

SPECIAL ISSUE

2053

Kenya Gazette Supplement No. 150

30th July, 2024

(Legislative Supplement No. 58)

LEGAL NOTICE NO. 121

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT (BEACH
MANAGEMENT UNITS) REGULATIONS, 2024

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THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 37 of the Fisheries Management and Development Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

THE FISHERIES MANAGEMENT AND DEVELOPMENT
(BEACH MANAGEMENT UNITS) REGULATIONS, 2024

PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries (Beach Management Units) Regulations, 2024. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Act” means Fisheries Management and Development Act; Cap. 378.

“assembly” means a meeting of registered members of a beach management unit convened pursuant to the provisions of these Regulations;

“authorized fisheries officer” means a person of or above the rank of assistant fisheries officer appointed in the public service, having administrative jurisdiction over a beach management unit;

“beach” means the defined geographical area of jurisdiction of a beach management unit established under regulation 3;

“beach management unit” has the meaning assigned to it under the Act;

“beach management unit network” means an organization of beach management units at ward, sub-county, county, water body and national levels formed under regulation 52;

“boat owners” means the owners of registered fishing vessels;

“chairperson” means the chairperson of the assembly or executive committee of a beach management unit or of the beach management unit network at the respective administrative level, elected in accordance with these Regulations;

“co-management” means a partnership arrangement that shares responsibilities between the government, beach management units and other stakeholders in the management of fisheries resources;

“co-management area” means an area in which a beach management unit undertakes fisheries management activities jointly with other stakeholders as provided under regulation 11;

“co-management plan” means a plan for the co-management of a fishery or geographical area developed pursuant to regulation 12;

“constituent college” means four bodies of electors of a beach management unit namely boat owners, crew members, fish traders and others;

“county director of fisheries” means the technical officer responsible for fisheries management in a county government;

“county executive committee member” means county executive committee member responsible for matters relating to fisheries management in a respective county government;

“crew member” means a worker who is part of a team working on a fishing vessel, whether paid or unpaid, other than the master, or shore-based persons carrying out work aboard a fishing vessel and fisheries observers;

“Director-General” means the Director-General of Kenya Fisheries Service;

“executive committee” means the executive committee of beach management unit constituted in accordance with regulation 17;

“fish traders” means persons routinely involved in fish trading at a fish landing station;

“fisheries research institution” means research institution established under the Science, Technology and Innovation Act to undertake research on fisheries and other aquatic resources;

Cap. 511.

“joint co-management area” means a shared management area in which the Director-General, county executive committee member and two or more beach management units collaborate to manage and undertake fisheries management activities;

“member” means a member of a beach management unit and beach management unit network;

“others” means net repairer, boat builder and repairer, engine repairer, menders, licensed fish transporters, cage farmers, mariculture farmers, artisanal beach-based fish processors, shell collectors and factory processing agents;

“presiding officer” includes—

- (a) the county director for fisheries, in the case of a beach management unit for the ward level, sub-county level and county level elections; or
- (b) Director-General for the waterbody elections and the national level networks elections; and

“sustainable fishing” means discriminate harvesting of fish devoid of juveniles and endangered, threatened and protected species or those without commercial value and also respects aquatic ecosystems and adapts to the fish stocks to maintain a balance and ensure the survival of all species.

PART II – ESTABLISHMENT OF BEACH MANAGEMENT UNITS

3. (1) A county executive committee member may establish a beach management unit in accordance with regulation 7 for a designated fish landing station.

Establishment of a beach management unit.

(2) The beach management unit established under sub-regulation (1) shall be a non-political and non-religious body.

4. The objectives of the beach management unit shall be to—

Objectives.

- (a) strengthen the management of fish landing stations, fishery resources and the aquatic environment;
- (b) support the sustainable development of the fisheries sector;
- (c) improve planning and resource management, good governance, democratic participation and self-reliance;
- (d) ensure production of safe and quality fish and fishery products;
- (e) build capacity of the members for the effective co-management of fisheries in collaboration with other stakeholders;
- (f) prevent, reduce or resolve conflicts in the fisheries sector; and
- (g) strengthen co-management through formation of beach management unit networks.

5. (1) A beach management unit shall be responsible to its members and to the county executive committee member for ensuring the orderly, safe and effective use, management and operation of the fish landing station over which it has jurisdiction.

Functions of the beach management unit.

(2) Without prejudice to sub-regulation (1), the beach management unit shall—

- (a) support collection, collation and submission of fishing and fisheries related data to the county executive committee member and the Director-General;
- (b) ensure that the fish landing station, together with any structures or buildings situated thereon, is kept in a clean, tidy and hygienic condition;
- (c) ensure adequate security at the fish landing station and any fishing vessels, nets or other equipment or structures within its boundaries;
- (d) ensure compliance with applicable hygiene standards in connection with the landing storage and safety of fish and fishery products;
- (e) in conjunction with other relevant agencies, maintain safety and order at the fish landing station;
- (f) maintain any building or structure on the fish landing station;
- (g) promote the marketing of fish including the construction and supply of marketing facilities and organizing fish auctions;
- (h) provide training to its members on climate resilient fishing practices and technologies, good and acceptable fishing techniques, marketing and processing of fish, financial management and other areas relevant to fisheries; and

- (i) ensure the safety of its members by—
- (i) monitoring the seaworthiness of fishing vessels;
- (ii) taking measures to ensure the members comply with applicable safety regulations;
- (iii) organising, in collaboration with other relevant stakeholders, rescue vessels or rescue services in case of accidents or incidents;
- (iv) promoting compliance with national fisheries legislation relating to small-scale fishing activities in its area of jurisdiction; and
- (v) promoting and improving the welfare and wellbeing of its members by supporting the activities of fisher cooperative societies and fishers' self-help groups within its jurisdiction.

6. In the performance of its functions under these Regulations, a beach management unit shall— Powers of the unit.

- (a) erect, with the written permission of the county executive committee member, such structures or buildings as may be necessary for the discharge of its functions;
- (b) oversee and support the implementation of fisheries management plans for co-management areas or joint co-management areas, including reporting on management performance and results indicators; and
- (c) gather, analyze, use, store and transmit information and data as may be specified in writing by the county director of fisheries or the Director-General, relating to the landing and sale of fish and fish products including—
 - (i) the quantities of fish and fish products landed;
 - (ii) the prices at which they are sold; and
 - (iii) type and number of fishing crafts that landed fish and fish products.

7. (1) An application for registration of a beach management unit shall be made to the county executive committee member through the county director of fisheries.

Procedure for
registration of a
beach
management unit.

(2) The application under sub-regulation (1), shall be made in Form BMU/F1 set out in the Schedule by a group of persons above the age of eighteen years who—

- (i) meet the criteria set out under regulation 24;
- (ii) intend to operate within the landing site; and
- (iii) practice legal fishing and legal fisheries activities.

(3) Upon receipt of an application under sub-regulation (1), the county executive committee member shall, in consultation with other

relevant agencies, cause the relevant land area of a fish landing station to be surveyed and the boundaries of the proposed fish landing station to be clearly delineated and marked.

(4) Upon conclusion of the survey, delineation and marking under sub-regulation (3), the county director of fisheries shall cause to be placed in prominent places on and around the beach, notices inviting person to register their interest in becoming members of the beach management unit within a period of thirty days.

(5) Following the expiry of the thirty days under sub-regulation (4), the county director of fisheries shall cause to be displayed at the beach, a list of persons seeking to be members of the beach management unit and shall invite comments on the list.

(6) Upon receipt of the comments under sub-regulation (5), the county director of fisheries shall—

- (a) finalize the list of members of the proposed beach management unit; and
- (b) organize a meeting of the members from all membership categories to elect a minimum of five and a maximum of ten interim representatives.

(7) Upon conclusion of the meeting under sub-regulation (6), the following documents shall be submitted to the county director of fisheries—

- (a) minutes of the potential members' meeting;
- (b) the application made under sub-regulation (2).

(8) The county director of fisheries shall assess the documents submitted under sub-regulation (7), and may—

- (a) approve the application, if satisfied that the application and supporting documents are in order; or
- (b) reject the application and furnish the interim representatives with reasons for the rejection in writing.

(9) On approval of an application under this regulation, the county executive committee member shall establish the beach management unit and issue a certificate of registration in the Form BMU/F2 set out in the Schedule.

8. (1) A beach management unit shall have jurisdiction over the area—

Area of jurisdiction.

- (a) for which it is established in accordance with regulation 3; and
- (b) which corresponds with the respective administrative level where it is constituted.

(2) For the purpose of ensuring safety of fish and fish products, a specific area of the fish landing station shall be delineated, marked and assigned for the exclusive purposes of landing and selling fish and fish products:

Provided that the provision of services for the purposes of tourism or recreation shall be assigned a separate area of the beach away from the specified area.

(3) A beach management unit shall exercise its jurisdiction over a beach in a fair, equitable and non-discriminatory manner.

(4) A beach management unit shall display in a prominent location on the beach a notice stating that the beach is managed by the beach management unit, which shall be identified by name.

9. (1) A beach management unit shall provide—

Information relating to a beach management unit.

- (a) a description of the beach including a plan and a geo-reference description of any area identified for the exclusive purpose of landing or selling fish and fish products;
- (b) the specific activities that may be undertaken at its beach by its members or by members of other beach management units in accordance with any applicable co-management plan;
- (c) the specific activities at the fish landing station over which it has jurisdiction and that may only be done by its members;
- (d) categories of its membership;
- (e) movement of members from one beach management unit to another; and
- (f) nomination of members to the administrative structures of the beach management unit.

10. (1) The county director shall establish and maintain an electronic and manual register of beach management units registered within the county which shall contain the following details—

Register of beach management units.

- (a) the name;
- (b) the location of the head office;
- (c) the number of members;
- (d) the names, addresses and telephone numbers of the chairperson and the members of the executive committee; and
- (e) the date of filing of the most recent annual return, together with a copy of the return.

(2) An electronic and manual register under sub-regulation (1) shall be maintained for public examination.

11. (1) The county executive committee member shall, following a consultative process pursuant to section 37 of the Act, designate an area as a co-management area where fisheries or fishing is done by the members of more than one beach management unit.

Co-management areas.

(2) The Director-General shall, following a consultative process, designate a joint co-management area where fisheries or fishing is done by the members of more than one county.

(3) Where a joint co-management area is declared under sub-regulation (2), the Director-General shall, in consultation with the

county executive committee member, designate areas in which participating beach management units shall have specific responsibilities on undertaking of patrols.

(4) A beach management unit shall constitute a patrol sub-committee in collaboration with the county director of fisheries or authorized fisheries officer, to undertake regular patrols within the co-management area, or within the designated patrol area in the case of a joint co-management area, to ensure compliance with the Act, and applicable.

