



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE WILDLIFE CONSERVATION AND MANAGEMENT  
(COMPENSATION) REGULATIONS, 2017**

NO. 245 OF 2017

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Kenya

Wildlife Conservation and Management Act

## The Wildlife Conservation and Management (Compensation) Regulations, 2017

Legal Notice 245 of 2017

Legislation as at 31 December 2022

By [Kenya Law](#) and [Laws.Africa](#). Share widely and freely.

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# The Wildlife Conservation and Management (Compensation) Regulations, 2017 (Legal Notice 245 of 2017)

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# **WILDLIFE CONSERVATION AND MANAGEMENT ACT**

## **THE WILDLIFE CONSERVATION AND MANAGEMENT (COMPENSATION) REGULATIONS, 2017**

### **LEGAL NOTICE 245 OF 2017**

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### **Part I – PRELIMINARY**

#### **1. Citation**

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

#### **2. Interpretation**

In these Regulations, unless the context otherwise requires—

“Act” means the Wildlife Conservation and Management Act, 2013;

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

“assessor” means an officer of the Service who makes an assessment of the injury or death of livestock, damage to crops;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to wildlife;

“claimant” means—

- (a) a person who owns, or has an interest in land, property, crops or livestock at the time loss or damage is caused to it by wildlife, or their representative;
- (b) a person injured by wildlife, or their representative; or

(c) a representative of the person killed by livestock.

“Committee” means the County Wildlife Conservation and Compensation Committee established under section 18 of the Act;

“Associations” means a Community Wildlife Association registered under section 40 of the Act;

“devolution” means the transfer of rights, authority and responsibilities by the national wildlife agencies to the local delimited geographic and functional domains;

“injured” in respect of livestock and human beings means injured by wounding, fretting or pursuing;

“livestock” means animals kept or raised on a farm;

“person” means a natural person or juristic person;

“returning officer” means an officer of the Service designated by the Service to conduct an election under these Regulations;

“Service” means the Kenya Wildlife Service established under section 6 of the Act;

“Tribunal” means the National Environmental Tribunal established under section 125 of the Environment Management and Coordination, 1999; and

“wildlife” means any wild and indigenous animal, plant or microorganism or parts thereof within its constituent habitat or ecosystem on land or in water, as well as species that have been introduced into or established in Kenya.

## **Part II – COUNTY WILDLIFE CONSERVATION AND COMPENSATION COMMITTEES**

### **3. County wildlife conservation and compensation committees**

In nominating the persons to be elected under section 18(g) of the Act, the associations shall have regard to—

- (a) gender;
- (b) integrity; and
- (c) residence in the county for a period of more than one year.

### **4. Tenure of office**

- (1) The Chairperson and the members of the committee shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.
- (2) Notwithstanding sub regulation (1), the chairperson or a member of the committee appointed under section 18 of the Act may—
  - (a) at any time resign from office by notice in writing to the Cabinet Secretary;
  - (b) be removed from office by the Cabinet Secretary if that person—
    - (i) has been absent from three consecutive meetings of the committee without the permission of the chairperson and is unable or has neglected to furnish any plausible reason for his absence;
    - (ii) is adjudged bankrupt or enters into a composition or arrangement with his creditors;
    - (iii) is disqualified under any provision of the Constitution or any other written law from holding a public office;

- (iv) is convicted of a criminal offence and sentenced to imprisonment for a term of more than six months; or
- (v) is incapacitated by prolonged physical or mental illness;
- (c) is otherwise unable or unfit to discharge his responsibilities under the Act.

## **5. Appointment of members of the committee under section 18(g)**

- (1) Within fourteen days of the commencement of these Regulations, or in the event of an occurrence of a vacancy under section 18(g) of the Act, in any of the Committees, the Service shall advertise in the *Gazette* and in at least two newspapers with nationwide circulation a vacancy in the Committee and invite the community wildlife associations within the county to nominate persons who shall be elected to serve as members of the Committee.
- (2) The associations shall send the names of their nominees to the Service within the time set down in the advertisement.
- (3) The Service shall organize elections for members of county Committees elected under section 18(g) of the Act.

