Upon approval of the application under sub-regulation (4), the relevant County officer in charge of fisheries shall issue an aquarium fish licence to the applicant upon payment of the fee prescribed in the Second Schedule.

(e) Without prejudice to the generality of the provisions of paragraph (a), no person shall engage in fishing or collecting ornamental freshwater fish in the Kenya inland fresh waters unless he/she is a member of a BMU

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

13. Conditions

- (1) The holder of a marine aquarium fish licence shall not engage in fishing for, or be in possession of –
- (a) any fish listed as Prohibited in the Species List in Schedule xx, or as may be prescribed by the Director General;
 - (b) more than the prescribed number of fish in respect of each species listed in the Species List; or more than the cumulative annual catch limit as may be prescribed by the Director General;
 - (c) any fish larger or smaller than the size-limit in respect of each species listed in the Species List, or as may be prescribed by the Director General;
 - (d) any fish during a closed-season or from a closed area in respect of each species as may be prescribed by the Director General;
- (2) No person shall fish, harvest, or remove live rocks from their natural habitats for use in aquaria
- (2) The holder of a marine aquarium fish licence shall –
- (a) Immediately transfer all aquarium fish caught to a salt water aquarium or salt water holding facility of a sufficient capacity to sustain the lives of the fish, as prescribed in Fisheries (fish quality and safety) regulations
 - (b) keep a logbook indicating, on a daily basis, all additions to the aquarium, including those bred or hatched in the aquarium, and losses, indicating the species, origin and cause of loss;
 - (c) not keep in captivity any marine mammal or any other species as may be required by the Director-General.
- (3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

PART IV – Fishing Vessel Licences and Authorizations

Licencing of artisanal fishing vessels

14. Grant, renewal and issuance of artisanal fishing vessel licences

- (1) No person shall use an artisanal fishing vessel for commercial fishing in the marine fishery waters without a valid licence.

- (2) The owner of an artisanal fishing vessel shall apply for an artisanal fishing vessel licence on the Form FAL/3 in the First Schedule where the artisanal fishing vessel in respect of which a licence is sought has been recorded in accordance with regulation 3 of these Regulations.
- (3) An application for an artisanal fishing vessel licence under sub-regulation (2) shall be made to the Director-General through the County Officer in charge of fisheries in the county where the vessel is recorded and shall be accompanied by the following documents and information -
- (a) the name, address and details of the owner of the vessel;
 - (b) the name of the vessel;
 - (c) the artisanal fishing vessel certificate;
 - (d) the identification mark of the vessel;
 - (e) the certificate of seaworthiness;
 - (f) the length of the vessel;
 - (g) the power of the engine(s) in horse power;
 - (h) the number of crew;
 - (i) the type of fishing gears used; and
 - (j) any other information that the Director-General may require.
- (4) In reviewing the application for an artisanal fishing vessel licence or its renewal, the Director-General shall have due regard to the extent to which the relevant fishing vessel and its operator has –
- (a) complied with all applicable vessel recording requirements;
 - (b) the ability to comply with, or has complied with the Act and these Regulations and any applicable licensing terms and conditions or fisheries management plan;
 - (c) complied with applicable bilateral, regional and international obligations of Kenya;
 - (d) provided all required data and information;
 - (e) where the applicant has been convicted of any offence under the Act or these Regulations, met fully with the requirements of the judgment.
- (5) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.

- (6) Upon approval of the application, the relevant County officer in charge of fisheries shall issue an artisanal fishing vessel licence upon payment of the fee prescribed in the Second Schedule.
- (7) An artisanal fishing vessel licence shall be valid for one calendar year throughout the Kenya marine fishery waters, subject to any spatial or temporal restriction that may be in effect in accordance with a fisheries management plan, a protected area management plan, or any conservation and management measures in these regulations.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year(s) or both.

15. Seaworthiness of artisanal fishing vessel and safety of crew

- (1) No artisanal fishing vessel licensed to fish in Kenya marine fishery waters under regulation 16 shall proceed on a fishing trip unless it meets the applicable standards for seaworthiness and safety of life at sea for this class of vessels.
- (2) Where an authorized officer pursuant to an inspection of any licensed artisanal fishing vessel considers that the vessel is unseaworthy or is not equipped with the required safety equipment, he/she may detain the vessel until it meets the applicable standards for seaworthiness and safety of life at sea.
- (3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or to both.

16. Validity of artisanal fishing vessel licences

- (1) An artisanal fishing vessel licence shall be valid for one calendar year and only for the water body specified on the licence and be subject to any limitations, or spatial or temporal restrictions that may be in effect in accordance with a fisheries management plan, a protected area management plan or any conservation and management measures in these regulations.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year(s) or to both.

PART V: Authorization to operate outside Kenya marine fishery waters

17. Authorization to fish or carry out fishing related activities in areas beyond national jurisdiction

- (1) No Kenya fishing vessel shall be used in areas beyond the Kenya fishery waters without an authorization.
- (2) The authorization may be used for fishing or fishing related activities –
 - i. on the high seas; and/or
 - ii. in the waters under the jurisdiction of another State, subject to approval and compliance with the terms and conditions of fishing or fishing related activities of that State.
- (3) The operator of a Kenya fishing or supply vessel who intends to use the fishing or supply vessel for fishing or fishing related activities outside the Kenya marine fishery waters shall apply in writing to the Director-General on the Form KeFS/A5.
 - (4) An application for an authorization under sub-regulation (3) shall specify the following information –
 - (a) the name of the vessel and the previous name(s), if any;
 - (b) the registration number and port of registry of the vessel;
 - (c) the International Radio Call Sign of the vessel, if any;
 - (d) the International Maritime Organisation number of the vessel, if any;
 - (e) the names, addresses and details of the beneficial owner(s) and operator of the vessel;

- (f) the normal crew complement;
- (g) the date and place of manufacture of the vessel;
- (h) the type of fishing vessel;
- (i) the length overall of the vessel;
- (j) the type of fishing method and gears used by the fishing vessel;
- (k) targeted species;
- (l) the moulded depth of the vessel;
- (m) the beam of the vessel;
- (n) the gross registered tonnage of the vessel;
- (o) the horse power of the main engine of the vessel;
- (p) the holding capacity, including the number of holds;
- (q) the types and specifications of the vessel monitoring system on the vessel;
- (r) processing equipment on the fishing vessel, if any;
- (s) intended area of operation and intended port(s) of discharge;
- (t) copies of any foreign fishing licence obtained and names and addresses of the issuing authority; and
- (u) any other information or relevant documentation that the Director-General may require for the purpose of giving effect to international conservation and management measures.

(5) The Director-General shall consider the application in accordance with the provisions of section 86 of the Fisheries Management and Development Act 2016 and notify the applicant of his/her decision within fifteen days of receipt of the application.

18. Refusal to grant or renew an authorization

The Director-General shall refuse to grant or renew an authorization to a Kenya fishing or supply vessel where –

- (a) the fishing vessel is on the illegal, unreported and unregulated fishing list maintained by a regional fisheries management organisation;
- (b) he/she determines that the responsibilities of the Republic of Kenya cannot be exercised effectively under applicable international conservation and management measures in respect of the fishing or supply vessel.

19. Conditions for the use of an authorization

The operator of a Kenya fishing or support vessel which is granted an authorization to fish or carry out fishing related activities in areas beyond the Kenya fishery waters shall –

- (a) not use the fishing or support vessel to engage in an activity which undermines the effectiveness of applicable international conservation and management measures;
- (b) comply with the laws of a foreign State in respect of any foreign licences obtained; and
- (c) report to the Director-General on the area of fishing or fishing related activities, vessel position and catch returns.

20. Validity of authorization

An authorization to fish or carry out fishing related activities granted under the Act shall cease to have effect where the fishing or support vessel in respect of which the authorization is granted is no longer entitled to fly the flag of Kenya.

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PART VI: Authorization to tranship

21. Transshipment

- (1) No person shall carry out transshipment of fish or fish products without a valid authorization
- (2) Upon application and approval for transshipment, the Director General shall issue an authorization to tranship as per the formin the first schedule
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty million shillings or to a term of imprisonment not exceeding five years or to both.

PART VII: Licensing of Semi-Industrial and Industrial Fishing Vessels

22. Categories of fishing licences

- (a) The Director-General may issue the following categories of licences –
 - (1) Foreign fishing vessels
 - (2) Tuna and tuna-like fishing with long line;
 - (3) Tuna and tuna-like fishing with purse seine net;
 - (4) Tuna and tuna-like fishing with gillnet;
 - (5) Tuna and tuna-like fishing with pole and line;
 - (6) Any other categories as the Director-General may determine
- (b) Kenya fishing vessels
 - (1) Tuna and tuna-like fishing with long line;
 - (2) Tuna and tuna-like fishing with purse seine net;
 - (3) Tuna and tuna-like fishing with gillnet
 - (4) Tuna and tuna-like fishing with pole and line;
 - (5) Small purse seine fishing or ring net;
 - (6) Potting
 - (7) Demersal fishing
 - (8) Prawn fishing with trawl net;
 - (9) Crustacean
 - (10) Any other vessel categories as the Director-General may determine
- (c) Other vessels
 - (1) Support vessels
 - (2) Supply vessels

23. Licensing of tuna and tuna-like fishing vessels

(1) No fishing licence shall be issued in respect of a foreign vessel for fishing for tuna tuna-like species in the Kenya waters unless the vessel is entered in the IOTC Record of authorized fishing vessels.

(2) The Director-General shall register on the IOTC Record of authorized fishing vessels –

(a) any Kenya fishing vessel of 24 metres length overall or above licensed to fish for tuna and tuna-like species; or

(b) in case of Kenya fishing vessels less than 24 metres in length overall, those operating outside the Kenya marine fishery waters and that are authorized to fish for tuna and tuna-like species in the IOTC Area of competence.

PART VIII: Foreign Fishing Vessels

24. Licensing of Foreign Fishing Vessels

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

(2) Communication to be made through diplomatic representative :

Every notice, other document or communication that is to be served on or given to the Director General in respect of any foreign fishing vessel or of any licensee, owner, master or crew member of any foreign fishing vessel , shall be served, or given, through the diplomatic representative, unless in any particular case the Director General authorizes another procedure.

(3) Application for licence

Every application for a foreign fishing licence shall be—

(a) in Form KeFS/A3 set out in the First Schedule; and

(b) submitted in writing to the Director General by the local representative of the vessel .

(4) Issuance of licence

The Director General may grant a licence in Form 2 set out in the First Schedule to the owner of a foreign fishing vessel in respect of which an application has been made.

(5) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding three hundred

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

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PART IX - Licences and Permits for Trade, Import, Export and Movement of Fish and Fish Products

25. Fish trader's licence

- (1) No person shall trade in fish or fish products in Kenya without a valid fish trader's licence.
- (2) An application for a fish trader's licence shall be made in writing to the County officer in charge of fisheries in the county where the fish trader's main place of business is located on the Form KeFS/L2 in the First Schedule and shall be accompanied by the following information –
 - (a) the name of the company or body corporate;
 - (b) the name of the owner(s);
 - (c) the address of the main place of business and other places of business in Kenya, if any;
 - (d) the species of fish and fish products to be traded in; and
 - (e) any other information that the County officer in charge of fisheries may require.
- (3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within 15 days of receipt of the application.
- (4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a fish trader's licence upon payment of the fee prescribed in the Second Schedule in the relevant county Financial Act.
- (5) No fish trader shall deal in fish or fish products before it is landed at a landing station or port in Kenya.
- (6) A fish trader's licence shall be valid throughout the national territory of Kenya for a period of one year from the date of issue.
- (7) This regulation shall not apply to trading in species of fish for which a specific trading licence is required.