12. (1) The county executive committee member shall, upon designation of a co-management area and in consultation with the Director-General and relevant beach management units, develop a co-management plan for the respective co-management area. Co-management plan.

(2) The co-management plan developed under sub-regulation (1) shall specify—

- (a) the fisheries management measures that are to be undertaken to ensure the sustainable utilization of fisheries in that area;
- (b) the designation of closed areas in which all fishing activities or specified fishing activities are prohibited;
- (c) the designation of fish breeding and nursery areas in which all fishing activities are prohibited;
- (d) the designation of closed seasons either throughout the co-management area or in respect to specified areas;
- (e) the marking of fishing vessels;
- (f) demarcation and marking of the boundaries of fish breeding and nursery grounds; and
- (g) restrictions on the number of fishing vessel licenses or fishing licenses that may be issued.

(3) A co-management plan shall—

- (a) give effect to applicable national and regional policies and plans;
- (b) comply with the Constitution and the Act; and
- (c) specify the roles and responsibilities of the beach management unit, the county director of fisheries, the Director-General, fisheries research institutions and relevant stakeholder in its implementation and enforcement.

(4) The county executive committee member shall transmit the co-management plan to the Director-General for concurrence and approval within fourteen days.

(5) The county director of fisheries and the executive committee of the concerned beach management unit shall supervise the implementation of the co-management plan and shall periodically evaluate and review it.

(6) Where the county director of fisheries is of the opinion that the relevant beach management unit has failed to take steps to give effect to the co-management plan, the county director of fisheries may serve a notice to show cause why that beach management unit should not be suspended.

(7) The county director of fisheries may suspend the beach management unit committee members or dissolve the beach management unit where—

- (a) the beach management unit fails to show cause within fourteen days of the date of receiving the notice; or
- (b) where the county director of fisheries is not satisfied by the response of the beach management unit.

(8) The county director of fisheries shall notify the beach management unit of the decision, in writing, and forward to the county executive committee member in case of one county and to the Director-General in case of joint co-management plan, who shall within fourteen days approve or vary the decision.

(9) A beach management unit or beach management network that is aggrieved by the decision made under sub-regulation (8) may, within fourteen days of the date of notification, appeal to—

- (a) the county executive committee member in the case of beach management unit, ward, sub-county and county level networks; or
- (b) the Director-General in the case of water body and national level network.

(10) The executive committee of a beach management unit who fails to implement fisheries management measures in their co-management plan shall stand suspended.

13. A beach management unit shall apply applicable laws to protect the aquatic environment within its co-management area and shall co-operate with the responsible authorities to that effect.

Environmental protection.

PART III— ADMINISTRATION

14. The administrative structure of a beach management unit shall consist of —

Administrative structure.

- (a) the assembly;
- (b) the executive committee; and
- (c) sub-committees as may be specified in these Regulations.

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15. The assembly of a beach management unit shall consist of all the registered members. The assembly.
16. (1) The assembly of the beach management unit shall be responsible for the following— Responsibility of the assembly.
- (a) approval of the proposed budgets and work-plan;
 - (b) adopt the annual report and accounts;
 - (c) approve fees or charges payable by the members;
 - (d) oversee election of the members of sub committees;
 - (e) where necessary, remove from office the members of the executive committee; and
 - (f) ensuring sustainable fishing in their area of jurisdiction.
- (2) The assembly of a beach management unit shall not seek, either directly or indirectly, to interfere in, re-order or otherwise modify economic relationships between members who are in different membership categories.
17. (1) The executive committee shall consist of not more than fifteen members elected by the members of the beach management unit as follows— Executive committee.
- (a) the chairperson;
 - (b) the vice chairperson;
 - (c) the secretary;
 - (d) the deputy secretary;
 - (e) the treasurer; and
 - (f) the committee members.
- (2) The composition of an executive committee shall be represented by the following categories—
- (a) thirty percent representing boat owners;
 - (b) thirty percent representing crew members;
 - (c) thirty percent representing traders; and
 - (d) ten percent representing others.
- (3) In the election and constitution of the executive committee, the members of the beach management unit shall ensure that its composition—
- (a) reflects the interests of all categories of members;
 - (b) accords equal opportunities to the youth, persons with disabilities and other vulnerable and marginalized communities; and
 - (c) meets the gender requirement such that not more than two-thirds of the members shall be of the same gender.

18. The responsibility of the executive committee shall be to—

Responsibilities of
the executive
committee.

- (a) supervise the general management of the activities of a beach management unit;
- (b) approve the minutes of the executive committee meetings;
- (c) supervise and review the implementation of the co-management plans;
- (d) represent the beach management unit to strengthen relationships with other beach management units;
- (e) convene and prepare meetings of the assembly, including the preparation of the agenda;
- (f) review applications for admission, resignation and expulsion of members and make recommendations to the assembly;
- (g) vet applicants for fishing licence and fishing vessel licence and submit the list to the respective county directors who shall forward the list to the Director-General through the county executive committee member;
- (h) submit the draft of co-management plans and any rules to the assembly for approval;
- (i) prepare and submit the proposed budget to the assembly for approval;
- (j) conclude contracts in accordance with the approved budget and plans;
- (k) employ and, where necessary, dismiss staff of the beach management unit;
- (l) maintain accounts and registers as specified in these Regulations;
- (m) exchange information with other beach management units and other relevant agencies in order to promote the fair and transparent pricing of fish and fish products;
- (n) formulate funding proposals, make financial reports and present them to the assembly for approval;
- (o) inspect and record visiting fishing vessels and give permission to land where appropriate;
- (p) supervise the financial management of the beach management unit;
- (q) ensure that fishing boats within their areas of jurisdiction have certificates of seaworthiness and are equipped with life-saving equipment;
- (r) nominate representatives to the beach management unit network;

- (s) facilitate capacity building of members; and
- (t) undertake such other tasks as may be specified in these Regulations.

19. (1) Every beach management unit shall constitute at least the following sub-committees— Sub-committee.

- (a) a patrol sub-committee;
- (b) environment, hygiene and sanitation sub-committee;
- (c) finance sub-committee; and
- (d) resolution sub-committee.

(2) Ordinary members of the executive committee shall be nominated by the executive committee to head the sub-committees so constituted.

(3) The assembly shall elect five members to serve in the sub-committees.

(4) The chairperson of the executive committee shall be an *ex-officio* member of all the sub-committees.

20. (1) A beach management unit may employ such number of staff as are necessary for the proper performance of its functions in accordance with its approved budget. Employee of beach management units.

(2) An employee of a beach management unit shall not be entitled to contest for an elective office in that beach management unit.

21. (1) The responsibility of the chairperson of a beach management unit shall be to— Responsibilities of the Chairperson.

- (a) chair meetings of the assembly and the executive committee;
- (b) act as the official spokesperson of the beach management unit with third parties;
- (c) be a signatory on the beach management unit's fiduciary account;
- (d) ensure timely submission of data, information and financial reports by the committee to the assembly and the county director of fisheries; and
- (e) undertake such other tasks as may be specified in these Regulations.

(2) Without prejudice to any provision in these Regulations, the chairperson's powers shall be limited to the area of jurisdiction as guided by the county executive committee member.

22. The responsibility of the secretary to the executive committee shall be to— Responsibilities of the secretary.

- (a) convene meetings of the executive committee in consultation with the chairperson;

- (b) take minutes of the assembly and at meetings of the executive committee;
- (c) maintain the correspondence of the beach management unit;
- (d) compile monthly, quarterly and annual performance reports for submission and presentation to the executive committee;
- (e) maintain and update all records of the beach management unit members, equipment, statistics and other records;
- (f) collect and submit all data and information as may be required by the county director of fisheries and other relevant institutions; and
- (g) undertake such other duties as may be assigned from time to time.

23. The responsibility of the treasurer of the executive committee shall be to—

Duties of the treasurer.

- (a) prepare and make payments authorized by the executive committee;
- (b) maintain the records of financial transactions conducted by the beach management unit;
- (c) be a mandatory signatory on the beach management unit's fiduciary accounts;
- (d) receive and deposit funds to the beach management unit's fiduciary accounts;
- (e) keep records of assets and liabilities of the beach management unit;
- (f) prepare monthly, quarterly and annual financial reports;
- (g) submit and present financial reports to the executive committee and the assembly for scrutiny and approval; and
- (h) perform any other duty as may be assigned from time to time.

PART IV—MEMBERSHIP OF A BEACH MANAGEMENT UNIT

24. (1) The membership of a beach management unit shall be open to a person who—

Membership.

- (a) directly or indirectly depends, for their income or livelihoods, on fisheries activities done at the beach within the jurisdiction of a beach management unit;
- (b) would be directly adversely affected by the temporary or permanent closure of fisheries activities in that beach;
- (c) falls within one of the membership categories specified in regulation 25; and
- (d) is above the age of eighteen years.

(2) A person shall not be a member of more than one beach management unit.

(3) A body corporate that meets the requirements of sub-regulation (1)(a)(b) and (c) and acting through a representative may be a member of a beach management unit by application in writing to the beach management unit.

(4) Where there are co-owners of a jointly owned fishing vessel, the co-owners shall determine who among them shall be a member of the beach management unit to represent their interests and shall jointly notify the executive committee.

25. (1) A beach management unit shall have the following categories of members—

Categories of members.

- (a) boat owners;
- (b) crew members;
- (c) fish traders; and
- (d) foot fishers.

(2) Where a person's membership in a beach management unit is dependent on that person holding a licence,—

- (a) a suspension of that licence shall have an effect of suspending the person's right to membership in the beach management unit for an equivalent period; or
- (b) a revocation of that licence shall have the effect of revoking the person's right to membership in the beach management unit.

26. (1) A person seeking to be a member of a beach management unit shall apply in writing to the executive committee for vetting.

Joining procedure.

(2) An applicant shall be vetted on —

- (a) previous expulsion from a beach management unit;
- (b) availability of space based on the maximum limit specified by relevant co-management plans on the number of licenses to be issued at that beach;
- (c) criminal record; and
- (d) state of the mind.

(3) Upon vetting by the executive committee under sub-regulation (1), the application shall be determined in a meeting of the assembly of the beach management unit.

(4) Where the application is accepted by the assembly under sub-regulation (3), the executive committee shall transmit the application together with the minutes of the meeting to the county director of fisheries for approval.

(5) Within fourteen days of receipt of the application under sub-regulation (4), the county director of fisheries shall consider the application and—

- (a) approve the membership of the applicant through the inclusion of his name in the register of members and the allocation of a membership number; or
- (b) reject the application and inform the beach management unit indicating the reasons for the decision.

(6) A person aggrieved by the decision of the county director of fisheries under sub-regulation (5) may appeal to the county executive committee member.

(7) The county director of fisheries shall not issue a licence to a person that relates to a particular beach unless that person is a member of the relevant beach management unit.