## **6. Qualifications for election**

A person shall qualify to be elected as a member of the Committee under section 18(g) of the Act if that person—

- (a) is not a public officer;
- (b) is knowledgeable in wildlife matters; and
- (c) is nominated by the community wildlife associations.

## **7. Procedure for elections**

- (1) If, on the date fixed for elections under regulation 5, the required number of candidates is less than the required number of nominees, the candidates shall be deemed to be elected by acclamation and the returning officer shall prepare and submit a written report to the chairperson of the Committee that sets out the names of those candidates.
- (2) If more than the required number of candidates are nominated the Service shall—
  - (a) fix a date for the election that is not later than thirty days after closure of nominations; and
  - (b) at least fifteen business days before the date fixed, pursuant to regulation 5(2)(a), send by registered mail to every Association in the county—
    - (i) the ballot paper and a plain envelope pre-addressed to the Service;
    - (ii) a profile of every candidate;
    - (iii) a certificate of eligibility to vote;
    - (iv) a notice that states the time, date and place to which the ballot; and
    - (v) certificate of eligibility to vote are to be returned.
  - (c) every registered Association in the County shall be eligible to vote in the election under section 18(g) of the Act and shall—
    - (i) complete and sign the certificate of eligibility to vote;
    - (ii) complete the ballot provided by the Service;
    - (iii) seal the ballot and certificate of eligibility to vote in the envelope provided; and

- (iv) return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.
- (3) Upon a return of the ballots, if the returning officer determines that there is no tie between any of the candidates, the returning officer shall prepare and submit a written report to the Service that sets out the votes obtained by all the candidates and showing the candidates receiving the greatest number of votes, up to the fourth number as successful candidates for elevation to membership of the Committee.
- (4) The ballot of an Association is not valid if—
  - (a) the certificate of eligibility is not returned with the ballot;
  - (b) the Association votes for more than four candidates;
  - (c) it is defaced;
  - (d) it is marked in any way other than to vote for candidates;
  - (e) it is not the original ballot provided by the Service; or
  - (f) the Association votes more than once.
- (5) A failure of any Association not receiving the documents mentioned in regulation 6(2) does not invalidate the election.

## **8. Election results**

- (1) Immediately after the counting of the ballots is finalized, the returning officer shall announce the vote tally and declare the first four candidates with the highest number of votes to be duly elected as members of the Committee.
- (2) Within seven days of the election, the returning officer shall forward the list of successful candidates to the Chairperson of the Committee who shall within seven days thereafter invite them to the Committee.
- (3) The Cabinet Secretary shall publish the list of successful candidates in the *Kenya Gazette* within fourteen days of the declaration of the election results.

## **9. Retention of ballots**

The returning officer shall—

- (a) retain the ballots in their possession; and
- (b) not destroy any ballot or other record respecting an election of members until sixty days after the election.

## **10. Challenge to election results**

- (1) Any Association may, within seven days of the declaration of the election result, contest the outcome of the election as declared by the returning officer by submitting a notice to the returning officer and the Chairperson of the Committee.
- (2) A notice of objection submitted pursuant to regulation (1) must set out—
  - (a) the grounds for the objection; and
  - (b) the desired outcome of the objection.
- (3) In the event that the Chairperson of the Committee is satisfied that the objection is meritorious they shall appoint three members of the Committee to recount the ballots and provide a fresh result.



- (4) The result obtained pursuant to the recount provided for in subregulation (3) shall be final.

### **Part III – COMPENSATION SCHEME**

#### **11. Funds of the wildlife compensation scheme**

- (1) The Wildlife Compensation Scheme established under section 24 of the Act shall be funded through —
- (a) monies specifically allocated for this purpose through the budget process;
  - (b) an insurance scheme to be established by the Cabinet Secretary responsible for matters relating to finance; and
  - (c) monies from any other source approved by the Cabinet Secretary for the time being responsible for matters relating to finance.
- (2) The Wildlife Compensation Scheme shall be used for financing compensation claims for death or injury to human or damage to crop and property caused by wildlife.