(8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to sanctions as prescribed in the relevant County Financial Act.

26. Crustacea dealer's licence

- (1) No person shall, for the purpose of trade, deal in crustacea unless –
 - (a) he/she is in possession of a valid crustacea dealer's licence issued to him/her under this regulations and is operating in conformity with the terms and conditions of the licence; or
 - (b) he/she is fisherman holding a licence to take crustacea.
- (2) An application for a crustacea dealer's licence shall be made in writing to the County officer in charge of fisheries in the county where the crustacea dealer's main place of business is located on the KeFS/L10 in the First Schedule.
- (3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within fifteen days of receipt of the application.
- (4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a crustacea dealer's licence upon payment of the fee prescribed in the relevant county Financial Act.
- (5) A crustacea dealer's licence shall be valid throughout the territory of Kenya for a period of one calendar year from the date of issue.
- (6) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or to both.

27. Sea cucumber's dealer licence

- (1) No person shall, for the purpose of trade, deal in sea cucumber unless –

(a) he/she is in possession of a valid sea cucumber dealer's licence issued to him/her under this regulation and is operating in conformity with the terms and conditions of the licence; or

(b) he/she is a fisherman holding a licence to harvest sea cucumber.

(2) An application for a sea cucumber dealer's licence shall be made in writing to the County officer in charge of fisheries in the county where the sea cucumber dealer's main place of business is located on KeFS/L12 in the First Schedule.

(3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within fifteen days of receipt of the application.

(4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a sea cucumber dealer's licence upon payment of the fee prescribed in the relevant county Financial Act.

(5) A sea cucumber dealer's licence shall be valid throughout the territory of Kenya for a period of one calendar year ..

(6) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or to both.

28. Shell dealer's licence

(1) No person shall engage in wholesale or retail trade in shell unless –

(a) he/she is in possession of a valid shell dealer's licence issued to him/her under this regulation and is operating in conformity with the terms and conditions of the licence; or

(b) he/she is fisherman holding a shell collector's licence.

(2) An application for a shell dealer's licence shall be made in writing to the County officer in charge of fisheries in the county where the shell dealer's main place of business is located on KeFS/L7 in the First Schedule.

(3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within fifteen days of receipt of the application.

(4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a shell dealer's licence upon payment of the fee prescribed in the relevant county Financial Act.

(5) A shell dealer's licence shall be valid throughout the territory of Kenya for a period of one year from the date of issue.

(6) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding 1 year or to both.

29. Marine aquarium fish dealer's licence

(1) No person shall, for the purpose of trade, deal in marine aquarium fish unless –

(a) he/she is in possession of a valid marine aquarium fish dealer's licence issued to him/her under this regulation and is operating in conformity with the terms and conditions of the licence; or

(b) he/she is a fisherman holding a marine aquarium fishing licence.

(2) An application for a marine aquarium fish dealer's licence shall be made in writing to the County officer in charge of fisheries in the county where the marine aquarium fish dealer's main place of business is located on the Form KeFS/L9 in the First Schedule.

(3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within fifteen days of receipt of the application.

(4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a marine aquarium fish dealer's licence upon payment of the fee prescribed in the relevant county Financial Act.

(5) A marine aquarium dealer's licence shall be valid throughout the territory of Kenya and expires on 31st of December of every year

(1) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

30. Fish movement permit

(1) No person shall, for the purpose of trade, move fish or fish products from one place to another on the Kenyan territory without a valid fish movement permit issued under these Regulations and in accordance with the terms and conditions of such permit.

(2) An application for a fish movement permit shall be made in writing to the County officer in charge of fisheries in the county where the consignment originates on the Form P1 in the First Schedule.

(3) Upon approval of the application under sub-regulation (2), the relevant County officer in charge of fisheries shall issue a fish movement permit upon payment of the fee prescribed in the Second Schedule in the relevant county Financial Act.

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

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

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

(7) The fish movement permit shall be valid throughout the Kenyan territory for the movement and consignment which are specified on the fish movement permit.

(8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding 50,000 shillings or to a term of imprisonment not exceeding one year or to both.

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31. Live fish movement permit

- (1) No person shall move live fish from one water body or catchment area to another in Kenya unless he/she is in possession of a permit issued to him/her under this regulation and he/she is operating in conformity with the terms and conditions of the permit.
- (2) An application for a live fish movement permit shall be made in writing to the County officer in charge of fisheries in the county where the water body from which the fish originates is located on the Form P2 in the First Schedule.
- (3) Upon approval of the application under sub-regulation (2), the relevant County officer in charge of fisheries shall issue a live fish movement permit upon payment of the fee prescribed in the Second Schedule [in the relevant county Financial Act].
- (4) The live fish movement permit shall be valid throughout the Kenyan territory for the movement and consignment which are specified on the live fish movement permit.
- (5) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding 50,000 shillings or to a term of imprisonment not exceeding two years or to both.

PART VI - CONSERVATION AND MANAGEMENT MEASURES

A - Use of gear

General

32. Prohibitions

- (1) No person shall, except under the authority of a licence have on board, a fishing vessel or a vessel in the Kenya marine fishery waters any gear, drift net, gill net, trawl net, purse seine net, ring net, longline or any other fishing gear.
- (2) No person shall use any device or have any construction of a net or netting by means of which the meshes are obstructed or drawn together while fishing or which in any other way will cause the opening of the meshes, and accordingly, the mesh selectivity of the net or netting to be reduced.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

33. Landing of fish

- (1) No person, other than a [subsistence, recreational or sport fisher], shall land any fish at any point except at a fish landing station specified in the [...] Schedule.
- (2) Any artisanal fisher who lands fish at a fish landing station shall –
 - (a) cause the fish to be weighed by the representative of the BMU
 - (b) keep or store the fish in the prescribed manner to ensure that it remains fit for human consumption.

Purse seine fishing

34. Small-scale purse seine fishing

- (1) No person shall use a small scale purse net for fishing in the Kenyan marine fishery waters unless he /she is fishing in accordance with the provisions of a fisheries management plan or a BMU co-management plan or as may be prescribed by the Director General from time to time., Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

35. Use of drifting FADs

[discuss the conditions to be included under this regulation]

Longline fishing

36. By catch of seabirds

- (1) The operator of any fishing vessel in the Kenya marine fishery waters, or of any Kenya fishing vessel operating in areas beyond national jurisdiction, shall make such reports of incidental by catch of seabirds as may be required by the Director-General.
- (2) The operator of any Kenya fishing vessel operating in the area south of 25 degrees South latitude shall apply any mitigation measures and comply with technical standards in accordance with the applicable international conservation and management measure.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding ...three years or to both.

Trawl fishing

37. Trawl fishing

- (1) No person shall use any trawl nets within three nautical miles of the coastline of the Republic of Kenya, except in areas where the use of such nets is authorized by an approved fisheries management plan.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to a term of imprisonment not exceeding two years or to both.

Driftnet fishing

38. Large-scale driftnet fishing

- (1) For the purposes of this Regulation, “configured” to use large-scale driftnets means having on board a vessel assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.
- (2) No person shall, being the operator of any fishing vessel in the Kenya marine fishery waters or the operator of a Kenya fishing vessel operating outside these waters, use any large-scale driftnets.
- (3) A fishing vessel shall be presumed to have used large-scale driftnets if it is found operating in Kenya marine fishery waters and is configured to use large-scale driftnets.
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

Spear gun fishing

39. Spear gun fishing

- (1) No person shall use any spear guns to catch any fish within the Kenya marine fishery waters.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months or to both.

40. Prohibited fishing methods and gears

No person shall, in the marine fishery waters at all times and in any place, use any prohibited fishing method and gears as prescribed under section 42 of the Act or any other gears or methods that the Director General may prohibit by a gazette notice

- (1) No person shall import, manufacture, be in possession on the Kenyan territory, purchase, offer for sale or sell any fishing gear listed under sub-regulation (1).
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

B – Species restrictions

Prawns

41. Prawns Fishing

- (1) No person shall engage in fishing for prawns in the Kenya marine fishery waters except as prescribed in the fisheries management plans. The Director General may from time to time and on the basis of scientific evidence, by notice in the gazette
 - (a) declare any fishery waters or part thereof to be open for the purposes of fishing for Prawns
 - (b) Specify the times between which prawn fishing may be carried out
 - (c) Prescribe the gears or methods to be applied during fishing for prawns in order to reduce by-catch, including the mandatory use of Turtle Excluder Devices (TEDs)
 - (d) Prescribe the monitoring control and surveillance systems, including the mandatory use of a Vessel Monitoring System and other surveillance systems
 - (e) Specify total allowable catch (TAC) and determine the fee to be paid as royalty
 - (f) Specify the most suitable and economical methods of disposal of by-catch, if any, that may be obtained during prawn fishing
 - (g) Declare a closed season for prawn fishing in any water which had previously been declared open for prawn fishing under paragraph (a).
- (2)
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or to both.

Lobsters

42. Lobster fishing

- (1) No person, in the Kenya marine fishery waters, shall –
 - (c) take, retain, possess or land lobsters of a carapace length less than –
 - i. 60 mm for *Panulirus longipes*,
 - ii. 65 mm for *Panulirus versicolor*, *Panulirus homarus* and *Panulirus pencillatus*;
 - iii. 70 mm for *Panulirus ornatus*,
 - (d) take, retain, possess or land any berried lobsters;
 - (e) take any lobster by diving for it with the use of any artificial respiratory apparatus, except a snorkel;
 - (f) use any gillnets for taking lobsters with mesh sizes less than four inches when diagonally stretched;

(g) land lobsters at a landing station other than those designated by the Director-General for lobster landing purposes.

(2) No person shall purchase, offer for sale or sell any undersized or berried lobster.

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

Oysters

43. Prohibition

(1) No person shall use any mechanical apparatus to take oysters from natural beds in Kenya marine fishery waters.

(2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months or to both.

Coral

44. Prohibition

(1) No person shall take, gather or collect coral, either alive or dead, from the Kenya marine fishery waters.

(2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months or to both.

45. Protection of *anadromous* and *catadromous* fish

(1) No person shall fish for *anadromous* or *catadromous* fish in the river systems of Kenya or within a three-kilometre radius of the river delta and estuary during the period designated by the Director-General by notice in the *Gazette*.

(2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Marine turtles

46. Marine turtles

(1) No person shall -

(h) being the operator of a fishing vessel or vessel in the Kenya marine fishery waters or the operator of Kenya fishing vessel beyond these waters, engage in fishing for marine turtles;

(i) harass any marine turtle so as to disturb its behaviour or breeding habits.

(2) Where any marine turtle is caught or taken, either intentionally or not, during fishing operations, such marine turtle shall, whether alive or dead, be released immediately into the waters;

(3) Where any marine turtle is caught or taken under sub-regulation (2), the operator of any fishing vessel or vessel in the Kenya marine fishery waters, or of any Kenya fishing vessel operating beyond these waters, shall –

(a) ensure that any captured marine turtle that is comatose or inactive is brought aboard, if practicable, as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.