27. (1) A member of a beach management unit may, by notice in writing to the executive committee, resign from the membership at any time.

Resignation and
expulsion of a
member.

(2) The resignation of a member in sub-regulation (1) shall not affect the liability of that person to pay any outstanding fees or charges to the beach management unit.

(3) A person may be expelled from membership of a beach management unit by a decision of the assembly, on the proposal of the executive committee, if the person—

- (a) is convicted in a court of law on a fisheries related offence;
- (b) is convicted in a court of law on any other criminal offence and sentenced to imprisonment for a period exceeding six months; or
- (c) is persistently engaged in behavior contrary to the objectives of the beach management unit and has ignored three written cautions issued by the executive committee.

(4) The expulsion of a member shall be approved by a simple majority vote of the assembly in a duly convened meeting.

(5) Upon expulsion of a person from a beach management unit, the county director of fisheries, authorized fisheries officer or the Director-General as the case may be, shall cancel any licence, registration or permit held by the person relating to the beach to which the beach management operates.

(6) A person who has been expelled from a beach management unit shall not be readmitted to the membership of any beach management unit for a period of two years from the date of the expulsion.

(7) A person who is aggrieved by a decision to be expelled from membership of a beach management unit under this regulation may, within fourteen days from the date of the expulsion and by notice in writing, appeal to the county executive committee member.

(8) Where a beach management unit is considering the suspension or expulsion of a member under this regulation, the member

shall be accorded a fair hearing before the beach management unit makes a determination.

28. (1) A member of a beach management unit may—

Rights and obligations of members.

- (a) participate in the decision-making processes of the beach management unit;
- (b) vote in elections of the beach management unit;
- (c) contest for a position in any of the administrative structures, where the member is not in arrears concerning fees or charges due to the beach management unit;
- (d) benefit from any services provided by the beach management unit to its members, subject to any applicable conditions; and
- (e) inspect the books and records maintained by the beach management unit.

(2) A member of a beach management unit shall—

- (a) comply with the provisions of these Regulations and the Act;
- (b) ensure that licences issued under the Act are valid;
- (c) comply with instructions of the county director of fisheries or an official of the beach management unit to promptly pay fees or charges due to the beach management unit;
- (d) not damage property owned or used by the beach management unit; and
- (e) provide information to the beach management unit regarding the landing or sale of fish and fish products as required under section 39(8) of the Act.

PART V – ELECTIONS

29. The elections in a beach management unit shall be conducted in two rounds as follows—

General.

- (a) election of representatives of the constituent colleges; and
- (b) election of the beach management unit executive office bearers.

30. (1) A member of a beach management unit who wishes to contest in an election referred to in regulation 29(b), shall apply for nomination as a candidate to the presiding officer in the Form BMU/F3 set out in the Schedule.

Qualifications as a member of the executive committee.

(2) A member of a beach management unit qualifies to be nominated under sub-regulation (1), if the member—

- (a) is a citizen of Kenya and holds a national identity card, valid passport or driving licence;
- (b) has been a member of the beach management unit for more than one year with the exception of candidates for the first elections, upon establishment of the beach management unit;

- (c) is of sound mind;
- (d) possesses a certificate of good conduct;
- (e) has not contravened the laws relating to fisheries conservation and management;
- (f) does not have any arrears of fees or charges to the beach management unit;
- (g) has been proposed and seconded by at least ten other members of the beach management unit who shall be in the same membership category;
- (h) is literate, except for the secretary and treasurer who shall be a holder of at least a secondary school education certificate; and
- (i) holds at least a secondary school education certificate or its equivalent if vying for the post of chairperson, but where no applicant qualifies, shall be a holder of a minimum of a primary school completion certificate.

31. (1) The presiding officer shall announce the start of the campaign period at least seven days before the date of the election.

Voting,
announcing of
results.

(2) The voting at an election of the executive committee shall be by secret ballot.

(3) Upon counting votes and announcing the election results, the presiding officer shall submit the election results to the county director of fisheries in the Form BMU/F4 set out in the Schedule.

(4) The county director of fisheries shall issue an authority card after the election of officials.

32. (1) A new member who has joined the beach management unit during the year of elections shall not be eligible to vote in that year.

Members not
entitled to vote.

(2) A member who has not renewed their membership for more than three consecutive years and does it in the year of elections shall be considered as a new member and shall not be eligible to vote in that year.

33. The members of the executive committee shall hold office for a term of four years and are eligible for re-appointment for a further term of four years.

Term of office.

PART VI – CONDUCT OF BUSINESS AND AFFAIRS

34. (1) The assembly shall meet at least three times in a year.

Meetings of the
assembly.

(2) A meeting of the assembly shall be convened by executive committee at the written request of at least one tenth of the members of the beach management unit.

(3) The assembly shall be chaired by the chairperson of the executive committee or in the absence of the chairperson, by the vice chairperson of the executive committee.

(4) The county director of fisheries or any person delegated by county director of fisheries may attend a meeting of the assembly.

(5) Unless two-thirds of the total members of the beach management unit otherwise agree, at least thirty days' written notice of every meeting of the assembly shall be given to members of the beach management unit.

(6) The notice of a meeting under sub-regulation (5) shall—

- (a) indicate the date, time and place of the assembly and the proposed agenda of the assembly;
- (b) be prominently displayed at—
 - (i) the beach;
 - (ii) the offices of the beach management unit; and
 - (iii) any other relevant public place within the jurisdiction of the beach management unit that shall notify the members of the meeting.

35. The quorum for a meeting of an assembly shall be half of the total number of members of the assembly. Quorum.

36. (1) The decision making of an assembly shall be by simple majority vote. Decisions of the assembly.

(2) The voting of the assembly shall be by consensus or by secret ballot.

37. (1) The executive committee shall meet at least once a month. Meetings of the executive committee.

(2) The quorum for a meeting of the executive committee shall be two thirds of the members.

(3) The chairperson may, through written request of at least one third of its members, convene a special meeting of the executive committee at any time for the discharge of the business of the executive committee.

(4) The county director of fisheries or a person nominated by the county director of fisheries in writing, may attend the meeting of the executive committee.

38. (1) The decisions of the executive committee shall be made by consensus. Decisions of executive committee.

(2) Where decision making by consensus under sub-regulation (1) fails, the decision shall be by simple majority vote and each member shall hold one vote.

PART VII—SUPPORT AND CONTROL OF BEACH MANAGEMENT UNITS

39. (1) A petition for the dismissal of a member of the executive committee or any sub-committee shall be made to the assembly— Dismissal by the assembly.

- (a) in the form of a written request signed by one-third of the members of the beach management unit; and
- (b) specify the grounds for the request for dismissal as provided under sub-regulation (2).

(2) A member of the executive committee or any sub-committee may be dismissed from office where the member—

- (a) is of unsound mind;
- (b) has failed, without reasonable cause, to attend three consecutive meetings of the executive committee or any sub-committee;
- (c) has engaged in or condoned illegal fishing activities;
- (d) has failed to perform the duties required of the office as specified in these Regulations;
- (e) is convicted of a criminal offence; or
- (f) is declared bankrupt.

(3) The decision of the assembly under this regulation shall be by simple majority vote, through secret ballot, and shall be confirmed by the county director of fisheries in writing.

(4) A member who is dissatisfied with the decision of the assembly under this regulation may, within fourteen days of receipt of the decision, appeal in writing to the county executive committee member stating the grounds for the appeal.

(5) Within fourteen days of receipt of the appeal under sub-regulation (4), the county executive committee member shall make a determination and promptly inform the beach management unit and the county director of fisheries of the determination.

(6) A person aggrieved by the decision of the county executive committee member under sub-regulation (5) may lodge an appeal in accordance with section 97 of the Act.

(7) Where a member is dismissed under this regulation, the executive committee shall appoint an interim committee member to take over until elections are conducted within ninety days of the dismissal.

(8) Where more than two-thirds of members of the executive committee are dismissed under this regulation, the executive committee shall stand dissolved.

(9) Upon dissolution of an executive committee under sub-regulation (8), the county director of fisheries shall appoint an interim committee and call for fresh elections within ninety days of the dissolution.

40. (1) The county director of fisheries may suspend an executive committee or any of its members or any sub-committee where the county director determines that the executive committee, its members

Suspension by the county director of fisheries.

or sub-committee is engaged in or condoning prohibited fishing practices.

(2) Where the county director of fisheries suspends an executive committee, its members or any sub-committee under sub-regulation (1), the county director of fisheries shall—

- (a) notify the executive committee, member or sub-committee of the suspension, in writing ;
- (b) notify the county executive committee member detailing reasons for the suspension, in writing; and
- (c) appoint an interim committee or an interim committee member or sub-committee pending election or selection, as the case may be, of the suspended executive committee, member or sub-committee.

(3) Any person aggrieved by the suspension under this regulation may, within fourteen days of receipt of the notification of the suspension, appeal to the county executive committee member.

(4) Upon receipt of an appeal under sub-regulation (3), the county executive committee member shall make a determination and may confirm, vary or reverse the decision of county director of fisheries.

(5) The county director of fisheries shall call for fresh elections within ninety days of—

- (a) the suspension of a member, where there is no appeal under sub-regulation (3); or
- (b) the decision by the county executive committee member under sub-regulation (4), where there is an appeal.

(6) The executive committee, sub-committee or individual committee member dismissed under this regulation shall return the authority card issued under these Regulations to the issuing officer.

41. (1) The county director of fisheries shall provide support to beach management units by supporting the operation of beach management units

Support by county director of fisheries.

(2) Without prejudice to the generality of sub-regulation (1), the county director of fisheries shall—

- (a) facilitate the provision of technical and other assistance;
- (b) provide general guidance and support;
- (c) routinely attend the meetings of the executive committee;
- (d) where necessary, routinely collect information on the discharge of the tasks by the beach management unit; and
- (e) undertake such other tasks necessary for the proper support of a beach management unit.

42. (1) The county director of fisheries shall supervise beach management units by supervising their technical, legal and financial performance.

Supervision by the county director of fisheries.

(2) Without prejudice to the generality of sub-regulation (1), the county director of fisheries—

- (a) shall be the presiding officer in a beach management unit's elections;
- (b) shall cause the annual accounts of a beach management unit to be subjected to an annual audit by a qualified person;
- (c) shall collect information and documentation on the implementation of co-management plans;
- (d) may inspect the books of accounts and records maintained by a beach management unit; and
- (e) may inquire into the conduct of the affairs of a beach management unit.

43. (1) The county director of fisheries may initiate investigations upon request by a member in writing into the conduct of the affairs of a beach management unit and shall inspect its books and records—

Inquiry into books of accounts and records.