#### **12. Eligibility of Claims**

- (1) Subject to section 25 of the Act, a person shall be eligible for compensation under these Regulations if it relates to human injury or death by any wildlife listed under the Third Schedule to the Act or loss or damage to crops, livestock or other property from wildlife specified in the Seventh Schedule to the Act.
- (2) All claims arising after the 10<sup>th</sup> January, 2014 but before the commencement of these Regulations may be lodged within sixty days of commencement of the Regulations and shall be processed in accordance with these Regulations.
- (3) Claims arising before the 10<sup>th</sup> January, 2014 may be processed in accordance with the procedure in the repealed Wildlife Conservation and Management Act.

#### **13. Care and control of crops, livestock or other property**

A person seeking compensation for loss or damage to crops, livestock or other property must demonstrate to the satisfaction of the Committee—

- (a) that the crop, livestock or other property, which is the subject of the claim, was under care and control in accordance with generally reasonable agricultural practices or livestock control;
- (b) where the payment is claimed in relation to the death of livestock, the carcass of each head of livestock for which payment is claimed must be available for investigation and assessment by an officer of the Service; and
- (c) where payment is claimed for livestock death or injury, that the death or injury resulted directly from a predatory attack by any of the animals listed under the Third Schedule to the Act.

#### **14. Denial to process payment**

- (1) The Committee may decline to process any claim for livestock loss if in the opinion of the committee, the claimant did not follow reasonable practices for the care and control of the livestock or if the livestock was injured or killed in a national park.
- (2) There shall be no compensation for injury, death or property loss suffered in protected lands.

## **Part IV – REPORTING AND ASSESSMENT OF COMPENSATION CLAIMS**

### **15. Report of livestock injury or death**

- (1) On learning about livestock injury or death, the owner must ensure that the animal or carcass is preserved in order to prevent the evidence from being lost.
- (2) Within forty -eight hours of learning about a livestock injury or death, the owner must report the incident to the Service through Form B set out in the First Schedule.

### **16. Procedure for assessment**

- (1) The Service shall, within twenty four hours of receipt of the report of injury or death of livestock, dispatch an assessor to investigate and evaluate the incident.
- (2) The assessor will examine the livestock and evidence from the area to confirm whether wildlife killed or injured the animal.
- (3) The assessment of claims on injury or death of livestock shall be based on the—
  - (a) evidence of the attack on the carcass; and
  - (b) attack site and indicators of the presence of wildlife

### **17. Assessor to provide report**

- (1) The Assessor shall provide a report detailing whether the injury or death—
  - (a) was caused by wildlife covered under the Third Schedule to the Act;
  - (b) involved livestock that is domesticated; and
  - (c) resulted from a failure by the owner of the livestock to take reasonable care to prevent the injury or death of the livestock.
- (2) The assessor shall—
  - (a) indicate the extent and amount of damage to the livestock; and
  - (b) make an assessment report to—
    - (i) the owner of the livestock; and
    - (ii) the Committee.

### **18. Determination of assessment**

If the assessor determines that—

- (a) there is sufficient evidence to prove a wildlife attack, the claimant shall receive full payment; or
- (b) the evidence is inconclusive, but the probable cause of loss is a wildlife attack, the claimant shall receive one-half payment:

Provided that if there is no carcass or there is insufficient evidence to prove a wildlife attack, no compensation is payable.

### **19. Mitigation of injury**

- (1) A claimant shall ensure that an injured animal is given prompt veterinary care with respect to its injuries.

- (2) Where the Committee considers that the cost of treatment of the injured livestock has been increased by a claimant's failure to provide prompt veterinary care or other treatment, the amount of compensation payable may be reduced by a percentage determined by the Committee.

## **20. Death of injured animal**

- (1) If an injured animal dies within thirty days after receiving veterinary treatment or other treatment for the injuries causing its death, the claimant shall notify the Committee within twenty-four hours of the death of the injured animal.
- (2) The amount of compensation payable in respect of the dead animal shall be reduced by the amount, if any, paid for treatment of the injuries.
- (3) The value of dead livestock determined in this regulation may be reduced by the amount determined by the Committee to be the sale or salvage value of the livestock.