(b) where such fishing vessel is equipped with gillnet gear, record or caused to be recorded all incidents involving marine turtles during fishing operations in its fishing logbook and report such incidents to the Director-General;

(c) where such fishing vessel is equipped with longline gear:

- i. carry line cutters and de-hookers on board the fishing vessel in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled, which shall be done in accordance with any Guidelines that may be provided by the Director-General;
- ii. where appropriate, encourage the use of whole finfish bait;
- iii. record all incidents involving marine turtles during fishing operations in its fishing logbook, including the species of the marine turtles, and report such incidents to the Director-General;

(d) where such fishing vessel is equipped with purse seine gear:

- i. to the extent practicable, avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle in accordance with such guidelines as may be provided by the Director-General;
- ii. to the extent practicable, release all marine turtles observed entangled in fish aggregating devices or any fishing gear;
- iii. if a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water, disentangle the turtle without injuring it before resuming the net roll and, to the extent practicable, assist the recovery of the turtle before returning it to the water;
- iv. carry and employ dip nets, when appropriate, to handle marine turtles;

- v. record all incidents involving marine turtles during fishing operations in its fishing logbook and report such incidents to the Director-General.

- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred shillings or to a term of imprisonment not exceeding two years or to both.

Sharks

47. Shark finning

- (1) For the purposes of this regulation, “full utilization” is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
- (2) No person shall remove shark fins on board vessels in Kenya marine fishery waters or Kenya fishing vessels operating beyond these waters and retain on board, tranship or land shark fins.
- (3) Without prejudice to sub-regulation (2), in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before landing.
- (4) No person shall purchase, offer for sale or sell shark fins which have been removed on board, retained on board, transhipped or landed in contravention of this regulation.
- (5) The operator of any fishing vessel in the Kenya marine fishery waters, or of any Kenya fishing vessel operating beyond the Kenya marine fishery waters shall -
 - (j) ensure that the entire catches of sharks by the vessels are fully utilized;
 - (k) in fisheries that are not directed at sharks, cause the release of live sharks, especially juveniles and pregnant sharks, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
- (6) This regulation applies without prejudice to artisanal fisheries which traditionally do not discard carcasses.
- (7) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or to both in the case of semi-industrial and industrial fishing vessels, or fifty thousand shillings or to a term of imprisonment not exceeding six months or to both in the case of artisanal fishing vessels

48. Whale sharks

(1) The operator of a fishing vessel in the Kenya marine fishery waters or of a Kenya fishing vessel beyond these waters shall not engage in fishing for whale sharks (*Rhincodon typus*).

(2) Where any whale shark is caught either intentionally or not, the operator of a fishing vessel in the Kenya marine fishery waters or of a Kenya fishing vessel operating beyond these waters shall -

(a) take all the reasonable steps to ensure the safe release of the whale shark, while taking into consideration the safety of the crew, in accordance with best practice guidelines as may be developed by a relevant Regional Fisheries Management Organization;

(b) record the incident in the fishing logbook¹ and report it to the Director-General with the following information -

- i. the number of individuals;
- ii. the location and a short description of the incident;
- iii. the steps taken to ensure safe release; and
- iv. an assessment of the life status of the animal on release.

(3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

49. White tip sharks and thresher sharks

(1) The operator of a fishing vessel in the Kenya marine fishery waters or of a Kenya fishing vessel in areas beyond these waters, shall -

(a) not engage in or allow fishing for oceanic white tip sharks (*Carcharhinus longimanus*) and thresher sharks (Family Alopiidae);

(b) not allow or cause to be retained on board, tranship, land or store any part or whole carcass of oceanic white tip sharks and thresher sharks with the exception of sub-regulation (2);

(c) promptly release unharmed, to the extent practicable, oceanic white tip sharks and thresher sharks when brought alongside the fishing vessel for the purpose of taking on board;

- (d) keep full, complete and accurate records of all catches, incidental catches and live releases of oceanic white tip sharks and thresher sharks, including in the fishing logbook of the vessel;
 - (e) allow and assist an observer to collect biological samples (vertebrae, tissues, reproductive tracts, stomachs, skin samples, spiral valves, jaws, whole and skeletonised specimens for taxonomic works and museum collections) from oceanic white tip sharks and thresher sharks that are dead when the fishing gear is hauled back to the vessel, and to take such other actions as may be identified in a research program of a relevant Regional Fisheries Management Organization.
- (2) Any person engaged in sport fishing in Kenya marine fishery waters shall:
- (a) release alive all oceanic white tip sharks and thresher sharks caught during fishing;
 - (b) under no circumstances retain on board, tranship, land, store, sell or offer for sale any part or carcass of oceanic white tip sharks and thresher sharks;
 - (c) carry on board such instruments suitable for releasing the sharks alive as the Director-General may direct;
 - (d) keep full, complete and accurate records of all catches and releases of oceanic white tip sharks and thresher sharks.
- (3) Sub-regulation (1) does not apply to operators of artisanal fishing vessels operating in Kenya fishery waters for the purpose of local consumption, unless directed otherwise by the Director-General.
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or to both in the case of semi-industrial and industrial fishing vessels, or fifty thousand shillings or to term of imprisonment not exceeding six months or to both in the case of artisanal fishing vessels

Tunas and tuna like species

50. Discards

- (1) The operator of a Kenya fishing vessel, or a foreign fishing vessel in Kenya marine fishery waters, shall retain on board and then land all tuna caught, except where –
- (a) fish is considered unfit for human consumption; or
 - (b) it is essential for the safety of the crew or the vessel, provided this is duly proven.

(2) No tuna caught by purse seine vessels may be discarded after the point in the set when the net is fully pursed and more than one half of the net has been retrieved. If equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the master must ensure that the crew makes efforts to release the tuna as soon as possible.

(3) The requirements of sub-regulation (1), paragraph (a) do not apply where:

(a) the master of the vessel determines that tunas caught are unfit for human consumption, including where the tunas are:

- i. mashed or crushed in the purse seine;
- ii. damaged due to depredation;
- iii. dead and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive, but not where the tunas are considered undesirable in terms of size, marketability, or species composition; or

(b) the master of a vessel determines that tunas were caught during the final set of a trip and there is insufficient well space to accommodate all tunas caught in that set. This fish may only be discarded if:

- i. the captain and crew attempt to release the tunas alive as soon as possible; and
- ii. no further fishing is undertaken after the discard until the tunas on board the vessel have been landed or transhipped.

(4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding five million shillings or to a term of imprisonment not exceeding two years or to both.

C – Areas restrictions

51. Anchored FADs

(1) No person shall engage in fishing within a five hundred metres radius from a designated anchored fish aggregating device;

(2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding three months or to both.

52. Protection of breeding areas

- (1) No person shall engage in fishing or in any other activity that will disturb any spawn or spawning fish in a breeding area as designated under a fisheries management plan or BMU co-management plan or as may be prescribed.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

53. Fishing in protected areas

- (1) Any person wishing to engage in fishing in a protected area shall comply with the requirements provided for under the management plan of that area.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding three months or to both.

54. Prohibition of fishing on data buoys

- (1) For the purposes of this section, “data buoys” mean floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.
- (2) The operator of any Kenya fishing vessel operating in areas beyond national jurisdiction shall not knowingly fish or allow fishing within one nautical mile of or interacting with a data buoy, which includes, inter alia -
 - (a) encircling the buoy with fishing gear;
 - (b) tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or
 - (c) cutting a data buoy anchor line.
- (3) Kenya fishing vessels operating under scientific research programs notified to the Indian Ocean Tuna Commission or any other relevant Regional Fisheries Management Organization may, operate within one nautical mile of a data buoy on the condition that they do not fish or interact with those data buoys as prohibited in subsection (2).

- (4) The operator of any Kenya fishing vessel in areas beyond national jurisdiction shall:
- (a) not cause or allow to be taken on board a data buoy while engaged in fishing for tuna and tuna-like species in the Indian Ocean Tuna Commission area of competence or any other relevant Regional Fisheries Management Organization, unless specifically authorized or requested to do so by the governmental or recognized scientific organization or entity owning that buoy;
 - (b) keep watch for moored data buoys at sea and take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys; and
 - (c) where the fishing gear becomes entangled with a data buoy, remove the entangled fishing gear with as little damage to the data buoy as possible.
- (5) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

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PART VII – MONITORING, CONTROL AND SURVEILLANCE

A - Marking of fishing vessels

55. Marking of artisanal fishing vessels

1. An identification mark allotted to a Kenya artisanal fishing vessel under regulation 3(6) shall consist of a series of 2 letters (to represent the country), 3 letters (to represent the County) , 2 digits (to represent Beach Management Unit code),4 digits (to represent the serial number of the vessel in the County) and 2 letters (to represent the Sub-County) respectively in accordance with the codes in the ... Schedule XXXX,.
2. The owner of a Kenya artisanal fishing vessel for which an artisanal fishing vessel certificate has been issued shall :-
 - (a) cause the identification mark under sub-regulation (1) to be clearly affixed/painted on each side of the bow of the vessel within seven days after issue of the artisanal fishing vessel certificate as provided in Schedule.....XXXX;;
 - (b) at all times maintain the identification in a clear legible and visible condition.
3. The owner of a Kenya artisanal fishing vessel operating in Kenya marine fishery waters which is not marked in the manner prescribed in this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

56. Concealment or removal of identification mark

- (1) No person using a Kenya artisanal fishing vessel recorded under these Regulations shall cause or permit the identification mark of the vessel to be defaced, covered or concealed in any manner whatsoever.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

57. Marking of semi-industrial and industrial fishing vessels

- (1) No person shall use any Kenya fishing vessel unless it bears the identification marks assigned thereto by the Director-General.
- (2) The identification marks under sub-regulation (1) shall be displayed and affixed according to the specifications set out in the ... schedule of these regulations.
- (3) The identification marks assigned to any Kenya fishing vessel shall not be transferred to any other vessel without the written authorization of the Director-General and shall not be used on, painted on or attached to any other vessel.

- (4) When a vessel ceases to be licensed in terms of the Act, the owner of the vessel shall remove the identification marks from the vessel within fifteen days.
- (5) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

B – Marking of fishing gears and drifting FADs

58. Marking of fishing gears

- (1) Any fishing gear set or placed in or on the water shall be clearly and permanently marked so as to identify –
 - a) its ownership;
 - b) the vessel in conjunction with which it is used;
 - c) the International Radio Call Sign of the vessel, where applicable;
 - d) such other information as may be required by the Director-General.
- (2) The position of any fishing gear set or placed in or on the water shall be signalled by a clearly visible buoy so that it can be seen both during the day and night by a vessel a hundred and fifty metres away for the position of the gear.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding three month or to both.

59. Marking of drifting FADs

1. Any drifting FAD set or placed in or on the water shall be clearly and permanently marked so as to identify :
 - a) its ownership;
 - b) the vessel in conjunction with which it is used;
 - c) the International Radio Call Sign of the vessel, where applicable;
 - d) such other information as may be required by the Director-General.
2. The position of any drifting FAD set or placed in or on the water shall be signalled by a clearly visible buoy or other marking so that it can be seen both during the day and night by a vessel a hundred and fifty metres away for the position of the gear.
3. Any person who contravenes this regulation commits an offence and shall be liable on conviction as prescribed in section 110 of the Fisheries Management and Development Act 2016.

