

LEGAL NOTICE NO. 60

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

*Regulation*

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## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 208 of the Fisheries Management and Development Act, Cap. 378, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

## PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (General) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
  - “Act” means the Fisheries Management and Development Act; Cap. 378.
  - “Board” has meaning assigned to it under section 2 of the Act;
  - “Cabinet Secretary” has meaning assigned to it under section 2 of the Act; and
  - “County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fisheries.
3. Without prejudice to the generality of section 33 of the Act, the Director-General or the County Executive Committee Member shall consult for the purpose of exchanging information, coordinating implementation, and administration of the Act and any Regulations made under the Act. Cooperation between the National and County Governments.
4. Where under the Act, the Director-General or County Executive Committee Member, as the case may be, exercises any power by notice in the Gazette, the Notice shall be displayed conspicuously at each place where a register of licence, permit, authorization or certificate of registration is kept pursuant to these Regulations. Publication of notices.

## PART II —LICENSING AND AUTHORIZATION

5. (1) An application for a licence, permit, authorization or certificate of registration shall be made in accordance with sections 84 and 89 of the Act and the respective Regulations relating to the type of licence, permit, authorization or registration. Application, grant and denial.
- (2) An application for licence, permit, authorization or registration certificate may be denied in accordance with sections 86 and 88 of the Act.
6. (1) The Director-General or County Executive Committee Member may impose conditions on any licence, permit, authorization or registration certificate issued pursuant to section 90 of the Act which are necessary for carrying into effect the objects and purpose of the Act. Power to impose conditions.

- (2) The Director-General may impose conditions as to—
- (a) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto; or
  - (b) the methods used for the fishing and disposal of fish or particular species of fish and the use of any equipment, appliance, instrument, net, fishing weir or any other related equipment.
- (3) The County Executive Committee Member may impose conditions as to—
- (a) the methods used in disposal of fish;
  - (b) conditions for fresh fish movement, storage and marketing;
  - (c) general hygiene conditions of fish landing stations, auction, wholesale and retail markets;
  - (d) general health conditions for fish processing facilities;
  - (e) conditions for handling fish and fish products on-shore;
  - (f) conditions for culture and placing on the market of fish culture products; or
  - (g) recreational fishing vessels.

7. (1) Pursuant to section 90 of the Act the Director-General or the County Executive Committee Member, as the case may be, may modify a licence, permit, authorization or certificate of registration if he determines that such modification is for the proper management of a fishery, and shall accordingly inform the licensee or holder of the permit or certificate, of such modification.

Power to modify.

(2) Where the Director-General or the County Executive Committee Member modifies a licence, permit, authorization or certificate of registration, the licensee shall, within fifteen days after delivery of a written notice of modification, deliver the instrument to a licensing officer for endorsement.

(3) Upon endorsement of the instrument under subregulation (2), it shall be returned to the licensee.

(4) Where a licensee does not deliver the licence for endorsement under sub-regulation (2) for modification, such licence, permit, authorization or certificate of registration shall be deemed to have been revoked.

8. (1) Pursuant to section 94 of the Act, the Cabinet Secretary, and the Director-General or the County Executive Committee Member may suspend or cancel a licence, permit, authorization or certificate of registration if he determines that—

Power to suspend or cancel.

- (a) 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 deems fit in the whole or in specified parts of the country; or

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

(2) Where the Cabinet Secretary, the Director-General or the County Executive Committee Member has suspended, cancelled or revoked a licence, permit, authorization or certificate of registration under sub-regulation (1), the Cabinet Secretary the Director-General or the County Executive Committee Member shall repossess the instrument from the holder.

(3) Where the instrument is repossessed under sub-regulation (2) on grounds of suspension, the Cabinet Secretary, the Director General or the County Executive Committee Member, if satisfied that the circumstances causing suspension no longer apply, may authorise that the instrument be returned to the licensee.

9. Unless otherwise provided, an application for a licence under the Act may be rejected where an applicant has not met requirements under section 88 of the Act.

Grounds for denial of a licence.

### PART III—GENERAL PROVISIONS

10. (1) Unless the Cabinet Secretary, the Director-General or County Executive Committee Member in writing otherwise directs, any person convicted of an offence under the Act or these Regulations shall 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 date of conviction.

Revocation and conditions for validity.

(2) The holder of any licence, permit, authorization or certificate of registration which is cancelled pursuant to regulation (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.

(3) The Director-General shall record the surrender of the instrument in the appropriate register.

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

Appeals.

- (a) the refusal of the Director-General or County Executive Committee Member to issue a licence, permit, authorization or certificate of registration to him;
- (b) the suspension, cancellation or revocation of a licence, permit, authorization or certificate of registration by the Director-General or County Executive Committee Member; or
- (c) 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 Board and may further appeal to the Cabinet Secretary.

- (2) An appeal lodged under regulation (1) shall—
- (a) be in duplicate;
  - (b) adequately describe the matter to which the appeal relates;
  - (c) concisely state the grounds of the appeal; and
  - (d) be lodged with the Cabinet Secretary and a duplicate copy forwarded to the Director-General or the County Executive Committee Member.
- (3) The decision of the Cabinet Secretary in an appeal shall be in writing to the appellant and copied to the Director-General or the County Executive Committee Member.

12. The Fisheries (General Regulations), 1991 are revoked.

Revocation of  
L.N. No. 34 of  
1991.  
Savings and  
transitions.

13. Notwithstanding the provisions of regulation 17—

- (a) all fisheries management measures instituted in terms of the revoked Regulations shall be deemed to be fisheries management measures under these Regulations;
- (b) any proceedings taken by the Director of fisheries in the performance of the functions under the revoked Regulations shall be deemed to be proceedings under these Regulations;
- (c) a licence, certificate or permit issued under the revoked Regulations shall be deemed to be a licence, certificate or permit under these Regulations;
- (d) any administrative direction, investigation or inquiry instituted in terms of the revoked Regulations which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations;
- (e) all disciplinary proceedings which immediately before the commencement of these Regulations were pending shall be continued or concluded as if instituted under these Regulations;
- (f) all appeal processes, which immediately before the commencement of these Regulations were pending, shall proceed as if instituted under these Regulations; and
- (g) any proceeding taken in exercise of any of the powers under the revoked Regulations shall be deemed to be proceedings under these Regulations.

Made on the 8th February, 2024.

SALIM MVURYA,  
*Cabinet Secretary, Ministry of Mining,  
Blue Economy and Maritime Affairs.*