## **21. Failure to report or preserve evidence**

- (1) A claimant seeking compensation for loss or injury to livestock shall notify the Service within the timelines set down in regulation 20 and shall, as far as possible, preserve and protect evidence of the injury or loss of the livestock and the circumstances of the incident.
- (2) Subject to subregulation (3), if a claimant fails to provide the notification required under subregulation (1) or fails to preserve and protect the injured livestock or carcass, whichever is applicable, the Committee may deny any livestock compensation payment that would be otherwise payable.
- (3) Notwithstanding subregulation (2), the Service may consider a claim for compensation for livestock predation, notice of which was given after the deadline provided for in that subregulation, if the Service is satisfied that the failure to give such notice within the time specified was the result of circumstances beyond the control of the claimant.
- (4) Where a person files a claim in accordance with subregulation (1), an officer of the Service shall, after undertaking an assessment under regulation 14 file a report with the Committee within seven days of the assessment.

## **22. Procedure to apply to loss or damage to crops and other property**

The procedure established under this part shall apply *mutatis mutandis* with respect to claims relating to loss or damage to crops and other property.

## **23. Notification to the Committee**

A person who wishes to make a claim for death or bodily injury or loss or damage to crops, livestock or other property after commencement of these Regulations shall notify the Committee established within the county through Form A or B, as appropriate, as set out in the Schedule within forty-eight hours of the incident complained of.

## **24. Submission of application**

- (1) A claimant must submit evidence in proof of death or body injury or loss or damage to crops, livestock or property, as may be relevant, by production of, either or all of the following, whichever is relevant—
  - (a) Identity Card or, if a minor birth certificate;
  - (b) death certificate;
  - (c) P3 Form (Medical report of the person injured);

- (d) claim form in Form A or B;
  - (e) a report from an Assessor appointed by the Service;
  - (f) evidence or history of ownership of land where loss or damage to crop, livestock or property occurred.
- (2) Each claim shall distinctly classify whether the loss or damage relates to human injury or death or damage to crops, livestock or property.

## **25. Preservation of proof**

Any crop or property eligible for compensation shall not be interfered with in any manner until the Service assesses the loss.

## **26. Separate claims**

Where an incident gives rise to death or bodily injury and loss or damage to crops or other property, the claimant shall complete individual Forms for each claim.

# **Part V – CONSIDERATION AND PAYMENT OF CLAIMS**

## **27. Claims of bodily injury or death**

- (1) On receipt of a claim for bodily injury or death, the Committee shall within thirty days of such receipt verify the claim and submit it to the Cabinet Secretary together with its recommendations.
- (2) Upon receipt of a claim for bodily injury or death, the Cabinet Secretary shall consider the recommendation of the Committee and make payments within thirty days of receipt of the claim.

## **28. Claims for loss or damage to crops, livestock, or other property**

On receipt of a claim for loss or damage to crops, livestock or other property, the Committee shall within thirty days of such receipt verify the claim and make recommendations.

## **29. Failure to notify Committee**

If a claimant fails to notify the Committee of any loss or damage within the time set down in these Regulations the Committee, in its discretion, may decline to entertain the claim.

## **30. Limits to Compensation**

- (1) Compensation for—
  - (a) bodily injury or death shall be calculated in accordance with section 25 (3) of the Act; and
  - (b) for loss or damage to crops, livestock or other property shall be paid on the basis of actual loss in accordance with section 25(5) of the Act.
- (2) Compensation shall be calculated only on the basis of the actual loss or damage that has occurred and not on the basis of the potential future value that may not be realized as a result of the original loss or damage.
- (3) There shall be no compensation for any loss or damage to crops, livestock or property if the owner did not take reasonable measures to protect such crops, livestock or property, and more particularly, if in the opinion of the Committee the crop or livestock was intended to be used as lure crop or for intercept feeding.