- (a) on the credible evidence of any member of that beach management unit who alleges misconduct;
- (b) where having reviewed a copy of the annual returns and accounts of that beach management unit, there is evidence of financial malpractice or other irregularities; and
- (c) where beach management unit has not been operating in accordance with the provisions of these Regulations.

(2) Where, on inspection under sub-regulation (1), the county director of fisheries determines that there is financial malpractice, misconduct or contravention of these Regulations, the county director of fisheries may require the executive committee to convene the assembly to review the findings of the inquiry.

(3) Where the assembly is not convened under sub-regulation (2), the county director of fisheries may suspend the executive committee and notify the county executive committee member of the suspension.

(4) Where the executive committee is suspended under sub-regulation (3), the county director of fisheries may appoint an interim committee for the beach management unit until fresh elections are held.

(5) A person aggrieved by a decision of the county director of fisheries under this regulation may, within fourteen days of the decision and in writing, appeal to county executive committee member.

(6) The county director of fisheries shall call for fresh elections within ninety days of—

- (a) the suspension of a member, where there is no appeal under sub regulation (3); or
- (b) the decision by the county executive committee member under sub-regulation (5), where there is an appeal.

44. (1) The county executive committee member may dissolve a beach management unit on one or more of the following grounds—

Dissolution of beach management units.

- (a) the tasks of the beach management unit no longer exist;
- (b) the beach management unit is not able to practically fulfill its functions;
- (c) the beach management unit is insolvent;
- (d) the members of the beach management unit have repeatedly engaged in criminal activity; or
- (e) the continued existence of the beach management unit is no longer required.

(2) Upon dissolution under sub regulation (1), a beach management unit shall be wound up in accordance with the applicable rules.

PART VIII –FINANCIAL PROVISIONS

45. A beach management unit shall ensure proper management of its finances and assets by—

Financial management.

- (a) establishing a reserve fund to cover the costs of unforeseen events; and
- (b) under the guidance of the county executive committee member, establishing an appropriate financial management system to support its financial operations including withdrawal of beach management unit's funds.

46. The finances of a beach management unit shall consist of—

Finances.

- (a) revenue and fees collected for services rendered by the beach management unit;
- (b) any grants or donations given to the beach management unit; and
- (c) such monies that may accrue to a beach management unit in the discharge of its functions.

47. Pursuant to section 37(2)(c) of the Act, a beach management unit may, with the prior written approval of the county director of fisheries and the assembly, impose a charge for proper management of the beach management unit.

Charges.

48. Every beach management unit shall maintain and report to the county director of fisheries—

Registers.

- (a) an electronic and manual register of its members containing the name, address and membership category of each member which shall be reviewed and updated every three months; and
- (b) an electronic and manual register of vessels owned by members of the beach management unit.

49. A beach management unit shall maintain records of the following—

Records.

- (a) the minutes of the assembly;
- (b) the minutes of the meetings of the executive committee;
- (c) transactions and contracts;
- (d) assets owned or used by the beach management unit;
- (e) disposal of obsolete assets; and
- (f) financial accounts and quarterly financial reports.

50. (1) A beach management unit shall open such bank accounts in banks licensed by the Central Bank of Kenya, for its finances as may be necessary for the proper management of the finances of the beach management unit.

Bank accounts.

(2) The signatories of a fiduciary account opened under sub-regulation (1) shall be the chairperson, the treasurer and such other persons designated, in writing, by the executive committee.

51. (1) A beach management unit shall maintain full accounts of receipts and expenditures and shall prepare an annual balance sheet and income and expenditure statement in the form specified by the county director of fisheries.

Accounts and audit.

(2) The accounts of a beach management unit shall be audited annually by accountants and auditors of the respective county government.

(3) The assembly, on the proposal of the executive committee, shall adopt the annual balance sheet and income and expenditure statement annually.

(4) Within one hundred and twenty days at the end of its financial year, the executive committee shall file, in the specified format, audited annual returns and a copy of its annual balance sheet and income and expenditure statement with the county director of fisheries.

PART IX – BEACH MANAGEMENT UNIT NETWORKS

52. (1) A beach management unit network may be established at the ward level, sub-county level, county level, water body level and national level.

Establishment of beach management unit networks.

(2) A beach management unit network at—

- (a) the ward level, sub-county level and county level shall be established by the county executive committee member; and
- (b) water body level and national level shall be established by the Director-General, in consultation with the respective county executive committee member.

(3) An application for establishment of a beach management unit network at any level shall be made—

- (a) to the respective authority as provided under sub-regulation (2); and

(b) in the manner specified under sub-regulation (5).

(4) The election of the chairperson, secretary or treasurer of any beach management unit network committee established in accordance with these Regulations shall be presided over by the respective authorized fisheries officers at each administrative level.

(5) Where the county executive committee member or the Director-General, as the case may be, is satisfied with the documentation submitted for establishment of a beach management network at any level, the county executive committee member or the Director-General, as the case may be, shall approve the establishment of the respective beach management unit network and issue a certificate of registration in Form BMU/F5 set out in the Schedule.

53. (1) A beach management unit network shall be responsible to the county executive committee member, in case of a ward, sub-county and county level networks, and to the Director-General, in case of a water body network or national level network, for ensuring the orderly, safe and effective use and management of the administrative area over which it has jurisdiction.

Mandate of beach management unit network.

(2) A beach management unit network shall be responsible for the following—

- (a) advocating for sustainable fisheries and environmental policies;
- (b) developing and implementing a code of practice to strengthen self-policing and compliance;
- (c) supporting elimination of illegal, unreported and unregulated fishing in collaboration with government agencies and development partners;
- (d) representing beach management units at various relevant Government bodies and committees;
- (e) mobilization of funds for fisheries management;
- (f) resolving conflicts among fishers and beach management units;
- (g) in conjunction with fisheries authorities, developing and implementing co-management plans; and
- (h) promote partnerships and linkages with various stakeholders.

54. (1) Where there are two or more beach management units within a ward, the chairperson and one nominated member of the executive committee from each Beach Management Unit shall constitute a ward Beach Management Unit network committee.

Ward beach management unit network.

(2) The chairperson and one nominated member of the executive committee of the ward beach management unit network shall represent the ward beach management unit network at the sub-county beach management unit network committee.

55. Where there are two or more ward beach management units within a sub-county, the chairperson and one nominated member of the executive committee from each ward beach management unit network

Sub-county beach management unit network.

shall constitute a sub-county beach management unit network committee.

56. Where there are two or more sub-county beach management units within a county, the chairperson and one nominated member of the executive committee from each sub-county beach management unit network shall constitute a county beach management unit network committee.

County beach management unit network.

57. Where there are two or more county beach management units within a water-body, the chairperson and one nominated member of the executive committee from each county beach management unit network shall constitute a water body beach management unit network committee.

Water body beach management unit network.

58. The chairperson and one nominated member of the executive committee shall represent each water body beach management unit network committee at the national beach management unit network committee.

National beach management unit network.

59. The administrative structure of a beach management unit network shall consist of beach management unit network committees at ward, sub-county, county, water body and national levels.

Administrative structure.

60. (1) A beach management unit network at any level shall provide for the establishment of network sub-committees in its standard operating procedures.

Network sub-committees.

(2) The members of the network sub-committee constituted under this regulation shall be selected by the committee to head the sub-committees.

(3) The chairperson of a beach management unit network at any level shall be an ex-officio member in the network sub-committee established under this regulation.

61. A member of a beach management unit network at sub-county level, county level, water body level and national level may qualify for appointment as a member of the respective network sub-committee if they meet the requirements set out under regulation 30.

Qualifications as a member of the network sub-committee.

62. The voting at an election of a member of a network sub-committee at any level shall be by secret ballot.

Voting.

63. A member of the network committee at sub-county level, county level, water body level and national level—

Term of office.

- (a) shall hold office for an initial term of four years;
- (b) may be re-elected for a second three year term; and
- (c) shall not vie for re-election immediately at the end of a second term but may vie again after passing over one term.

64. (1) A member of the network committee at sub-county level, county level, water body level and national level shall retain their leadership position at his or her beach and one other level and those who get elected at higher level shall forfeit the lower-level positions.

Restriction on leadership.

(2) Sub-regulation (1) shall not apply to an official of a water body beach management unit network who is elected to a leadership position at the national beach management unit network.

(3) A water body network official who gets elected to leadership position in the national level shall retain his or her water body position in addition to his or her position at the beach.

65. (1) A network committee at sub-county level, county level and water body level shall meet at least four times in a year.

Meetings of
network
committees.

(2) The national beach management unit network committee shall meet twice in a year.

(3) Additional meetings of the network committee may be called by the chairperson as necessary or shall be called at the request of one third of its members.

(4) The county director of fisheries or a person nominated county director of fisheries in writing, shall have the right to attend meetings of the network committee but shall have no voting rights.

(5) Where a network fails to hold the meetings as required under this regulation, the county director of fisheries in case of ward, sub-county and county level networks, or the Director-General, in the case of water body and national level networks, shall convene the meeting.

66. The quorum of a meeting of a network committee at sub-county level, county level and the water body level shall be at least half of the members.

Quorum.

67. (1) The decision making of a network committee shall be by consensus.

Decisions of
network
committees.

(2) Where decision making by consensus fails, the members may vote with each member holding one vote.

68. The finances of a beach management unit network shall include—

Finances.

- (a) contributions from member beach management units; and
- (b) grants or donations from the government, private persons, non-Governmental organizations or other donor bodies.

69. A beach management unit network shall maintain the following books and records —

Records.

- (a) an electronic and manual register of members;
- (b) a report on sub-committee activities;
- (c) a record of transactions and contracts;
- (d) a record of the meetings of the network committee;
- (e) financial accounts;
- (f) quarterly financial reports; and
- (g) annual independent audits undertaken by qualified auditors.

PART X — GENERAL PROVISIONS

70. A person who contravenes the provisions of these Regulations commits an offence and shall, on conviction, be liable— Penalties.

- (a) to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months or to both;
- (b) in the case of a repeat offender, to the penalty setout in section 194 of the Act; or
- (c) to suspension of a licence.

71. (1) No person shall—

Obstruction.

- (a) willfully obstruct an executive committee member or sub-committee member of a beach management unit from carrying out official duties within the area of jurisdiction and in accordance with the provisions of these Regulations;
- (b) refuse or fail to answer any questions, furnish any information or produce any document relevant to the provisions of these Regulations when requested to do so by any member of the executive committee or an authorized fisheries officer; or
- (c) interfere with any investigation concerning the violation of a management plan.

(2) A person who contravenes sub regulation (1) shall, be liable upon conviction to the penalty prescribed under section 39(10) of the Act.

72. (1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, certificate, identification label, any other document made, or assets issued under these Regulations.

Malicious damage of documents and assets.

(2) A person who contravenes sub-regulation (1) shall be liable to the penalty prescribed under section 79 (2) of the Act.