C – Fishing logbook and drifting FAD logbook

60. Fishing logbook

- (1) The master of any fishing vessel in respect of which a licence or authorization has been issued under the Act shall maintain, in the English language, a bound fishing logbook with numbered and consecutive pages in the Form ...ST//... in the First Schedule.
- (2) For fishing vessels licensed to fish for tuna, the fishing logbook shall comply with applicable IOTC requirements. The fishing logbook shall specify –
 - (a) on a daily basis and for each fishing operation, the quantity of each species, identified by its code alpha 3 of the FAO, caught and kept on board expressed in kilograms of live weight, or where necessary the quantity of individuals;
 - (b) the estimated cumulative fish catch since the commencement of the fishing trip;
 - (c) the type and number of gears used;
 - (d) number of fish hauls per day, aggregate time for each haul, and the total number of days fished per fishing trip;
 - (e) the fishing location expressed in longitude and latitude;
 - (f) the quantity of each species of fish discarded, where applicable;
 - (g) such other information as the Director-General may require.
- (3) The fishing logbook shall be kept in a place where it is protected from being damaged and where it is readily available for inspection at any time upon the request of an authorized officer.
- (4) The fishing logbook shall be filled legibly, in block capitals and shall be signed by the master of the vessel.
- (5) The master shall be responsible for the accuracy of the data recorded in the fishing logbook.
- (6) The master of any Kenya fishing vessel shall, upon returning from each fishing trip, not later than twenty-four hours after completion of the landing of the fish, handover the original of the fishing logbook to the Director General.
- (7) The master of any foreign fishing vessel licensed to fish in the Kenya marine fishery waters shall notify the vessel's catch by transmitting to the Director-General its fishing logbook for its presence in the Kenya marine fishery waters.
- (8) The fishing logbook under sub-regulation (6) shall be transmitted in one of the following ways –
 - a. when passing through a port of Kenya, the original of the fishing logbook shall be handed over to the Director General;
 - b. when leaving the Kenya marine fishery waters without first passing through a Kenyan port, the original of the fishing logbook shall be sent

by email within a period of seven days after arrival in any other port, and in any case within a period of fifteen days after leaving the Kenya marine fishery waters;

- (9) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding three months or to both.

61. Drifting FAD logbook

(1) The operator of a licensed fishing vessel equipped with purse seine gear or used as a bait boat, which is authorized to use drifting FADs in the Kenya fishery waters for the purpose of aggregating tuna target species shall -

- (a) maintain and keep current on board the fishing vessel at all times a FAD logbook which includes information on all activities relating to the FADs; and
- (b) record fishing activities in association with FADs using the specific data elements in accordance with the applicable international conservation and management measure.

(2) Sub-regulation (1) also applies to licensed Kenya fishing vessel equipped with purse seine gear or used as a bait boat that use drifting FADs operating outside the Kenya marine fishery waters.

(3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding ...

62. Statistical sheet

(1) The owner or master of an artisanal fishing vessel licensed to fish in the Kenya inland fishery waters shall fill in a statistical sheet in the Form ST/1 in the First Schedule upon returning from each fishing trip.

(2) The statistical sheet shall be transmitted to the BMU where the vessel's owner is registered or to the BMU within the jurisdiction of which the fish landing station where the fish was landed is located no later than two days after returning from the fishing trip.

(3) Catch data gathered by the BMUs shall be transmitted to the County Officer in charge of fisheries on a monthly basis and shared with the Director-General in accordance with the agreed procedure.

(4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding hundreds shillings or to a term of imprisonment not exceeding three months or to both.

D - Transhipment

63. (i) Authorization to tranship

- a) Without prejudice to the provisions of Section 107 of the Act, no person shall tranship any fish, equipment, supplies, fishing gear etc. from a fishing vessel in Kenya waters or ports unless there is in force an authorization to tranship issued by the Director General to the Master, owner or Legal Representative of the fishing vessel.
- b) An application for authorization to tranship shall be made to the Director General in the form...../..... in the First Schedule.
- c) Upon receipt of the application, the Director General shall consider its merits and may grant or deny the application.
- d) Where permission is granted, the Master, owner or Local Representative of the vessel shall pay the requisite transhipment fee in the Second Schedule.
- e) Upon completion of a transhipment operation, the operator of the fishing vessel shall submit to the Director-General, within seventy two hours of such completion, a transhipment report in the form that the Director General may require.
- f) Any person who contravenes this Regulation shall be guilty of an offence and liable to a fine not exceeding fifty million shillings or to a term of imprisonment not exceeding 5 years or to both

(ii) Transhipment report

Upon completion of a transhipment operation under section 107(7) of the Act, the operator of the fishing vessel shall submit to the Director-General a transhipment report in the Form .../... of the First Schedule.

E - Entry and exit of Kenyan marine fishery waters

64. Notification of entry or exit

- (1) The operator or master of any foreign fishing vessel shall notify the entry into or departure from the Kenya marine fishery waters to the Director-General within twenty-four hours of entry or exit of such waters.
- (2) When notifying the entry into, or exit from, the Kenya marine fishery waters, the operator or master of the foreign fishing vessel shall specify –
 - (a) the date, time and point of passage scheduled;
 - (b) the quantity of each species of fish held on board, expressed in kilogram of its live weight, or, if necessary, the number of individual fish.
- (3) Notification shall be given preferably by e-mail, or, failing that, by fax.
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

F - Vessel monitoring system

65. Requirement to install and operate an automatic location communicator

- (1) No licence or authorization in respect of a fishing or supply vessel shall be issued under the Act unless the owner or operator of the vessel has installed on the vessel an automatic location communicator approved by the Director-General which is capable of transmitting automatic and continuous communication of the vessel's position, every one hour, or any other reasonable duration the Director-General may determine, to the Kenya Fishing Monitoring Centre.
- (2) Each position report shall contain –
 - i. the vessel identification;
 - ii. the most recent geographical position of the vessel (longitude, latitude) with a position error less than 500 metres, and with a confidence interval of 99 percent;
 - iii. the date and time the position is recorded (UTC); and
 - iv. the speed and course of the vessel.

66. Duties of the vessel operator

- (1) The owner or operator of a vessel under regulation 67(1) shall operate the automatic location communicator according to –
 - a. the specifications and operating instructions of the manufacturer; and
 - b. any other requirements that the Director-General may determine.

- (2) The operator or master of a vessel under regulation 67(1) shall ensure that –
 - (a) a person does not tamper or interfere with the vessel's automatic location communicator and that the automatic location communicator is not altered, damaged, disabled or otherwise interfered with;
 - (b) the vessel's automatic location communicator is not moved from the required or agreed installed position or removed without the prior written permission of the Director-General;
 - (c) the automatic location communicator is switched on and is operational at all times whether or not the vessel is within the Kenya marine fishery waters during the period of validity of the licence or authorisation in the case of a Kenya fishing vessel; and
 - (d) upon notification by the Director-General that the automatic location communicator of the vessel has failed to transmit, directives issued by the [Kenya Fishing Monitoring Centre] are complied with until such time that the vessel monitoring system of the fishing vessel functions properly.

- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

67. Failure to report

- (1) Where the vessel's automatic location communicator of a vessel fails to report, the operator or master of the vessel, upon notification by the Director-General, shall ensure that a position report containing the information under regulation 60(2) is communicated to the Kenya Fishing Monitoring Centre in accordance with any instructions or directives provided by the Director-General.

- (2) A report made under sub-regulation (1) shall –
 - a. be at intervals of two hours or at shorter periods specified by the Director-General; and

- b. commence from the time of notification of the failure of the automatic location communicator.
- (3) Where it is not possible to repair the vessel's automatic location communicator within twenty-four hours, the operator or master of the vessel shall immediately stow the fishing gear and take the vessel directly to a port identified by the Director-General.
- (4) The operator or master of the vessel shall ensure that the vessel remains in port until the automatic location communicator is operational and reporting automatically.
- (5) Where the automatic location communicator of the vessel fails to report while the vessel is in port, the operator or master of the vessel shall ensure that the automatic location communicator is operational and reporting automatically prior to the departure of the vessel from that port.
- (6) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

G - Port State measures

68. (i) Use of Kenyan ports

- a) Pursuant to the provisions of Section 158(d) of the Act, no foreign fishing vessel shall enter any port in Kenya from the high seas without a written authorization from the Director General.
- b) The Master, owner or Local Representative of the fishing vessel shall request port entry by making an Advance Request to Enter Port (AREP) in the Form...../..... forty eight hours prior.
- c) Upon receipt of an AREP referred to in sub-Regulation (b) above, the Director General may require the Master, owner or Local Representative of the fishing vessel, or from any other source, to be provided with further information, before deciding to deny or grant permission to the fishing vessel to enter port.

(ii) Use of foreign ports

- (1) The operator of a Kenya fishing or supply vessel shall -
- (a) cooperate fully with inspections carried out in the ports of other States in accordance with their laws and procedures; and
- (b) not land, tranship, package and process fish, and use other port services, in a port State identified by a relevant Regional Fisheries Management Organization as not acting in accordance with, or in a manner consistent

with, applicable international or regional instruments relating to port State measures.

- (2) Where there are clear grounds to believe that a Kenya fishing or supply vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, the Director-General shall, as appropriate, request such State to inspect the vessel or take other measures consistent with applicable international or regional instruments.
- (3) Where, following port State inspection, there are clear grounds to believe that a Kenya fishing or supply vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of such fishing, the Director-General shall cause the matter to be immediately and fully investigated and, upon sufficient evidence enforcement action to be taken without delay in accordance with the Act.
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding ... shillings or to a term of imprisonment not exceeding ... or to both.

69. Powers to seize

- (1). A fisheries inspector may seize any item as prescribed under section 165, of the Act.
- (2) A written notice shall be given to the person from whom any article or item was seized as set out in form FSZ

DRAFT FISHERIES MANAGEMENT AND DEVELOPMENT (INLAND) REGULATIONS

Introductory part: by the powers conferred upon the CS.....

PART I - PRELIMINARY

1. Citation

These regulations may be cited as the Fisheries Management and Development (Inland) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires –

“artisanal fisher” means any person employed or engaged in any capacity on board an artisanal fishing vessel;

“artisanal fishing vessel” means any local vessel, decked or un-decked, with an overall length of 10 meters or less, propelled by an outboard or inboard engine, paddles, sails or other mode of propulsion, and equipped for fishing purposes. This definition does not include vessels used for recreational fishing;

“BMU” means a Beach Management Unit as defined in the Fisheries (Beach Management Unit) Regulations;

“deal in fish or fish products” includes collecting, transporting, storing, transshipping, buying or selling fish or fish products for purposes of trade;

“fish” means any freshwater animal or plant, living or not and processed or not, and any of their parts;

“fish product” as the same meaning as in the Fisheries Management and Development Act 2016

“fishing” means searching for, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the searching for, locating, catching, taking or harvesting of fish;

“fishing vessel” means any vessel used for, equipped to be used for, or intended to be used for fishing;

“fishing trip” means the period commencing from the time a fishing vessel prepares to depart from a landing site to the time it returns to a landing site to land or tranship its catch;

“inland fishery waters” means any fresh or brackish waters on the landward side of the Kenyan coastline and any freshwater to the outer limits of the areas under national jurisdiction as agreed with riparian States in shared water bodies;

“operator” as the same meaning as in the Fisheries Management and Development Act 2016.

“Protected Area” means an area that has been declared as such by the Cabinet Secretary through a gazette notice

“the Act” means the Fisheries Management and Development Act 2016

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PART II – REGISTRATION OF ARTISANAL FISHING VESSELS

70. Artisanal fishing vessel certificate

- (1) No person shall use an artisanal fishing vessel for fishing in Kenya inland fishery waters without a valid artisanal fishing vessel registration certificate.
- (2) The owner of an artisanal fishing vessel shall apply for an artisanal fishing vessel certificate on the Form FAR/1 in the First Schedule where –
 - (a) the artisanal fishing vessel in respect of which a certificate is sought has been vetted by the BMU to which the owner of the artisanal fishing vessel is a member in accordance with applicable BMU rules; and
 - (b) the artisanal fishing vessel has been inspected by a fisheries officer
- (3) An application for an artisanal fishing vessel certificate under sub-regulation (2) shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation 2(a) is located.
- (4) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.
- (5) Upon approval of the application under sub-regulation (4), the County officer in charge of fisheries shall issue an artisanal fishing vessel certificate upon payment of the fee prescribed in the Second Schedule.
- (6) The County officer in charge of fisheries shall allot an identification mark to the vessel in respect of which an artisanal fishing vessel certificate is issued and shall cause an entry of the allotted identification mark to be made in the record of artisanal fishing vessels to be kept under regulation 5.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

71. Transfer of artisanal fishing vessel registration certificate

- (1) Where the ownership of a registered artisanal fishing vessel transfers from one person to another, the person from whom the ownership has transferred together with the person to whom the ownership has been transferred shall jointly submit to the relevant County officer in charge of fisheries an application seeking the transfer of the artisanal fishing vessel certificate.
- (2) The application shall contain;
 - (a) the names and addresses of both parties;
 - (b) documentary evidence of the transfer and acquisition of the certificate of ownership;
 - (c) signature of both parties;
 - (d) attestation by an independent witness.
- (3) Upon approval of the application, the County officer in charge of fisheries shall cancel from the record of artisanal fishing vessels under regulation 5 the name of the person from whom the artisanal fishing vessel certificate has transferred and in lieu thereof enter in the record the name of the person to whom ownership of the same has been transferred and shall accordingly change the name of the owner on the artisanal fishing vessel certificate.