### **31. Successive claims**

- (1) Where a claimant suffers an injury or a loss or damage to crops, livestock or property, as the case may be, the Committee may, in consultation with a member appointed under section 20 of the Act, make written recommendations to the claimant on specific preventive measures to be taken to avoid future loss or damage and the claimant shall take all necessary steps to implement the recommendations.
- (2) Where the Committee has issued written recommendations to a claimant who fails to implement them in accordance with subregulation (1) and who thereafter suffers subsequent loss or damage, the Committee may do one or more of the following—
  - (a) decline to accept or process the subsequent claim;
  - (b) accept to process the claim but discount the same by an amount of money determined by the Committee; and
  - (c) process the claim but withhold disbursement to the claimant until they demonstrate that they have implemented the recommendations issued by the Committee.
- (3) Once payment has been made on a particular claim, the Committee shall not consider subsequent claims founded on the same grounds.

### **32. Trustee**

A claimant who receives crop or livestock compensation either on behalf of or as a representative of a group of persons or a community shall be deemed to hold the payment on behalf and to the credit of those other claimants to the extent that the amount of the payment exceeds the amount to which the claimant is lawfully entitled based on his or her share or percentage interest in the compensation.

### **33. Recovery of monies paid in error**

The Committee may, where any monies have been paid to any person—

- (a) in reliance on—
  - (i) misinformation given by that person; or
  - (ii) failure by that person to disclose to the Committee any relevant information; or
- (b) due to an error on the part of the Committee, make full recovery of the money in favour of the Committee.

## **Part VI – MISCELLANEOUS PROVISIONS**

### **34. Appeals**

- (1) A person who is dissatisfied with the decision and award of the Committee or the Cabinet Secretary may, within thirty days of being notified of the decision and award, file an appeal to the Tribunal.
- (2) An Appeal to the Tribunal may be founded on the facts of the claim or the law governing the compensation.
- (3) A claimant who wishes to make an appeal under subregulation (1) shall deliver a written notice of appeal to the Tribunal and the Committee setting out in detail the claimant's reasons for appeal.
- (4) A notice of appeal under subsection (3) shall be personally delivered or delivered by a service that provides guaranteed delivery and proof of receipt by the intended recipient.

### 35. Binding effect

If a claimant fails to appeal within the timeline set down in section 25(6) of the Act, the decision and award of the Committee or the Cabinet Secretary shall be final and binding on the parties.

### 36. Financial Matters

The financial year of the Committee shall be the same as that of the Government of Kenya and each of the county Committees shall render an account of its financial activities to the Cabinet Secretary as required.

## SCHEDULE

### FORMS

FORM A

(r. 23)

*(To be completed in Triplicate)*

REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

*(No. 47 of 2013)*

THE WILDLIFE CONSERVATION AND MANAGEMENT (COMPENSATION SCHEME) REGULATIONS, 2017

#### COMPENSATION CLAIM FORM FOR PERSONS INJURED/ DEATH CAUSED BY WILDLIFE

Station -----

S. No. -----

##### *Part 1-Claimant Details of Death*

Name of Deceased -----

*(First)*

*(Middle)*

*(Surname)*

ID Number -----

Address -----

Postal Code. -----

Tel.Number -----

Sex:

☐ Male

☐ Female

Age -----

Next of Kin -----

Id Number ----- (*Attached Copy of Identity Card*)

Address-----

Postal Code -----

Tel. Number -----

Email-----

Relationship to Deceased -----

Signature -----

---

*Part II Injury*

Name of Injured -----  
(*First*) (*Middle*) (*Surname*)

ID Number -----

Address -----

Postal Code-----

Tel.Number-----

Sex: ☐ Male

☐ Female

Age -----

Next of Kin -----

ID Number ----- (*Attach copy of Identity Card*)

Tel. Number -----

Relationship to Injured -----

Signature -----

---

*Part III - Place of Residence*

Address ----- Post Code -----

Assistant Chief -----

Location -----

Chief -----

Division -----

---

*Part IV-Occupation*

Employers Name -----

If Self Employed, Nature of Business -----

Salary/Wage/Income per Year -----

---

*Part V –Particulars of Death/injury*

Place of Death/Injury -----

*(location)*

*(GPS Coordinates)*

Date ----- Time-----

Circumstances of Death/Injury-----

-----

Animal Responsible for Death/Permanent Injury -----

-----

-----



FOR OFFICIAL USE - ASSESSMENT

\_\_\_\_\_

(a) Police Station/Post -----

Comment from O.C.S/O.C.P.