73. The Fisheries (Beach Management Unit) Regulations, 2024 are revoked.

Revocation.

74. Notwithstanding the provisions of regulation 73—

L.N. No. 55 of 2024.
Savings and transition.

- (a) the beach management units established in accordance with the Fisheries (Beach Management Unit) Regulations, 2024 shall, at the commencement of these Regulations, be deemed to be beach management units under these Regulations;
- (b) a person who was an official of a beach management unit under the Fisheries (Beach Management Unit) Regulations, 2024 shall, at the commencement of these Regulations, be deemed to be an official of a beach management unit under these Regulations;
- (c) any proceedings taken against or by a beach management unit or pending against the beach management unit or any

L.N. No. 55 of 2024.

L.N. No. 55 of 2024.

other person immediately before the commencement of these Regulations may be continued by or against the beach management unit as if instituted under these Regulations:

Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question;

- (d) any proceedings taken by a beach management unit in exercise of its functions under the Fisheries (Beach Management Unit) Regulations, 2024 shall be deemed to be proceedings under these Regulations; L.N. No. 55 of 2024
- (e) a licence, certificate or permit issued under the Fisheries (Beach Management Unit) Regulations, 2024 shall be deemed to be a licence, certificate or permit under these Regulations; L.N. No. 55 of 2024.
- (f) any administrative investigation or inquiry instituted in terms of the Fisheries (Beach Management Unit) Regulations, 2024 which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations; L.N. No. 55 of 2024.
- (g) all disciplinary proceedings which immediately before the commencement of these Regulations were pending shall be continued or concluded as if instituted under these Regulations;
- (h) all appeal processes, which immediately before the commencement of these Regulations were pending, shall proceed as if instituted under these Regulations;
- (i) a contract subsisting between a beach management unit and another person before the commencement of these Regulations shall continue to exist as if it was a contract entered into between the beach management unit and that other person;
- (j) any proceeding taken in exercise of any of the powers under the Fisheries (Beach Management Unit) Regulations, 2024 shall be deemed to be proceedings under these Regulations; and L.N. No. 55 of 2024
- (k) any proceeding taken in exercise of any of the powers under the Fisheries (Beach Management Unit) Regulations, 2024 shall be deemed to be proceedings under these Regulations. L.N. No. 55 of 2024

SCHEDULE

FORM BMU/F1

(r. 7(2))

APPLICATION FOR REGISTRATION OF THE BEACH MANAGEMENT UNITS

PART I

1. We the undersigned hereby apply for registration of(Name) Beach Management Unit and hereby attach the By-laws for the proposed Beach Management Unit.
2. List of applicants (at least 30 of the applicants shall be boat owners)

	<i>Name of applicant</i>	<i>ID Number</i>	<i>Membership category</i>	<i>Address and residence</i>	<i>Signature</i>
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

3. Mailing address of the proposed Beach Management Unit

.....

Phone number

4. a) Other than fisheries and beach management activities, is the organization going to be involved in other activities? Yes/No
 b) If the answer to a) above is yes, please list the activities:

5. Does the applying organization own any movable or immovable assets? Yes/No

If the answer is Yes, please specify the assets here below and insert details of certificates of ownership, stating the nature of the person who is keeping the documents (i.e. the custodian)

<i>Name or description of the asset</i>	<i>Official ownership number</i>	<i>Custodian</i>

6. We whose signatures are appended against our names in paragraph 2 above, declare that the information and particulars supplied by us herein are true, accurate and correct in every respect. We clearly understand that discovery of any false information provided by us shall render this application invalid.

This declaration is herewith witnessed by;

Signature of representative Date

Name and address of the representative

.....

ID Number

.....

7. This is to certify that the above named persons are known to me and are residents of (Location) and the information given by them is true to the best of my knowledge and I hereby witness their declaration;

Signature of Chief

Name of Chief

Dated this Day of (Month) (Year)

Stamp

PART II

OFFICIAL USE ONLY

8. This is to certify that I have studied this application and I am satisfied/not satisfied with its content

Signature of the Authorised Fisheries Officer.....

Name of the Authorised Fisheries Officer.....

Official Stamp

Date

9. I have studied this application, find it satisfactory/not satisfactory and therefore recommend/not recommend it for approval

Signature of County Director of Fisheries

Name of County Director of Fisheries

Official Stamp

Date

10. I have studied the application for registration of Beach Management Unit and I am satisfied/not satisfied with this application and therefore approve/do not approve the application

Signature

Date

Name

FORM BMU/F2

(r. 7(9))

CERTIFICATE OF REGISTRATION FOR THE FISHERIES BEACH
MANAGEMENT UNIT

1. a) Name of the Beach Management Unit
- b) Name(s) of the landing site(s) covered by the Beach Management Unit
- c) Postal address of the Beach Management Unit
2. Physical location of the offices of the Beach Management Unit;
Sub-County Ward
Location Village
This is to certify that Beach
Management Unit is duly registered as a Beach Management Unit under these
Regulations and for the purpose of management and development of fishery
resources within its area(s) of jurisdiction in accordance with the provisions of these
Regulations and contingent to the conditions specified hereunder
.....
.....
.....
.....
.....
Date of registration
Signature
Name
Stamp

County Executive Committee Member

FORM BMU/F3

(r. 30(1))

NOMINATION FOR ELECTIONS FORM

We the undersigned, being registered members, nominate the under mentioned person as a candidate for the position of

<i>Candidate's Name</i>	<i>ID No.</i>	<i>Place of Residence</i>	<i>Occupation</i>	<i>Membership Number</i>	<i>Membership Category</i>	<i>Age</i>	<i>Sex</i>	<i>Marital Status</i>	<i>Signature</i>

We the undersigned, being registered members, support the foregoing nomination

	<i>Name</i>	<i>BMU Registration No.</i>	<i>Membership Category</i>	<i>Licence No.</i>	<i>Sign</i>
1.					
2.					
3.					

Comments of the Presiding Officer

.....

Name of the Presiding Officer

.....

Signature

FORM BMU/F4

(r. 31 (3))

BMU EXECUTIVE COMMITTEE ELECTIONS RETURN FORM

Name of Beach Management Unit

.....

Postal address of the BMU

.....

Name of Water Body

.....

Sub-County Ward

Location Village

Name of Main Landing Site

.....

Name of Subsidiary Landing Sites (for each landing site, provide name and its village in brackets)

Date of BMU Executive Committee Election

Total Number of Fishing Vessels (includes main and subsidiary landing sites)

..... Total Number of Engines

Total Number of BMU Members Total Number of Men

..... Total Number of Women

Fish Processors Total Number of Other

.....

Details of Executive Committee Members

	<i>Name (in CAPITAL LETTERS)</i>	<i>Sex (M/F)</i>	<i>Official Position</i>	<i>Category (boat owner, crew, fish trader, others)</i>	<i>ID. Number</i>	<i>Signature</i>
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

	<i>Name (in CAPITAL LETTERS)</i>	<i>Sex (M/F)</i>	<i>Official Position</i>	<i>Category (boat owner, crew, fish trader, others)</i>	<i>ID. Number</i>	<i>Signature</i>
10.						
11.						
12.						
13.						
14.						
15.						

FOR OFFICIAL USE ONLY

This is to certify that the election of the executive committee of
Beach Management Unit has been conducted in accordance with the provisions of these
Regulations and the results are indicated above.

Name of the Presiding Officer

Signature Date

Approval by the County Director of Fisheries

Approved/Not approved Date

Name Signature

Stamp

FORM BMU/F5

(r. 52(5))

**CERTIFICATE OF REGISTRATION FOR THE FISHERIES BEACH
MANAGEMENT UNIT NETWORKS**

1. a) Name of the Beach Management Unit Network
- b) Name(s) of the landing site(s) covered by the Beach Management Unit Network
.....
- c) Postal address of the Beach Management Unit
2. Physical location of the offices of the Beach Management Unit Network;
Sub-County Ward
- Location Village

This is to certify that Beach Management Unit Network is duly registered as a Beach Management Unit Network under these Regulations and for the purpose of management and development of fishery resources within its area(s) of jurisdiction in accordance with the provisions of these Regulations and contingent to the conditions specified hereunder

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

Date of registration
Signature
Name
Stamp

County Executive Committee Member/Director-General

Made on the 10th July, 2024.

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

LEGAL NOTICE NO. 122

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT
(INLAND FISHERIES) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

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- 23— Protection of anadromous, catadromous and potamodromous fish.
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 - 27— Fishing in protected areas.
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THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 208(2)(o) of the Fisheries Management and Development Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

THE FISHERIES MANAGEMENT AND DEVELOPMENT
(INLAND FISHERIES) REGULATIONS, 2024

PART I—PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (Inland Fisheries) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires — Interpretation.
 - “Act” means the Fisheries Management and Development Act; Cap. 378.
 - “anadromous” means fish that migrate from open water bodies to river systems to spawn;
 - “artisanal fisher” means any person employed or engaged in any capacity on board an artisanal fishing vessel;
 - “authorized officer” has the meaning assigned to it under section 2 of the Act;
 - “catadromous” means fish species that inhabit freshwater but migrate into salty water to breed and return to freshwater after spawning;
 - “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 transship 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;
 - “ornamental fisher” means any person employed or engaged in fishing and fishing related activities for colourful fishes, fishes kept as pets in confined spaces and it includes aquarium fisher;
 - “potamodromous” means fish species that inhabit the sea but migrate to freshwater to spawn and return to sea after spawning;
 - “protected area” means an area that has been declared as such in accordance with section 47 of the Act;
 - “registration certificate” means an artisanal inland fishing vessel registration certificate or semi-industrial fishing vessel registration certificate issued in accordance with regulation 5 and 6 respectively;
 - “semi industrial fisher” means any person employed or engaged in any capacity on board a semi-industrial fishing vessel; and
 - “subsistence fisher” has the meaning assigned to it under section 2 of the Act.

3. The purpose of these Regulations is to— Purpose.

- (a) provide for modalities of accessing Kenya inland fishery waters;
- (b) promote the realization of economic benefits from Kenya inland fishery resources;
- (c) provide for fees and other charges for promoting development of artisanal fishers;
- (d) promote management and conservation of inland fishery resources; and
- (e) strengthen monitoring, control and surveillance within Kenya inland fishery waters.

4. These Regulations shall apply to any person, vessel or other craft undertaking any fishing or a fishing related activity falling within the scope of the Act in inland fishery waters. Scope of application.

PART II – REGISTRATION OF ARTISANAL FISHING VESSELS

5. (1) No person shall use an artisanal fishing vessel for fishing in inland fishery waters without an artisanal fishing vessel registration certificate. Artisanal inland fishing vessel registration certificate.