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72. Record of artisanal fishing vessels

- (1) The County officer in charge of fisheries in every county shall keep and maintain a record of artisanal fishing vessels for which an artisanal fishing certificate has been issued in accordance with these regulations.
- (2) The record of artisanal fishing vessels shall contain the following information
 - (a) the name and address of the owner;
 - (b) the name of the BMU where the vessel owner is registered;
 - (c) the technical characteristics of the vessel including length, width and engine power;
 - (d) the identification marks;
 - (e) the type of fishing gears used; and
 - (f) any other information that the County officer may require.
- (3) The County officer in charge of fisheries in every county shall furnish to the Director-General, every three months and in such manner as may be prescribed, any information contained in the artisanal fishing record.

PART III – LICENSING OF ARTISANAL FISHERS

The exemption of subsistence fisher(FAE/L/1Not done)

73. Artisanal Fisher's licence

- (1) No person shall engage in artisanal fishing in Kenya inland fishery waters unless –
 - (a) he/she is a holder of a valid artisanal fisher's licence issued to him/her under these Regulations and is fishing in accordance with the terms and conditions of the licence;
 - (b) he/she is an employee of the owner of an artisanal fishing vessel and is fishing in accordance with the terms and conditions of the licence issued to the vessel's owner.
- (2) Sub regulation(1) shall not apply to a subsistence fisher, provided the Cabinet Secretary, by notice in the gazette has determined the quantity for subsistence fisher
- (3) Any person who wishes to engage in artisanal fishing in Kenya inland fishery waters shall apply for an artisanal fisher's licence on the Form FAL/1 /.. in the First Schedule.
- (4) No person shall be eligible to apply for an artisanal fisher's licence under sub-regulation (2) unless he/she is a member of a BMU in accordance with applicable BMU rules.
- (5) An application for an artisanal fisher's licence shall be made to the Director-General through the County Officer in charge of fisheries in the county within the jurisdiction of which the BMU under sub-regulation (3) is located.
- (6) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.
- (7) Upon approval of the application under sub-regulation (4), the County officer in charge of fisheries shall issue an artisanal fisher's licence as per guidelines and conditions provided by the Director General to the applicant upon payment of the fee prescribed in the Second Schedule.
- (8) An artisanal fisher's licence shall be valid for one calender year, from the date of issue, throughout the inland fishery waters and subject to any limitation that may be in effect in accordance with a fisheries management plan.
- (9) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding Fifty thousand shillings or to a term of imprisonment not exceeding one year or to both.

PART IV – LICENSING OF ARTISANAL FISHING VESSELS

74. Grant, renewal and issuance of artisanal fishing vessel licences

- (1) Pursuant to section 84 of the Act, no person shall use an artisanal fishing vessel for fishing in the Kenya inland fishery waters without a valid licence.
- (2) The owner of an artisanal fishing vessel shall apply for an artisanal fishing vessel licence on the Form FAL/3 in the First Schedule where the artisanal fishing vessel in respect of which a licence is sought has been recorded in accordance with regulation 3 of these Regulations.
- (3) An application for an artisanal fishing vessel licence under sub-regulation (2) shall be made to the Director-General through the County Officer in charge of fisheries in the county where the vessel is recorded and shall be accompanied by the following documents and information -
 - (a) the name, address and details of the owner of the vessel;
 - (b) the name of the vessel;
 - (c) the artisanal fishing vessel certificate;
 - (d) the identification mark of the vessel;
 - (e) the certificate of seaworthiness;
 - (f) the length of the vessel;
 - (g) the power of the engine(s) in horse power;
 - (h) the number of crew;
 - (i) the type of fishing gears used; and
 - (j) any other information that the Director-General may require.
- (4) In reviewing the application for an artisanal fishing vessel licence or its renewal, the Director-General shall have due regard to the extent to which the relevant fishing vessel and its operator has -
 - (a) complied with all applicable vessel recording requirements;
 - (b) the ability to comply with, or has complied with the Act and these Regulations and any applicable licensing terms and conditions or fisheries management plan;
 - (c) complied with applicable bilateral, regional and international obligations of Kenya;
 - (d) provided all required data and information;
 - (e) where the applicant has been convicted of any offence under the Act or these Regulations, met fully with the requirements of the judgment.

- (5) The Director-General shall consider the application and notify the applicant and the relevant County officer in charge of fisheries of his/her decision within 15 days of receipt of the application.
- (6) Upon approval of the application under sub-regulation (4), the Director General through the County Officer in Charge of Fisheries shall issue an artisanal fisher's licence as per guidelines and conditions provided by the Director General to the applicant upon payment of the fee prescribed in the Second Schedule (categorise the vessels)
- (7) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or to both.

75. Grounds for denial of artisanal fishing vessel licences

- (1) An artisanal fishing vessel licence shall not be approved or renewed where –
 - (a) the issuance of a licence would be contrary to any applicable fisheries management plan;
 - (b) the applicant has been charged and convicted with an offence pursuant to the Act or these Regulations more than two times and has –
 - i. not submitted to judicial or administrative procedures; or
 - ii. submitted to judicial or administrative procedure but has not fully complied with the final decision or determination.
 - (c) An applicant for a license who is aggrieved by under regulation 8 has a right to appeal as per the provision of section 97 of the Act

76. Validity of artisanal fishing vessel licences

- (1) An artisanal fishing vessel licence shall be valid for one calendar year from the date of issue and only for the water body specified on the licence and be subject to any limitations, or spatial or temporal restrictions that may be in effect in accordance with a fisheries management plan, a protected area management plan or any conservation and management measures in these regulations.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding Fifty thousand shillings or to a term of imprisonment not exceeding one year or both.

77. Seaworthiness of artisanal fishing vessel and safety of crew

- (1) No artisanal fishing vessel licensed to fish in Inland fishery waters under regulation 15 shall proceed on a fishing trip unless it meets the applicable standards for seaworthiness and safety of life at sea for this class of vessels.
- (2) Where an authorized officer pursuant to an inspection of any licensed artisanal fishing vessel considers that the vessel is unseaworthy or is not equipped with the required safety equipment, he/she may revoke or suspend the license of the vessel until it meets the applicable standards for seaworthiness and safety of life at sea
- (3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or both.

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PART V - LICENCES AND PERMITS FOR TRADE AND MOVEMENT OF FISH AND FISH PRODUCTS

78. Fish trader's licence

- (1) No person shall trade in fish or fish products in Kenya without a valid fish trader's licence.
- (2) An application for a fish trader's licence shall be made in writing to the County officer in charge of fisheries in the county where the fish trader's main place of business is located on the Form FGA/1 in the First Schedule and shall be accompanied by the following information –
 - (a) the name of the company or body corporate;
 - (b) the name of the owner(s);
 - (c) the address of the main place of business and other places of business in Kenya, if any;
 - (d) the species of fish and fish products to be traded in; and
 - (e) any other information that the County officer in charge of fisheries may require.
- (3) The relevant County officer in charge of fisheries shall consider the application and notify the applicant of his/her decision within 15 days of receipt of the application.
- (4) Upon approval of the application under sub-regulation (3), the relevant County officer in charge of fisheries shall issue a fish trader's licence upon payment of the fee prescribed in the in the relevant county Financial Act.
- (5) No fish trader shall deal in fish or fish products before it is landed at a landing station or port in Kenya.
- (6) A fish trader's licence shall be valid in the county where it is issued for a period of one calendar year from the date of issue.
- (7) This regulation shall not apply to trading in species of fish for which a specific trading licence is required.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to sanctions as prescribed in the relevant County Financial Act

79. Fish movement permit

- (1) No person shall, for the purpose of trade, move fish or fish products from one place to another on the Kenyan territory without a valid fish movement permit issued under these Regulations and in accordance with the terms and conditions of such permit.

- (2) An application for a fish movement permit shall be made in writing to the County officer in charge of fisheries in the county where the consignment originates on the Form FAP/1../.. in the First Schedule.
- (3) Upon approval of the application under sub-regulation (2), the relevant County officer in charge of fisheries shall issue a fish movement permit upon payment of the fee prescribed in the relevant county Financial Act.
- (4) Where the fish movement permit is to be issued in respect of a vehicle or vessel, identification and registration details of the vehicle or vessel shall be entered in the fish movement permit before it is issued.
- (5) The holder of a fish movement permit shall cause the permit to be carried and exhibited at all times in the vehicle or vessel.
- (6) The fish movement permit shall not be transferred to or used by any other vehicle or vessel.
- (7) The fish movement permit shall be valid for one calendar year throughout the Kenyan territory for the movement of the fish and fishery products which are specified on the fish movement permit.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or both.

80. Live fish movement permit

- (1) No person shall move live fish from one water body to another in Kenya unless he/she is in possession of a permit issued to him/her under this regulation and he/she is operating in conformity with the terms and conditions of the permit.
- (2) An application for a live fish movement permit shall be made in writing to the Director General through the County officer in charge of fisheries where the water body from which the fish originates is located on the Form..FAP/3../.. in the First Schedule.(Not done)
- (3) Upon approval of the application under sub-regulation (2), the Director General shall issue a live fish movement permit (Form FP 2 Missing) upon payment of the fee prescribed in the Second Schedule
- (4) The live fish movement permit shall be valid throughout the Kenyan territory for the movement and consignment which are specified on the live fish movement permit.

- (5) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding two years or to both.