-----  
-----  
-----

Name -----

Designation -----

Signature----- Date -----

(b) Medical Officer of Health Comment from Officer of Health (State Degree of Injury)

Name -----

Designation -----

Signature----- Date -----

Comment By KWS Warden

-----  
-----  
-----

Name -----

Designation -----

Signature----- Date -----

For Official use only-Wildlife Conservation and Compensation Committee

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Approved For Compensation

-----  
-----  
-----

Deferred/ Rejected

Reasons:

-----  
-----  
-----

Chairman -----

Secretary -----

FOR OFFICIAL USE - KENYA WILDLIFE SERVICE

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REMARKS BY DIRETOR GENERAL KENYA WILDLIFE SERVICE

-----  
-----  
-----

SIGNATURE ----- DATE -----

REMARKS BY CABINET SECRETARY

-----  
-----  
-----

SIGNATURE ----- DATE -----

FORM B *(To be completed in Triplicate)*

(r. 15 (2) & 20)

REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

*(No. 47 of 2013)*

THE WILDLIFE CONSERVATION AND MANAGEMENT (COMPENSATION SCHEME) REGULATIONS, 2017

**COMPENSATION CLAIM FORM CROPS, LIVESTOCK AND PROPERTY DAMAGED BY WILDLIFE**

Station -----

S. No. -----

*Part 1-Claimant Details*

Name of the affected -----  
*(First) (Middle) (Surname)*

ID Number -----*(Attach copy of identity card)* -----

Address ----- Postal  
Code -----

Tel.No. -----

Sex ☐ MALE ☐ FEMALE

Age-----

Next of Kin-----

ID/No -----(Attach copy of identity card)-----

Address----- Postal Code -----

Tel. No. -----

---

*Part II-Crop Destruction*

Crop Name -----

Animal Responsible -----

Approx imate Acreage Destroyed -----

Stage of Growth -----

Estimated Value -----

Measures in place to protect crops against destruction by Wildlife

(i) -----

(ii) -----

(iii) -----

(iv) -----

---

*Part III - Livestock Predation*

Livestock Type -----

Animal Responsible -----

No. of livestock Affected -----

No. Dead -----

No. Injured -----

Approx imate Age and Sex -----

Estimated Value -----

Measures In place to protect crops against destruction by Wildlife

(i) -----

(ii) -----

(iii) -----

(iv) -----

---

*Part IV - Property Destruction*

Description of Property Destroyed -----

Animal Responsible -----

Estimated Value -----

Measures in place to protect property against destruction by Wildlife

(i) -----

(ii) -----

(iii) -----

(iv) -----

*Part VI - Particulars of Incidence*

Place of Incident -----

(location)

(GPS Coordinates)

Date ----- Time-----

Circumstances of Incident

-----  
-----  
-----

Assistant Chief: -----

Location: -----

Chief: -----

Division: -----

---

FOR OFFICIAL USE

(a) Police Station/Post -----

Comment from O.C.S/O.C.P.D

-----  
-----  
-----

Name -----

Designation -----

Signature ----- Date -----

(b) Officer of Agriculture/Livestock/lands/Valuer

Comment from Officer

-----  
-----  
-----

Name -----

Designation -----

Signature ----- Date -----

(c) Comments by KWS Warden

Comment from Service Warden -----

-----  
-----

Name -----

Designation -----

Signature ----- Date-----

For Official Use - County Wildlife Conservation And Compensation Committee

\_\_\_\_\_

Approved For Compensation -----

-----  
-----  
-----

Deferred/ Rejected -----

Reasons -----  
-----  
-----  
-----

Chairman -----

Secretary -----

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FOR OFFICIAL USE-KENYA WILDLIFE SERVICE

*Remarks by Director-General Kenya wildlife Service*

-----  
-----

Signature ----- Date-----

*Remarks by Cabinet Secretary*

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-----  
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Signature -----Date-----