(2) Prior to making an application for a registration certificate for an artisanal fishing vessel, the owner of the vessel shall ensure that the artisanal fishing vessel —

- (a) meets the requirements of the beach management unit in which the owner of the vessel is a member; and
- (b) is inspected by an authorized officer appointed in accordance with section 18 of the Act.

(3) An application for a registration certificate shall be made to the Director-General, through the county director of fisheries of the county where the beach management unit under sub-regulation 2(a) is located, in Form IFR/A1 set out in the First Schedule.

(4) Within fifteen days of receipt of the application under sub-regulation (3), the Director-General shall consider the application and notify the applicant and the county director of fisheries of the decision made on the application.

(5) Where the application under this regulation is approved, the Director-General shall issue a registration certificate upon payment of the fee specified in the Second Schedule.

(6) Where the application under this regulation is not approved, the Director-General shall indicate the reasons for refusal in the notice issued in sub regulation (4).

(7) Upon issuance of the certificate under sub-regulation (5), the county director of fisheries shall —

(a) allot an identification mark to the fishing vessel in respect of which an artisanal fishing vessel certificate is issued; and

(b) cause an entry of the allotted identification mark to be made in the record of artisanal fishing vessels.

(8) Any person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to the penalty provided in section 103(3) of the Act.

6. (1) No person shall use a semi-industrial fishing vessel for fishing in Kenya inland fishery waters without a registration certificate.

Semi-industrial inland fishing vessel registration certificate.

(2) Prior to making an application for a registration certificate, the owner of the semi-industrial fishing vessel shall ensure that the fishing vessel has been —

(a) vetted in accordance with the Rules of the beach management unit in which the owner of the vessel is a member; and

(b) inspected by an authorized officer.

(3) An application for registration certificate shall be made to the Director-General, through the county director of fisheries of the county within which the beach management unit referred to in sub regulation (2)(a) is located, in Form IFR/A1 set out in the First Schedule.

(4) Within fifteen days of receipt of the application under sub-regulation (3), the Director-General shall consider the application and notify the applicant and the county director of fisheries of the decision made on the application.

(5) Where the application under this regulation is approved, the Director-General shall issue a registration certificate upon payment of the fee specified in the Second Schedule.

(6) Where the application under this regulation is not approved, the Director-General shall indicate the reasons for refusal in the notice issued in sub regulation (4).

(7) Upon issuance of the certificate under sub-regulation (5), the county director of fisheries shall —

(a) allot an identification mark on the registered semi-industrial fishing vessel; and

(b) cause an entry of the allotted identification mark to be made in the record of the semi- industrial fishing vessels.

(8) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to the penalty provided in section 103(3) of the Act.

7. (1) Where there is a transfer in ownership of a registered artisanal fishing vessel, the owner and the new owner shall jointly submit to the respective county director of fisheries, an application for the transfer of the registration certificate.

Transfer of registration certificate.

(2) An application for transfer under this regulation shall contain the following information —

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

(3) Where an application for transfer under this regulation is approved, the county director of fisheries shall —

- (a) cancel the name of the owner from the record of artisanal fishing vessels and enter the name of the new owner; and
- (b) change the name of the owner on the registration certificate and submit, through the county executive committee member responsible for fisheries, the details of such transfer to the Director-General.

8. (1) The county director of fisheries in every county shall maintain a record of artisanal inland fishing vessels registered under these Regulations.

Record of
artisanal
inland fishing
vessels.

(2) The record of artisanal inland fishing vessels shall contain the following information —

- (a) the name and address of the owner;
- (b) name of the beach management unit 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 relevant information that the county director of fisheries may consider necessary.

(3) The county director of fisheries in every county shall submit, every three months, a copy of the record of inland artisanal fishing vessels to the Director-General.

PART III – LICENSING OF ARTISANAL FISHERS

9. (1) A person shall not engage in artisanal fishing in Kenya inland fishery waters unless that person —

Artisanal inland
fisher's licence.

- (a) holds an artisanal inland fisher's licence; or
- (b) is an employee of the owner of an artisanal fishing vessel and is fishing in accordance with the terms and conditions of the artisanal inland fisher's licence issued to the owner of the vessel.

(2) The provisions of sub-regulation (1) shall not apply to a subsistence fisher.

(3) An application for an artisanal inland fisher's licence shall —

- (a) be made by a member of a beach management unit in accordance with applicable beach management unit rules to the Director-General through the county director of fisheries in the county within which the beach management unit is located; and
- (b) be in Form IFR/A1 set out in the First Schedule.

(4) Within fifteen days of receipt of the application, the Director-General shall consider the application and notify the applicant through the county director of fisheries of the decision made on the application.

(5) Where the application under this regulation is approved, the Director-General shall issue an artisanal inland fisher's licence upon payment of the fee specified in the Second Schedule.

(6) Where the application under this regulation is not approved, the Director-General shall indicate the reasons for refusal in the notice issued under sub regulation (1).

(7) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

10. An artisanal fisher's licence shall be valid for one calendar year in the Kenya inland fishery waters and shall be subject to any limitation that may be in effect in accordance with a fisheries management plan.

Validity of
artisanal
fisher's licence.

11. (1) Pursuant to section 84(1) of the Act, a person shall not use an artisanal fishing vessel for fishing in the Kenya inland fishery waters without a valid artisanal fishing vessel licence.

Artisanal fishing
vessel licence.

(2) The owner of an artisanal fishing vessel shall apply for an artisanal inland fishing vessel licence for an artisanal inland fishing vessel registered in accordance with these Regulations.

(3) An application for an artisanal inland fishing vessel licence shall —

- (a) be made to the Director-General through the county director of fisheries in the county where the fishing vessel is recorded;
- (b) be made in the Form IFR/A1 set out in the First Schedule; and
- (c) be accompanied by the following documents and information —
 - (i) the name, address and details of the owner of the vessel;
 - (ii) the name of the vessel;
 - (iii) a copy of the artisanal fishing vessel certificate;

- (iv) the identification mark of the vessel;
- (v) the certificate of seaworthiness;
- (vi) the length of the vessel;
- (vii) the power of the engine in horse power;
- (viii) the number of crew;
- (ix) the type of fishing gears used; and
- (x) any other relevant information that the Director-General may consider necessary.

(4) Within fifteen days of receipt of the application under sub-regulation (3), the Director-General shall consider the application and notify the applicant through the county director of fisheries of the decision made on the application.

(5) In considering the application under sub-regulation (3), the Director-General shall have due regard to the extent to which the fishing vessel and its operator have —

- (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; and
- (e) where the applicant has been convicted of any offence under the Act or these Regulations, complied with the requirements of the judgment.

(6) Where an application under this regulation is approved, the Director-General through the respective county director of fisheries shall issue an artisanal inland fisher's licence on such conditions as may be specified in the licence and upon payment of the fee specified in the Second Schedule.

(7) The Director-General may reject an application under this regulation where —

- (a) the issuance of a licence would be contrary to any applicable fisheries management plan; or
- (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 procedures but has not fully complied with the final decision or determination.

(8) An applicant who is aggrieved by the decision of the Director-General under sub-regulation (7) may lodge an appeal in accordance with section 97 of the Act.

(9) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

12. An artisanal inland fishing vessel licence shall —

Validity of
artisanal
inland fishing
vessel licence.

- (a) be valid for a period of one calendar year from the date of issuance;
- (b) apply to a water body specified in the licence; and
- (c) be subject to any limitations or spatial or temporal restrictions in effect in accordance with a fisheries management plan, a protected area management plan or any conservation and management measures in these Regulations.

13. (1) No licensed fishing vessel shall proceed on a fishing trip unless it meets the standards for seaworthiness and safety of life at sea applicable to that class of the vessel.

Seaworthiness of
fishing vessels
and safety of
crew.

(2) Where on inspection of any licensed fishing vessel, an authorized officer determines that the vessel is unseaworthy or is not equipped with the required safety equipment, the officer may revoke or suspend the licence of the vessel until it meets the applicable standards for seaworthiness and safety of life at sea.

(3) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 90(6) of the Act.

14. (1) No person shall trade in fish or fish products from inland fishery waters without a valid fish trader's licence.

Fish trader's
licence.

(2) An application for a fish trader's licence shall —

- (a) be made to the respective county director of fisheries in the county where the fish trader's main place of business is located;
- (b) be made in Form IFR/A1 set out in the First Schedule; and
- (c) contain the following information—
 - (i) the name of the individual, company or body corporate;
 - (ii) the address of the main place of business and other places of business in Kenya, if any;
 - (iii) the species of fish and fish products to be traded in; and
 - (iv) any other relevant information that the county director of fisheries may consider necessary.

(3) Within fifteen days of receipt of the application under this regulation, the county director of fisheries shall consider the application and notify the applicant of the decision.

(4) Where an application under sub-regulation (2) is approved, the county director of fisheries shall issue a fish trader's licence to the applicant upon payment of the fee specified in the Second Schedule.

(5) Where an application under sub-regulation (2) is not approved, the county director of fisheries shall indicate the reasons for refusal in the notice issued under sub-regulation (3).

(6) No fish trader shall deal in fish or fish products before it is landed at a designated landing station or port in Kenya.

(7) A fish trader's licence shall be valid in all counties where it is issued for a period of one calendar year.

(8) This regulation shall not apply to trading in species of fish for which a specific trading licence is required.

(9) A person who contravenes sub-regulations (1) and (6) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

15. (1) No person shall, for the purpose of trade, move fish or fish products from Kenya inland fishery waters without a valid fish movement permit.

Fish movement permit.

(2) An application for a fish movement permit under sub-regulation (1) shall be made to the respective county director of fisheries in the county where the consignment originates in the Form IFR/A1 set out in the First Schedule.

(3) Upon receipt of the application under this regulation, the county director of fisheries shall consider the application and notify the applicant of the decision.

(4) Where the application under sub-regulation (2) is approved, the county director of fisheries shall issue a fish movement permit to the applicant upon payment of the fee specified in Second Schedule.

(5) Where the application under sub-regulation (2) is not approved, the county director of fisheries shall indicate the reasons for refusal in the notice issued under sub-regulation (3).

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

(7) The holder of a permit under this regulation shall cause the permit to be carried and exhibited at all times in the vehicle or vessel.

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

(9) The fish movement permit shall be valid for one calendar year throughout the Kenyan territory for the movement of the fish and fishery products specified on the fish movement permit.

(10) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

16. (1) No person shall move live fish from one catchment area in the inland fishery waters to another area without a valid live fish movement permit.

Live fish movement permit.

(2) An application for a live fish movement permit shall be made to the Director-General through the respective county director of fisheries where the water body from which the fish originates, in the Form IFR/A1 set out in the First Schedule.

(3) Upon receipt of the application under this regulation, the Director-General shall consider the application and notify the applicant through the county director of fisheries of the decision.