PART IV – LICENSE FOR FRESHWATER ORNAMENTAL FISHERIES

81. Freshwater ornamental fishing licence

- (a) No person shall engage in fishing or collecting ornamental fish in the Kenya inland fresh waters or keep in any aquarium or other holding facility any ornamental fish for commercial purposes except under the authority of a licence.
- (b) An application for a freshwater ornamental fishing licence under sub-regulation (1) shall be made to the Director-General through the County Officer in charge of fisheries within the jurisdiction of which the main place of business of the applicant is located.
- (c) The Director-General shall consider the application and notify the applicant and the relevant County Government Fisheries officer of his/her decision within 15 days of receipt of the application.
- (d) Upon approval of the application under sub-regulation (4), the relevant County officer in charge of fisheries shall issue a freshwater ornamental fishing licence to the applicant upon payment of the fee prescribed in the Second Schedule.
- (e) Without prejudice to the generality of the provisions of paragraph (a), no person shall engage in fishing or collecting ornamental freshwater fish in the Kenya inland fresh waters unless he/she is a member of a BMU
- (f) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

82. Conditions

1. The holder of a freshwater ornamental fishing licence shall not engage in fishing for, or be in possession of –
 - a. any other species of fish other than those specified in the licence.
 - b. more than the prescribed number and size of fish per species
2. The holder of a freshwater ornamental fishing licence shall –

- a. keep a logbook indicating, on a daily basis, all additions to the ornamental fish, including post harvest losses
 - b. not keep any prohibited species in captivity or any other species as may be prescribed by the Director-General.
3. Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

PART V - CONSERVATION AND MANAGEMENT MEASURES

A - General

83. Movement of artisanal fishing vessel or gears to other water bodies

- (1) No person shall move an artisanal fishing vessel or fishing gear from one water body to another within the inland fishery waters without the written approval of the Director-General and subject to –
 - (a) any limitations that may be in effect in the fisheries management plan of the intended water body; and
 - (b) an inspection of the vessel and/or fishing gear by an authorized officer to ensure that the necessary measures have been taken to prevent the spread of weeds, fish or other organisms to other water bodies from the vessel or gear to be moved.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months or to both

84. Landing of fish

- (1) No person, other than a recreational, shall land any fish at any point except at a gazetted fish landing station or port specified in the [...] Schedule.
- (2) Any artisanal fisher who lands fish at a fish landing station shall –
 - (a) cause the fish to be weighed by the representative of the BMU
 - (b) keep or store the fish as prescribed in the Fisheries (Safety of fish , fishery products and fish feed) Regulations,2007.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or both

B – Use of gear

85. Possession and use devices to tamper with gear selectivity

- (1) No person shall use any device or have any construction of a net or netting by means of which the meshes are obstructed or drawn together while fishing or which in any other way will cause the opening of the meshes, and accordingly, the mesh selectivity of the net or netting to be reduced.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or to both.

86. Prohibited fishing methods and gears

- (1) No person shall, in the inland fishery waters at any time and in any place, use
 - (a) water splashing - method
 - (b) Fish herding - method
 - (c) Cast net – gear
 - (d) Traps - gear
 - (e) Spearing - method
 - (f) any other gears or methods that the Director General may prohibit by a notice in the gazette
- (2) No person shall import, manufacture, be in possession on the Kenyan territory, purchase, offer for sale or sell any fishing gear listed under sub-regulation (1).
- (3) No person shall use an authorized gear for fishing using the prohibited methods under sub regulation (1)
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred shillings or to a term of imprisonment not exceeding three months or to both.

87. Minimum mesh sizes of authorized nets

- (1) No person, in the inland fishery waters, shall use any nets the mesh size of which is less than –
 - (c) *45 mm* for a seine net, except for fishing for *Omena (Rastrineobola)*
- (2) No person shall use any nets the mesh size of which is less than –
 - 127 mm* for a gill net in the waters of *Lake Victoria and Lake Turkana*;
 - (a) *102 mm* for a gill net in the waters of *Lakes Naivasha, Baringo, Challa and Jipe and the dams of Tana and Turkwell rivers*
 - (b) The mesh sizes will be determined as prescribed in schedule xxxx

- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

B - Species restrictions

88. Protection of anadromous, catadromous and potamodromous fish

- (1) No person shall fish for anadromous or catadromous fish in the river systems of Kenya or within a three-kilometre radius of the river delta and estuary during the period designated by the Director-General by notice in the *Gazette*.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

89. Minimum and Maximum landing size of fish

- (1) No person shall land any fish whose size is less than –
- (a) *25 cm* for Tilapia from Lakes Victoria and Turkana;
 - (b) *18 cm* for tilapia from Lakes Naivasha, Barino, Jipe, Challa and the dams of Tana and Turkwell rivers.
 - (c) 50 cm or more than 85 cm for Nile Perch (*Lates niloticus*)
- (2) No person shall acquire, purchase, be in possession, sell, move or offer for sale or barter any species of fish whose landing sizes are not in conformity with those set out in sub regulation (1)
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or both.

C – Area restrictions

90. Protection of breeding areas

- (1) No person shall engage in fishing or in any other activity that will disturb any spawn or spawning fish in a breeding area as designated under a fisheries management plan or BMU co-management plan or as may be prescribed.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

91. Fishing in protected areas

- (1) No person shall fish in an area that has been declared protected by the Director General in a gazette notice or as per the requirements provided for under the management plan of that area.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding 3 months or both.

PART VII – MONITORING, CONTROL AND SURVEILLANCE

92. Statistical sheet

1. The owner or master of an artisanal fishing vessel licensed to fish in the Kenya inland fishery waters shall fill in a statistical sheet in the Form ST/1 in the First Schedule upon returning from each fishing trip.
2. The statistical sheet shall be transmitted to the BMU where the vessel's owner is registered or to the BMU within the jurisdiction of which the fish landing station where the fish was landed is located no later than two days after returning from the fishing trip.
3. Catch data gathered by the BMUs shall be transmitted to the County Officer in charge of fisheries on a monthly basis and shared with the Director-General in accordance with the agreed procedure.
4. Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding Two hundred and fifty thousand shillings or to a term of imprisonment not exceeding three months or to both.

93. Grounds for denial of a licence

A licence under these regulations may be denied where –

- (a) the issuance of a licence would be contrary to any applicable fisheries management plan;
- (b) the applicant has been charged with an offence pursuant to the Act or these Regulations more than three times and has not submitted to judicial or administrative procedures; or submitted to judicial or administrative procedure but has not fully complied with the final decision or determination

**DRAFT FISHERIES MANAGEMENT AND DEVELOPMENT (RECREATIONAL FISHERIES)
REGULATIONS**

PART I – PRELIMINARY

1. Citation

These regulations may be cited as the Fisheries (Recreational) Regulations

2. Interpretation

In these regulations, unless the context otherwise requires -

“**angling**” means take of fish by hook-and-line by manually operating a rod, reel and line or one or more separate lines to which a number of hooks are attached per line;

“**artificial fly**” means a single hook dressed with conventional natural or artificial fly tying materials only, to which no additional fly, spoon, spinning head or other similar device or any edible matter is attached. Weight may be incorporated only in the dressing in the form of metal wire or ribbing, or foil or beads;

“**Kenya fishery waters**” as defined in the Act;

“**sport fishing**” means recreational fishing as defined in the Act;

“**sport fishing club**” means an institution that provides on a commercial basis for let or hire a vessel or fishing gear but do not include a private members’ club or fishing association;

“**sport fishing facility**” means any vessel or fishing gear operated by a sport fishing club;

“**trout**” means any fish of the *salmonidae* family commonly known as trout, and includes the eggs and young thereof;

“**the Act**” means the Fisheries Management and Development Act 2016.

PART II – REGISTRATION OF RECREATIONAL (SPORT) FISHING CLUBS

94. Registration of sport fishing clubs

- (1) No person shall operate any sport fishing facility unless there is in force in relation to that facility a valid certificate of registration of sport fishing club.
- (2) A certificate of registration of sport fishing club in the Form FASF1... in the First Schedule may, on application on form KeFS/A1 and approval by the County Executive Committee Member, be issued on payment of the fee specified in the Second Schedule.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both
- (4) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding three months or both.

95. Reporting requirements

The holder of a sport fishing licence shall be required to submit the catch report as per fromFST2

PART III - REGISTRATION AND LICENCING OF RECREATIONAL FISHING VESSELS

96. Recreational fishing Vessel Registration Certificate

- (1) No person shall use a recreational fishing vessel for fishing in Kenya fishery waters without a valid recreational fishing vessel certificate.
- (2) The owner of a recreational fishing vessel shall apply for a recreational fishing vessel registration certificate on the Form FAR/ 1 in the First Schedule where-
 - i. the recreational fishing vessel in respect of which a certificate is sought has been vetted by an association to which the owner of the recreational fishing vessel is a member in accordance with applicable code of practice; and
 - ii. the recreational fishing vessel has been inspected by a fisheries officer
- (3) Any application under sub-regulation (2) shall be accompanied by the following information and documents –
 - i. a copy of the certificate of sea worthiness of the vessel from the competent government institution
 - ii. the number of recreational fishing vessels operated by the facility;

- iii. the technical characteristics of the recreational fishing vessel(s), including length and engine power;
 - iv. the location of the facility;
 - v. the area of operation;
 - vi. any other information or documentation as may be required by the County Executive Committee Member
- (4) An application for a recreational fishing vessel certificate under sub-regulation (2) shall be made to the County Executive Committee Member
- (5) The County Executive Committee Member shall consider the application and notify the applicant of his/her decision within 15 days
- (6) Upon approval of the application under sub-regulation (4), the County Executive Committee Member shall issue a recreational fishing vessel certificate upon payment of the fee prescribed in the Second Schedule.
- (7) The County Executive Committee Member shall allot an identification mark to the vessel in respect of which a recreational fishing vessel certificate is issued and shall cause an entry of the allotted identification mark to be made in the record of recreational fishing vessels to be kept under regulation 5.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

97. Transfer of recreational fishing vessel registration certificate

- (1) Where the ownership of a registered **recreational** fishing vessel transfers from one person to another, the person from whom the ownership has transferred together with the person to whom the ownership has been transferred shall jointly submit to the relevant Director General an application seeking the transfer of the **recreational** fishing vessel certificate on form KeFS/A2.
- (2) Upon approval of the application, the **Director General** shall cancel from the record of **recreational** fishing vessels under regulation 1(f) the name of the person from whom the **recreational** fishing vessel certificate has transferred and in lieu thereof enter in the record the name of the person to whom ownership of the same has been transferred and shall accordingly change the name of the owner on the **recreational** fishing vessel certificate.

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PART IV-RECREATIONAL FISHING VESSEL LICENCE

98. . Recreational fishing vessel licence

- (a) No person shall use any vessel for **recreational** fishing in Kenya fishery waters unless there is in force in relation to that vessel a valid recreational fishing vessel licence
- (b) A recreational fishing vessel licence in the prescribed form (KeFS/A1) may on application and on payment of the prescribed fee be issued by the County Executive Committee Member to the owner of the vessel.
- (c) The County Executive Committee Member shall cause to be kept a register of a recreational fishing vessel licences in the County
- (d) Any person who uses any vessel contrary to the provisions of this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

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PART V: RECREATIONAL FISHING LICENCE

99. Recreational Fishing Licence

- (1) No person shall engage in recreational fishing in Kenya fishery waters unless he/she is the holder of a valid recreational fishing licence issued to him/her under this regulation and is fishing in accordance with the terms and conditions of the licence
- (2) Any person who wishes to engage in recreational fishing in Kenya fishery waters shall apply through the County Government Fisheries officer to the Director-General on the Form KeFS/A1... in the First Schedule
- (3) Upon approval by the Director General, the County Government fisheries officer shall issue the applicant with a licence as set out in the form L8
- (4) A recreational fishing licence, may upon approval by the Director-General be issued to the applicant by the County Government Fisheries officer on payment of the fee as set out in the respective County Financial Acts.
- (5) The recreational fishing licence shall be valid in the area as prescribed in the licence.
- (6) The power to review any licence application and issue recreational fishing licences may be delegated by the Director-General to any sport fishing club registered under regulation 3.
- (7) A recreational fishing licence may be issued as follows;
 - (a) an annual licence which shall be valid up to 31st December of the year in which it is issued;
 - (b) a monthly licence which shall be valid for a period of thirty consecutive days from the date of issue;
 - (c) a weekly licence which shall be valid for seven consecutive days from the date of issue;
 - (d) a daily licence which is valid for the day specified on the licence.
- (8) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding one year or to both.