(4) Where an application under sub-regulation (2) is approved, the Director-General shall issue a live fish movement permit to the applicant upon payment of the fee specified in the Second Schedule.

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

(6) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

PART IV – FRESHWATER ORNAMENTAL FISHERIES

17. (1) No person shall engage in fishing or collecting ornamental fish in the inland fresh waters or keep in any aquarium or other holding facility any ornamental fish for commercial purposes without a licence.

Freshwater ornamental fishing licence.

(2) An application for a freshwater ornamental fishing licence shall be made to the Director-General.

(3) Within fifteen days of receipt of the application under this regulation, the Director-General shall consider the application and notify the applicant.

(4) Where an application under sub-regulation (3) is approved, the Director-General shall issue a freshwater ornamental fishing licence to the applicant upon payment of the fee.

(5) Where an application under sub-regulation (3) is not approved, the Director-General shall indicate the reasons for refusal in the notice issued in sub regulation (3).

(6) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

18. (1) The holder of a freshwater ornamental fishing licence shall not engage in fishing for, or be in possession of —

Conditions of licence.

(a) any other species of fish other than those specified in the licence; or

(b) more than the specified number and size of fish per species.

(2) The holder of a freshwater ornamental fishing licence shall —

(a) maintain a logbook indicating, on a daily basis, all additions to the ornamental fish including post-harvest losses; and

(b) not keep, in captivity, any prohibited species.

(3) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

19. (1) No person shall, for the purpose of trade, deal in crustacean from Kenya inland fishery waters unless that person has a valid crustacea dealer's licence.

Crustacea dealer's licence.

(2) An application for a crustacea dealer's licence shall be made in Form IFR/A1 set out in the First Schedule to the respective county director of fisheries in the county where the crustacea dealer's main place of business is located.

(3) Within fifteen days of receipt of the application, the county director of fisheries shall consider the application and notify the applicant of the decision.

(4) Where an application under this regulation is approved, the county director of fisheries shall issue a crustacea dealer's licence to the applicant upon payment of the fee specified in the Second Schedule.

(5) Where an application under this regulation is not approved, the county director of fisheries shall indicate the reasons for refusal in the notice issued under sub regulation (3).

(6) A crustacea dealer's licence shall be valid for a period of one calendar year.

(7) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty provided in section 124(3) of the Act.

PART V — CONSERVATION AND MANAGEMENT MEASURES

20. (1) No person shall move an artisanal fishing vessel or fishing gear from one catchment area to another within the Kenya inland fishery waters without the written approval of the Director-General and subject to any limitations that may be in force in the fisheries management plan of the intended water body.

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

(2) A person who contravenes sub regulation (1) 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.

21. (1) No person, other than a recreational fisher, shall land any fish at any point except at a designated fish landing station established pursuant to section 50 of the Act.

Landing of fish.

(2) Any artisanal fisher who lands fish at the fish landing station shall —

- (a) cause the fish to be weighed by the representative of the beach management unit;
- (b) keep or store the fish in accordance with the conditions provided in the relevant regulations on safety and quality of fish.

(3) A person who contravenes sub regulation (1) commits an offence and shall be liable on conviction to a fine provided in section 50(4) of the Act.

22. (1) An inland fisher shall —

Discards.

- (a) not discard fish during fishing operations except where the fishing vessel is in distress; and
- (b) retain on board the vessel all fish caught and land the fish at a designated fish landing station.

(2) In the event of a distress, an inland fisher shall —

- (a) notify the search and rescue center of such distress; and
- (b) make a report to the Director-General of such discard as soon as practicable.

(3) Upon notification under sub-regulation (2), the Director-General shall prepare and share the incidence report with other relevant agencies for appropriate action.

(4) A 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.

23. (1) No person shall fish for anadromous, potamodromous and catadromous fish in the Kenya inland fishery waters.

Protection of anadromous, catadromous and potamodromous fish.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

24. (1) No person shall introduce any fish species into an inland water body without authorization from the Director-General in accordance with the Act.

Introduction of fish species.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

25. (1) No person shall land any fish whose size is less than —

Minimum and maximum landing size of fish.

- (a) twenty-five centimetres for tilapia from Lakes Victoria and Turkana;

(b) eighteen centimetres for tilapia from Lake Naivasha, Lake Baringo, Lake Jipe, Lake Challa and the dams of Tana River and Turkwell river; or

(c) fifty centimetres or more than eighty-five centimetres for Nile perch (*Lates niloticus*) from Lake Victoria and Turkana.

(2) No person shall acquire, purchase, possess, sell, move or offer for sale or barter any species of fish whose landing sizes are not in conformity with sizes set out in sub-regulation (1).

(3) A person who contravenes any condition under this regulation commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

26. (1) No person shall engage in fishing or in any other activity that disturbs any spawn or spawning fish in a breeding area as designated under a fisheries management plan or beach management unit co-management plan.

Protection of
breeding areas.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

27. (1) No person shall undertake fishing activities in an area that is declared as a protected area.

Fishing in
protected
areas.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

28. (1) Pursuant to section 40 (1) (b) of the Act, no person shall—

Fishing Methods.

(a) hit, disturb or splash water to drive fish into a set or drifting fishing gear in any Kenya inland fishery waters;

(b) use a drifting gill net for the purpose of catching fish in any Kenya inland fishery waters; or

(c) use seining as a method for catching Omena (*Rastrineobola argentea*) in shallow or mid water without a lamp in any Kenya inland fishery waters.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to the penalty provided in section 40 (2) of the Act.

29. (1) No person shall, by carrying out any activities, deprive a local community of its traditional access to fishing grounds in any Kenya inland fishery waters without consulting the affected community.

Deprivation of
Community
Traditional
Access to
fisheries.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to the penalty provided under section 64 of the Act.

PART VI — FINAL PROVISIONS

30. (1) Where any licence or certificate issued under these Regulations is lost, damaged or defaced, the licensee may apply for a duplicate copy of the licence or certificate.

Replacement of a licence or certificate.

(2) An application for replacement of any licence or certificate issued under these Regulations shall be made to the Director-General through the county director of fisheries and shall be accompanied by a replacement fee specified in the Second Schedule.

31. A person aggrieved by a decision made pursuant to the provisions of these Regulations may lodge an appeal in accordance with section 97 of the Act.

Appeals.

32. The Fisheries Management and Development (Inland Fisheries) Regulations, 2024 are revoked.

Revocation.
L.N. 56/2024.

FIRST SCHEDULE

FORMS

IFR/A1: General application form

(r.5(3)(b), r.6(3)(c), r.9(3), r.11(3(b)), r.14(2), r.15(2), r.16(2), r.19(2))

AFFIX PHOTO OF
THE APPLICANT

IFR/A1: GENERAL APPLICATION FORM

Application No.

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/Sese/Canoe/Mtaruma/Jahazi/Others*).
- (iii) Type of hullOverall 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>
Details of directors <i>Nationality/Citizenship</i>		<i>Passport</i>	<i>No.</i>
<i>Name</i>		<i>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 ID/No.</i>	<i>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 assupplied by me/us here in 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. Artisanal inland fishing vessel registration certificate.
2. Semi-industrial inland fishing vessel registration certificate.
3. Artisanal inland fisher's licence
4. Artisanal fishing vessel licence
5. Fish traders licence
6. Fish movement permit
7. Live fish movement permit
8. Crustacea dealer's Licence

SECOND SCHEDULE

(*r.5(5), r.6 (5), r.9(5), r.11(6), r.14(4), r.15(4), r.16(4), r.17(4), r.19(4), r.30(2)*)

No.	Item	Amount (KSh.)
1.	Artisanal inland fishing vessel registration certificate (Boats)	500.00 P.A
2.	Artisanal inland fisher's licence	500.00 P.A
3.	Artisanal inland fishing vessel licence (Annual licence)	1, 500.00
4.	Semi industrial inland fishing vessel registration certificate	50, 000.00 P.A
5.	Fisher trader's licence	300.00 P.A
6.	Fish movement permit	1, 000.00
7.	Live fish movement permit (not exceeding 3 tonnes)	500.00
8.	Freshwater ornamental fishing licence	500.00 P.A
9.	Crustacea dealer's licence Crustacea dealer's licence (Wet) Crustacea dealer's licence(Dry)	1, 500.00 500.00
10.	Replacement of a licence or permit	20% of the respective application fee.

Made on the 10th July, 2024.

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

LEGAL NOTICE NO. 123

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT (FISH
LEVY TRUST FUND) ORDER, 2024

ARRANGEMENT OF PARAGRAPHS

Paragraph

PART I—PRELIMINARY

- 1— Citation.
- 2— Interpretation.
- 3— Purposes of the Fund.
- 4— Expenditures of the Fund.

PART II—MANAGEMENT OF THE FUND

- 5— Board of Trustees.
- 6— Qualifications of members of the Board of Trustees.
- 7— Functions of the Board of Trustees.
- 8— Committees of the Board of Trustees.
- 9— Managing Trustee.
- 10— Staff of the Fund.

PART III—FUND DISBURSEMENTS

- 11— Registration of applicants.
- 12— Loan application procedure.
- 13— Processing of application of loans.
- 14— Eligibility criteria for conditional grants.
- 15— Procedure for accessing conditional grants.
- 16— Conditions for disbursements of conditional grants or loans.
- 17— Appeals.
- 18— Obligations of recipient of conditional grants or loans.

PART IV—MISCELLANEOUS

- 19— Levies.
- 20— Annual estimates.
- 21— Quarterly reports.
- 22— Accounts and Audit.
- 23— Investment of Funds.

- 24— Retention of receipts and earnings.
- 25— Offences and penalties.
- 26— Revocation of L.N. No. 58 of 2024.

SCHEDULE

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 28(2)(a) of the Fisheries Management and Development Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Order—

THE FISHERIES MANAGEMENT AND DEVELOPMENT (FISH LEVY TRUST FUND) ORDER, 2024

PART I – PRELIMINARY

1. This Order may be cited as the Fisheries Management (Fish Levy Trust Fund) Order, 2024. Citation.
2. In this Order, unless the context otherwise requires—
“Act” means the Fisheries Management and Development Act; Interpretation.
Cap. 378.
“applicant” means a person who has applied to the Fund for funds;
“Board of Trustees” means the Board of Trustees of the Fund constituted in accordance with section 28 of the Act;
“by-catch” means the non-target species of fish that are retained and sold because it is economic to do so;
“Cabinet Secretary” has the meaning assigned to it in the Act;
“County Executive Committee Member” means the County Executive Committee Member responsible for fisheries within the relevant county;
“fisher” has the meaning assigned to it under the Act;
“Fund” means the Fish Levy Trust Fund established under section 28 of the Act; and
“loan” means sum of money borrowed to be paid back at no interest.
3. The purposes of the Fund shall be to— Purposes of the Fund.
 - (a) promote fisheries management and conservation;
 - (b) mobilize, manage and avail resources for grants, fisheries awards, capacity building and dissemination;
 - (c) provide financial resources for urgent mitigation due to climate change and natural disasters that may affect the livelihoods of fishers; and
 - (d) promote public awareness on fisheries conservation and management.
4. (1) The Board of Trustees may use a maximum of three percent of the approved budget of the Fund to cover the administrative costs of the Fund. Expenditures of the Fund.