Prohibitions

100. A recreational fishing licence holder shall not :

- (a) sell any fish caught under the authority of a recreational fishing licence;
- (b) engage in fishing for, or be in possession of, any fish listed in the Prohibited Species List or as prescribed by the Director General engage in fishing for, or be in possession of, -
 - i. any fish smaller than, or of a mass less than, the size limits listed in respect of each species as prescribed by the Director General ;
 - ii. any fish during the closed seasons listed in respect of each species as prescribed by the Director General;
 - iii. more fish than the prescribed number of fish in respect of each species as prescribed by the Director General
 - iv. More than the cumulative annual catch limit irrespective of species caught as may be prescribed by the Director General
- (c) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or both.

101. Reporting requirement:

- i. Without prejudice to the generality of the provisions of section 75 of the Act, the Director General shall cause to be kept a register of a recreational fishing catch data in the Country
- ii. (The holder of a recreational fishing licence shall be required to submit the catch data report as performFST2
- iii. Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred shillings or to a term of imprisonment not exceeding six months or to both.

PART III – CONDITIONS FOR RECREATIONAL FISHING

A – Use of gear

102. Authorized gears/angling

- (1) No person, in the Kenya fishery waters, shall engage in recreation fishing using any other gear except rod and line and trolling line
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or both.

103. Area restrictions

- (1) No person shall engage in recreational fishing in an area that has been declared protected by the Director General in a gazette notice or as per the requirements provided for under the management plan of that area.
- (2) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or both.

104. Species restrictions (including prohibited species bag limits)

- (1) No person shall engage in recreational fishing targeting a species that has been declared protected by the Director General in a gazette notice or as per the requirements provided for under the management plan of that area.
- (2) No person shall exceed the prescribed number and size of fish in respect of each species in the species list as prescribed by the Director General.
- (3) Any person who contravenes this regulation commits an offence and shall be liable on conviction to a fine not exceeding one hundred shillings or to a term of imprisonment not exceeding six months or both.

105. Grounds for denial of a licence

A licence under these regulations may be denied where –

- (a) the issuance of a licence would be contrary to any applicable fisheries management plan;
- (b) the applicant has been charged with an offence pursuant to the Act or these Regulations more than three times and has not submitted to judicial or administrative procedures; or submitted to judicial or administrative procedure but has not fully complied with the final decision or determination

**THE FISHERIES MANAGEMENT AND DEVELOPMENT (GENERAL PROVISIONS)
REGULATIONS**

Part I – Administration of Licences, Permits and Certificates of Registration

106. Application

Any person requiring a licence, permit, authorization or certificate of registration under these Regulations shall apply in writing to a licensing officer on form KeFS/A1 as set out in the First Schedule or in such other form as the Director General or County Executive Committee Member may specify.

107. Grounds for denial of a Licence , permit , authorization or registration certificate

(a) Pursuant to the provisions of the Sections 88 and 97 of the Act, any licence, permit, authorization or registration certificate under these regulations may be denied where –

- i. the issuance of a licence, permit, authorization or registration certificate would be contrary to any applicable fisheries management plan;
- ii. the applicant has been charged with an offence pursuant to the Act or these Regulations more than three times and has –not submitted to judicial or administrative procedures; or has submitted to judicial or administrative procedure but has not fully complied with the final decision or determination
- iii. the applicant has failed to provide the prerequisite documents

(b) A licensing officer may without disclosing any reason, refuse to issue any licence, permit, authorization or registration certificate required under these Regulations and where such refusal is made by a licencing officer other than the Director General or the County Executive Committee Member, the licencing officer shall report every case in writing detailing reasons for refusal to the Director General or the County Executive Committee Member

(c). Any person aggrieved by the decision of the licencing officer may appeal to the Director General or the County Executive Committee Member within thirty days of receiving notification of such decision as provided for in Regulation (6).

(d). The Director General or the County Executive Committee Member may confirm, vary or reverse the decision and shall accordingly issue instructions to the licencing officer

108. . Power to attach conditions

(a) The Director General or County Executive Committee Member may attach to any licence, permit, authorization or registration certificate issued under these Regulations any conditions which in his/her opinion are necessary or expedient for carrying into effect the objects and purpose of the Act and of these Regulations, which conditions

shall not be inconsistent with the provisions of the Act or regulations made there under.

(b) Without prejudice to the generality of the provisions of paragraph (a), the Director General may impose conditions as to—

(i) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto; or

(ii) the methods used in fishing and disposal of fish or particular species of fish and use of any equipment, appliance, instrument, net, fishing weir or any other means whatsoever

(c) Without prejudice to the generality of the provisions of paragraph (a), the County Executive Committee Member may impose conditions as to—

(i) The methods used in disposal of fish

(ii) Conditions for fresh fish movement , storage and marketing

(iii) General hygiene conditions of fish landing stations, auction , wholesale and retail markets

(iv) General health conditions for fish processing facilities

(v) Conditions for handling fish and fish products on-shore

(vi) Conditions for culture and placing on the market of fish culture products

(vii) Recreational fishing vessels

109. Power to modify licence, etc.

(a) The Director General or the County Executive Committee Member may modify a licence, permit or certificate of registration if he/she determines that such modification is for the proper management of the fishery, and shall accordingly inform the licensee of such modification.

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

(c) Where any licence, permit, authorization or certificate of registration against which a variation order has been issued, and shall not have been surrendered for endorsement seventy two hours after delivery of notice for variation, such licence, permit, authorization or certificate of registration shall be deemed to have been revoked and fallen invalid.

(d) After a licence has been endorsed under paragraph (b) of this regulation, it shall be returned to the licensee.

110. Power to suspend, cancel or revoke licences, permit, authorization or certificate of registration.

(a) The Director General or the County Executive Committee Member may, pursuant to the provision of section 94 of the Act, suspend, cancel or revoke a licence permit, authorization or certificate of registration if he determines—

(i) that such a suspension, cancellation or revocation is necessary or expedient for the proper management of trade, or fishing industry for such a period as he/she deems fit in the whole or in specified parts of the country; or

(ii) that the licences, permit, authorization or certificate of registration has been used in contravention of any regulation or any conditions therein.

(b) Any licence permit, authorization or certificate of registration suspended, cancelled or revoked under paragraph (a) shall be invalid during the period the suspension is in force.

(c) Where the Director General or the County Executive Committee Member has suspended, cancelled or revoked a licence, permit, authorization or certificate of registration as provided for under paragraphs (i) and (ii), the Director General or the County Executive Committee Member shall in writing repossess the instrument.

(d) Where the instrument is repossessed on grounds of suspension, the Director General or the County Executive Committee Member, if he/she is satisfied that the circumstances which mitigated suspension no longer apply, may authorize that the instrument be returned to the licensee.

111. Appeals

(a) Without prejudice to the provisions of section 97 of the Act, any person aggrieved by—

(i) the refusal of the Director General or County Executive Committee Member to issue a licence, permit, authorization or certificate of registration to him;

(ii) the suspension, cancellation or revocation of a licence, permit, authorization or certificate of registration by the Director General or County Executive Committee Member; or

(iii) any condition or restriction attached or imposed on a licence, permit, authorization or certificate of registration, may, within thirty days of communication to him of such refusal, suspension, revocation, cancellation condition or restriction, appeal in writing to the Cabinet Secretary

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

(i) prepare the petition in duplicate;

(ii) adequately describe the matter to which the appeal relates;

(iii) set forth concisely the grounds of appeal;

(iv) sign the petition;

(v) serve the original on the Cabinet Secretary; and

(vi) serve the duplicate on the Director General or the County Executive Committee Member.

(c) On receipt of the duplicate referred to in paragraph (b), the Director General or the County Executive Committee Member shall, without prejudice to the provisions of section 97 of the Act, forward to the Cabinet Secretary a written statement setting out such particulars relating to the subject matter of the appeal together with his own comments thereon which in his/her opinion are useful towards a just determination of the appeal.

(d) The decision of the Cabinet Secretary in an appeal shall be consultative and shall be appropriately communicated in writing to the appellant with a copy to the Director General or the County Executive Committee Member .

112. Validity

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

113. Licence not transferable

A licence, permit, authorization or certificate of registration issued under these Regulations shall not be transferable.

114. Replacement of licence

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

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

115. . Register

The Director General or County Executive Committee Member shall cause to be kept and maintained a separate register for each type of licence, permit, authorization or certificate of registration issued under the Act or any regulations made there under.

116. Effect of conviction

- (a) The conviction of the holder of a licence, permit, authorization or certificate of registration or his authorized agent for any offence under the Act or any regulation made there-under shall, unless the Director General or County Executive Committee Member in writing otherwise directs, have the effect of cancelling the licence, permit or certificate of registration and such instrument shall cease to be valid from the moment of conviction.
- (b) Any person convicted of an offence under the Act or these Regulations shall, unless the Director General or County Executive Committee Member in writing otherwise directs, stand disqualified from holding a licence, permit, authorization or certificate of registration related to the provisions under which he has been convicted, for a period of two years from the moment of conviction.
- (c) The holder of any licence, permit, authorization or certificate of registration which is cancelled pursuant to paragraph (1) shall, within fourteen days from the date of conviction, surrender the licence, permit, authorization or certificate of registration or any document evidencing permission or authority to engage in business for which authority is required under the Act or these Regulations to a licensing officer.
- (d) The licensing officer shall record the surrender of the instrument in the appropriate register kept under Regulation (10).
- (e) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or to both.(SECTION 94(6))

117. Requirement to provide data

- (a) Pursuant to the provisions of section 75 of the Act and without prejudice to any other regulations made under this Act, the holder of any licence, permit,

authorization or certificate of registration issued under the Act or these Regulations shall submit at any time as the Director General or County Executive Committee Member may specify, data or information in respect of his/her business in the Form prescribed in the second Schedule or as the Director General may prescribe.

(b) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding five years or to both

Part II: Notices in the Gazette

118. Manner of publication of notice

i. Where under the Act or these Regulations the Director General or County Executive Committee Member may exercise any power by notice, the notice shall be—

(a) published in the Gazette; or

(b) exhibited at each place where a register of licence, permit, authorization or certificate of registration is kept pursuant to these Regulations.

Part III: Appointment of County Fish Inspectors

119. Appointment of County fish inspectors

(a) The County Executive Committee Member, upon recommendation and approval by the Competent Authority, shall appoint suitably qualified fisheries officers as it may deem sufficient to act as County fish inspectors.

(b) The County Executive Committee Member shall issue to every County fish inspector a certificate of identification to carry out the inspection of fish and fishery products placed on the market in accordance with any fish quality and safety regulations made under the Act.

(c) Without prejudice to the provisions of section 84 (4) of the Act, a fish inspector appointed under (a) above shall be responsible to the County Government and the Competent Authority for the functions set out in any fish quality and safety regulations made under the Act

Part IV: Relationship between National and County Governments

120. Without prejudice to the generality of section 33 of the Act and any other provisions under the Act, the Director General and the County Executive Committee Member shall consult and liaise with each other for the purpose of exchanging information, coordinating implementation, and administration of these Regulations.

SCHEDULES

FIRST SCHEDULE

Form KeFS/A1

Application No.

FISHERIES MANAGEMENT AND DEVELOPMENT ACT

[NO. 35 OF 2016]

THE FISHERIES MANAGEMENT AND DEVELOPMENT (GENERAL) REGULATIONS

GENERAL APPLICATION FORM

1. I/We hereby apply for..... (specify the licence, certificate of registration or permit for which the application is made).(Refer to notes below this form)

2. (a) Name of applicant.....

(b)Nationality.....

ID/No./Passport No.

(c) (i) Mailing address

(ii) Telephone/Fax No.

(iii) Email

(d) Business Location: Name of Building/Place

L.R. No. Street/Road

Town County Sub-County.....

3. (a) Other than the business for which this application is made, are you involved in any other fisheries related activities?

YES/NO

(b) If answer to (a) above is yes, please specify nature or type of business(es)/activities

.....
.....

(c) Please list any gainful occupations other than the ones mentioned in (a) and (b) above you are engaged in

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

4. Details of vessel:

(a) (i) Name of vessel

(ii) Type of vessel (*Hori/Ngalawa/Ssesse/Canoe/Mtaruma/Jahazi/Others*).

(iii) Type of hull Overall Length (m)

..... G.R.T. N.R.T.....

(iv) Date of Construction Port of

Reg. Reg. No.

County of Reg.

(v) Prime mover: Paddle/Sail/Outboard/Inboard Engine.

(vi) Engine type (fuel)

Make

HP

Date installed

Engine Serial No.

(vii) Intended fishing area

(viii) Proposed fishing methods

.....
.....

*Delete whichever is inapplicable.

(b) (i) Will the boat be exclusively used by you or will it be shared by the other licenced fishers

Will/Will not be shared.

(ii) If boat will be shared with other licenced fishers, please state the number of those fishers

(c) Details of crew:

(i) Total Number of Crew

(ii) Name of Master of Vessel

(iii) Nationality of Master of Vessel

(iv) ID or Passport No. of Master of Vessel

(v) Number of Crew who are not Kenyan Citizens

5. Details to be supplied by corporate body applicants

(a) (i) Name of company

.....

(ii) Number of certificate of incorporation or registration of business (Please attach copy)

(b) State:

(i) Nominal Share of the Company

(ii) Issued Shares

<i>Name Nationality</i>	<i>Citizenship</i>	<i>Passport ID/No.</i>	<i>No. of Shares Held</i>

(c) Details of directors

<i>Name</i>	<i>Nationality/ Citizenship</i>	<i>Passport No. ID/No.</i>

6. Details for sport fishing clubs

- (a) (i) Name of sport fishing club
- (ii) County.....
- (iii) Mailing address
- (iv) Telephone/Fax No.
- (v) Email
.....
- (b) Location of the club: Name of Building/Place
- L.R. No. Town
- Sub-County
- (c) Details of office bearers

<i>Position</i>	<i>Name</i>	<i>Nationality/Citizenship</i>	<i>Passport No. ID/No.</i>
Chairman			
Vice-Chairman			
Secretary			
Asst. Secretary			
Treasurer			

7. Details for Mode of Transporting Fish and fish products

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

Declaration

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

Signature Date

NAME (of Signatory)

.....

POSITION (in the business)

.....

NOTES

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

1. Aquarium Fisherman's licence
2. Aquarium Fish-keepers permit
3. Crustacea dealer's Licence
4. Fisherman's licence
5. Fish movement permit
6. Fish processing licence
7. Fish trader's licence
8. Oysters collector's licence
9. Registration of fishing vessels
10. Registration of sport fishing club
11. Shell collectors licence
12. Shell dealers licence
13. Sea Cucumber licence.

APPLICATION FOR AN AUTHORISATION TO ENTER PORT

(Section 158 of the Fisheries Management and Development Regulations No. 35 of 2016)

ADVANCE REQUEST FOR ENTRY IN PORT

1 Intended port of call								
2 Port State		KENYA						
3 Estimated date and time of arrival		_____/_____/_____ hr ____ mn						
4 Purpose(s) - tick		<input type="checkbox"/> Landing <input type="checkbox"/> Transshipping <input type="checkbox"/> Packaging <input type="checkbox"/> Processing of fish <input type="checkbox"/> Refueling <input type="checkbox"/> Resupplying <input type="checkbox"/> Maintenance <input type="checkbox"/> Drydocking <input type="checkbox"/> Force majeure						
5 Port and date of last port call		_____/_____/_____						
6 Name of the vessel		7 Flag State						
8 Type of vessel		9 IRCS						
10 EEZ entry point (Latitude and longitude)								
11 Vessel contact information								
12 Vessel owner(s)								
13 Certificate of registry ID		14 IMO ID						
15 External ID		16 IOTC ID						
17 VMS		<input type="checkbox"/> No <input type="checkbox"/> Yes: National <input type="checkbox"/> Yes RFMO(s)		Type:				
18 Vessel dimensions		Length		Beam		Draft		
19 Vessel master name and nationality								
19 Relevant fishing authorization(s)								
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>			
20 Relevant transshipment authorization(s)								
<i>Identifier</i>		<i>Issued by</i>				<i>Validity</i>		
21 Transshipment information concerning donor vessels								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
22 Total catch onboard						23 Catch to be offloaded		
<i>Species</i>		<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>		<i>Quantity</i>		

APPLICATION FOR AN AUTHORISATION FOR PORT ACTIVITY AND TO TRANSSHIP

(Section 107 of the Fisheries Management and Development Regulations No. 35 of 2016)

Details of Vessel:

Name of Vessel:		Type of Vessel:	Identification Marks:	Country and Port of Registry:
Registered Number:	IOTC/ RFMO No:		Numbers of Crew:	
			Officer <input type="checkbox"/>	Seamen <input type="checkbox"/>
			Others <input type="checkbox"/>	
Radio Call Sign:	Frequencies: Calling: Working:	Year built:	Where Built:	
Gross Tonnage:	Registered Net Tonnage:	Overall length of vessel:	Hull Material:	IMO No. (where applicable):
Name of owner and address:		Name of Captain and address:		Charter's Name, if applicable:
				Observer Name:
Point of entry into EEZ:		Latitude	Longitude	
Designated Local Representative in Kenya:				
Reason for Visit to Port (Landing/Reloading/bunkering/ crew-change/ transshipping fish or any equipment including Fishing Gear of the Vessel- provide details):				
Was the vessel/ master/owner the recipient of any citation/ infringement related to fisheries activities? Provide details, including dates:				

Fishing activities outside Kenya waters:

Is vessel authorized by relevant authority to engage in fisheries activities? Please provide details and attach copy of all the authorizations and vessel registration.

Areas, scope and duration of Licence(s):

Fishing activities inside Kenya waters:

Is vessel authorized by relevant authority to engage in fisheries activities? Please provide details and attach a copy of the authorization (e.g. fishing licence) and vessel registration.

Areas, scope and duration of licence:

Trip information

Date Trip Commenced:

Additional information on transshipment

Species and quantity of fish to be transshipped:

Provide details of Recipient (vessel/ reefer/ containers etc.):

Certification by applicant(s): I/ We certify that the information provided on this form is correct.

Name of Local Representative	Name of Master
Signature and Stamp	Signature and Stamp

AUTHORIZATION

<p>In accordance with the <i>Fisheries Management and Development Act</i>, authorization is hereby granted/ not granted.</p> <p>Dates/Times Valid: _____ For Activities: _____</p> <p>From..... to</p> <p>1.....</p> <p>From to</p> <p>2.....</p>	<p>Kenyan Port (Shimoni/Mombasa/L Other:</p>
Date Issued/ Denied	Director General Stamp

Notes:

1. The Director General may require this application to be accompanied by a copy of the vessel's fishing authorizations, licences and vessel's registration; all these documents must be valid for the entire period requested for in this application (Date of Entry to Date of Departure).
2. Any foreign fishing vessel wishing to apply to enter Kenya fisheries waters and/or ports must file the application with the Director General in accordance with Regulation 68 of the *Fisheries (Marine) Regulations*.
3. Any foreign fishing vessel wishing to enter Kenya fisheries waters and/or ports must give notice to the Director General in accordance with Regulation 68 of the *Fisheries (Marine) Regulations*.
4. The vessel, master, and crew, shall comply with the *Act* and all other applicable laws of Kenya.

FORM KeFS/A3

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT (2016)

THE FISHERIES (FOREIGN FISHING VESSEL) REGULATIONS

APPLICATION FOR A FOREIGN FISHING LICENCE

1. Name and address of applicant

Name and address of owner (if different from above)

2. Name and address of the charterer of vessel if different from above

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

3. Name and address of previous owner

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

4. Previous flags/Year/ATF

No.....

5. Name and address of legal representative or agent in Kenya

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

Telephone No..... Email

.....

6. Name of vessel

7. Type of vessel

8. Country of registration and Flag State (Details of agreement to be attached)

9. Port and Registration Number

10. Fishing vessel external identification

11. International radio call sign and frequency
12. IMO No.
13. IOTC Authorisation number
14. Overall length of vessel
15. Overall width of vessel
16. Engine type and rated horsepower
17. Gross registration tonnage of vessel
18. Net registered tonnage of vessel
19. Crew complement
(List of names, citizenship, and passport/ID Numbers to be attached)
20. Type of fishing practiced and type and quantity of fishing gear to be used
21. Target species of fish to be caught
22. Fishing areas
23. Period of validity of request
24. Details of communications and electronic equipment on board:
 - a) Radio
 - b) Autopilot
 - c) Depth sounder
 - d) Sonar
 - e) Lonar.....

- f) Radar
- g) Direction finder
.....
- h) Decca navigator
.....
- i) VMS details
.....
- j) Other (*specify*)

Attach a recent side photograph and inspection report of vessel.

DECLARATION

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

- a) To abide by the provision of the Fisheries Act and the Fisheries (Foreign Fishing Craft) Regulation;
- a) To abide by all the instructions of the Kenya authorities regarding safety instructions to be taken on voyage or while engaged in fishing;
- b) Not to carry any undesirable person on board;
- c) Not to carry any undesirable activity on board the fishing craft;
- d) To take full responsibility for the crew on board.

Date Signature

FOR OFFICIAL USE ONLY

Recommended/Not Recommended _____ Date _____

Director –General
Kenya Fisheries Service

NB. ATF means Authorisation To Fish

FORM KeFS/CR1

Serial No.

.....

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT (GENERAL) REGULATIONS

CERTIFICATE OF REGISTRATION OF KENYA FISHING VESSEL

Type of Vessel

.....

Name of Vessel..... of

Name of Operator..... of Owner/

Address of owner/Operator.....

Name of Captain/ Master (where applicable)
.....

Proposed type of fishing gear (s)
.....

has been registered in the local fishing vessels Register at (office and address of licensing officer)
.....

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

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

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

Port/ County of Registration

Proposed fish landing station/ landing port

Other identifiers (IRCS/ MMSI/ IMO No. etc.)
.....

Method of propulsion (State whether paddle/ sail/inboard or outboard/Horse Power).

Fees paid in words..... Date of issue.....

Sig.....

Director-General

Official Stamp

DRAFT

SPORT FISHERMAN'S LICENCE

Name.....

Address

County

Class of Licence: Yearly/Monthly/Weekly/Daily (*delete whichever is inapplicable*) is hereby authorized to engage in sport fishing subject to compliance with the provisions of the Fisheries Management and Development Act and Regulations made thereunder, and contingent to conditions specified hereunder-

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

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

.....
.....

County Director of Fisheries

NOTE:

a) A yearly Sports Fisherman's Licence expires on the 31st December.....

b) A monthly Sports Fisherman's Licence is valid for 30 consecutive days from the date of issue.

c) A weekly Sport Fisherman's Licence is valid for seven (7) consecutive days, from the date of issue.

Condition

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

FORM KeFS/A2
THE FISHERIES MANAGEMENT AND DEVELOPMENT (GENERAL) REGULATIONS
APPLICATION FOR TRANSFER OF CERTIFICATE OF REGISTRATION FOR
LOCAL FISHING VESSEL/ PRIVATE MARK

I/ We of address
..... hereby
authorize the transfer of ownership of certificate of registration of local fishing vessel/
private mark No..... to of address
.....
..... and County
.....

Reasons for transfer
.....
.....
.....

Signed.....
Witness.....
Date.....

FOR OFFICIAL USE ONLY

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

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