(2) The expenditure incurred on the Fund shall be on the basis of, and limited to, the annual budget estimates which shall be prepared by the Board of Trustees and recommended to the Cabinet Secretary for approval and submission to the Cabinet Secretary for the National Treasury, at the beginning of the financial year to which they relate.

(3) Any revision of the approved annual budget estimates shall be referred to the Board of Trustees for approval.

PART II—MANAGEMENT OF THE FUND

5. (1) The Fund shall be administered by the Board of Trustees established under section 28 (4) and (5) of the Act. Board of Trustees.

(2) The Board of Trustees shall elect the Chairperson of the Board at the first meeting of the Board.

6. A person shall be eligible for appointment as a member of the Board of Trustees under section 28 (5) (c) if the person— Qualifications of members of the Board of Trustees.

- (a) possesses a degree from a university recognized in Kenya;
- (b) has the knowledge and at least ten years' experience in the field of aquatic science;
- (c) is a Kenyan Citizen; and
- (d) is not a public officer.

7. (1) The functions of the Board of Trustees shall be to— Functions of the Board of Trustees.

- (a) oversee the administration of the Fund;
- (b) receive reports on the performance of the Fund;
- (c) advise the Cabinet Secretary on the operations of the Fund;
- (d) review the estimates of annual revenue and expenditure of the Fund and recommend the estimates to the Cabinet Secretary for approval and submission to the Cabinet Secretary responsible for the National Treasury;
- (e) review the Fund priorities and criteria for allocation and disbursement of funds to beneficiaries in furtherance of the purposes of the Fund;
- (f) mobilize resources for the Fund;
- (g) open and operate a bank account with the approval of the National Treasury;
- (h) manage assets, equipment and all properties under the Fund; and
- (i) promote and facilitate realization of the objects and purposes of the Fund.

(2) The Board of Trustees may in writing, delegate to an employee of the Fund, the performance of any of the functions.

8. The Board of Trustees may for the purposes of performing its functions, establish such committees of the Board of Trustees it Committees of the Board of Trustees.

deems necessary and the Board of Trustees may delegate to any such committee such of its functions as it deems fit.

9. (1) The Board shall appoint a Managing Trustee who shall hold office on such terms and conditions of service as may be specified in the instrument of appointment.

Managing
Trustee.

(2) The Managing Trustee shall be selected through a competitive process and shall be accountable to the Board in the performance of duties.

(3) The Managing Trustee shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(4) The functions of the Managing Trustee shall be to—

- (a) manage the day-to-day affairs of the Fund;
- (b) ensure the proper management of contracts and agreements entered into by the Fund;
- (c) advise the Board of Trustees on policies intended to enable the Board of Trustees effectively administer the Fund;
- (d) manage the staff of the Fund;
- (e) facilitate the preparation of the budget, strategies, operational proposals, annual plans and corporate policies for deliberation by the Board of Trustees and implementing decisions and resolutions of the Board of Trustees;
- (f) effectively manage the operations of the Fund and foster a conducive corporate culture that promotes ethical practices in the operations of the Fund; and
- (g) perform such other functions as assigned by the Board of Trustees from time to time.

(5) A person shall be eligible for appointment as a managing trustee if the person—

- (a) has a bachelor's degree from a recognized institution in any of the following disciplines—
 - (i) fisheries;
 - (ii) natural resource management;
 - (iii) environmental management or science;
 - (iv) biological sciences;
 - (v) aquatic sciences; or
 - (vi) equivalent qualification;
- (b) has ten years' relevant work experience, five of which shall be at a senior management level;
- (c) meets the requirements of Chapter Six of the Constitution; and

- (d) demonstrates managerial, administrative, and professional competence in work performance and results.

10. (1) The Board of Trustees shall appoint such officers and other staff of the Fund as shall be necessary for the proper discharge of the functions of the Fund under this Order, upon such terms and conditions of service as determined by the Board of Trustees on the recommendations of the Salaries and Remuneration Commission.

Staff of the Fund.

(2) The Board of Trustees may, upon request, accept the secondment of such number of staff to assist the Fund in discharging its functions.

(3) A public officer seconded to the Fund shall, during the period of secondment be deemed to be an officer of the Fund and shall be subject to the direction and control of the Board of Trustees.

PART III—FUND DISBURSEMENTS

11. (1) A person who wishes to access funds from the Fund shall apply to the Fund in the manner set out in paragraph 12 and the Schedule.

Registration of applicants..

(2) A person referred to in sub-paragraph (1) shall be eligible to access funds from the Fund if the person is—

- (a) an artisanal fisher;
- (b) a fishing gear maker or repairer;
- (c) a boat maker;
- (d) a fish trader;
- (e) a fish processor; or
- (f) a fish transporter.

(3) Any person engaged in the following fishing related activities may apply for registration with the Fund in Form FLR 1 set out in the Schedule—

- (a) fisheries research;
- (b) fisheries management;
- (c) capacity building;
- (d) climate change impacts; or
- (e) insurance.

12. A person who intends to obtain a loan from the Fund shall submit an application for the loan to the Board of Trustees in Form FLR 2 set out in the Schedule, and attach the following to the application—

Loans application procedure.

- (a) a recommendation letter from the beach management unit in which the applicant is a member;
- (b) in the case of a fish trader, a recommendation letter from the relevant association;

- (c) guarantees of repayment of the loan executed by at least two guarantors; and
- (d) any other relevant information

13. (1) The Board of Trustees shall use the following criteria when evaluating a loan application submitted in accordance with paragraph 12—

Processing of application of loans.

- (a) first in first out principle of loan processing;
- (b) preference to applicants who are women, youth or persons with disability;
- (c) applicable loan threshold for each category of applicant based on the ratio of the maximum amount applied for to the annual turn-over of the applicant's business or projected annual turn-over for start-ups;
- (d) ability to repay the loan within the stipulated loan tenure;
- (e) an undertaking by the applicant that the loan shall only be used for the purpose applied for until the loan is repaid in full by the applicant;
- (f) an applicant shall not be eligible for more than one loan from the Fund unless the applicant has fully repaid the initial loan; and
- (g) an undertaking by the applicant to notify the Board of Trustees of any change in physical address.

(2) All loans shall be disbursed to a successful applicant subject to the fulfillment of the following conditions—

- (a) all loans from the Fund shall be approved and recorded in the minutes of the meetings of the Board of Trustees;
- (b) all loans from the Fund shall be advanced to the successful applicants and shall be disbursed through the bank account of the successful applicant, or any other appropriate account approved by the Board of Trustees; and
- (c) the Board of Trustees shall open and maintain loan accounts of all successful applicants and the amount disbursed in each account and the balance thereof.

(3) The Board of Trustees shall communicate its decision on every loan application in writing to the applicant within twenty-one days of receiving the application.

14. (1) A beach management unit shall be eligible to apply for a conditional grant from the Fund if the beach management unit —

Eligibility criteria for conditional grants.

- (a) has an annual work program aligned to the strategic plan of the beach management unit approved by the governing body of the beach management unit; and
- (b) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities,

approved by the governing body of the beach management unit and the requisite regulatory approvals from relevant government institutions.

(2) An association of persons undertaking a fishing related activity shall be eligible to apply for a conditional grant from the Fund if the association—

- (a) has an annual work program aligned to the strategic plan of the association approved by the governing body of the association; and
- (b) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the governing body of the association and the requisite regulatory approvals from relevant government institutions.

(3) A county or an agency of the national government shall be eligible to apply for a conditional grant from the Fund if the county or agency has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the county assembly and the requisite regulatory approvals from relevant government institutions.

15. (1) The Board of Trustees shall, by the 15th September of each year issue a budget circular to the eligible persons referred to in paragraph 11 indicating—

Procedure for
accessing
conditional grants.

- (a) the ceilings for the conditional grants that may be issued for each object of the Fund; and
- (b) priority programs, projects and activities to be eligible to receive a conditional grant in that financial year.

(2) A person or entity which intends to receive a conditional grant from the Fund and meets the criteria set out under paragraph 14 shall at least six months before the commencement of a financial year apply to the Administrator of the Fund by submitting Form FLR 3 set out in the Schedule.

(3) A person who intends to receive a conditional grant shall provide thirty percent of the required sum.

(4) An application under sub-paragraph (2) submitted by a beach management unit shall be accompanied by—

- (a) the minutes of a properly constituted meeting of the governing body of the beach management unit containing the resolution to apply for a conditional grant from the Fund;
- (b) an annual work program aligned to the strategic plan of the beach management unit approved by the governing body of the beach management unit;
- (c) where the project for which the conditional grant is applied for is an infrastructure development project, the project designs, plans and bills of quantities approved by the

governing body of the beach management unit and the requisite regulatory approvals from relevant government institutions, where applicable;

- (d) a statutory declaration of programs funded through other sources, if any; and
- (e) the details and signatories of the bank account in the name of the beach management unit where the conditional grant shall be channeled.

(5) An application under sub-paragraph (2) submitted by an association of persons undertaking a fishing related activity shall be accompanied by—

- (a) the minutes of a properly constituted meeting of the governing body of the association containing the resolution to apply for a conditional grant from the Fund;
- (b) an annual work program aligned to the strategic plan of the association approved by the governing body of the association;
- (c) where the project for which the conditional grant is applied for is an infrastructure development project, the project designs, plans and bills of quantities approved by the governing body of the association and the requisite regulatory approvals from relevant government institutions, where applicable;
- (d) a statutory declaration of programs funded through other sources, if any; and
- (e) the details and signatories of the bank account in the name of the association where the conditional grant shall be channeled.

(6) An application under sub-paragraph (2) submitted by a county government shall be accompanied by—

- (a) an annual work program aligned to the strategic plan of the county government;
- (b) a written confirmation from the county assembly that there is no other funding for the same program, project or activity;
- (c) where the project for which the conditional grant is applied for is an infrastructure development project, the project designs, plans and bills of quantities approved by the county assembly and the requisite regulatory approvals from relevant government institutions, where applicable;
- (d) a statutory declaration of programs funded through other sources, if any; and
- (e) the details and signatories of the bank account in the name of the county government where the conditional grant shall be channeled.

(7) An application under sub-paragraph (2) submitted by a state agency shall be accompanied by—

- (a) the minutes of a properly constituted meeting of the governing body of the state agency containing the resolution to apply for a conditional grant from the Fund;
- (b) an annual work program aligned to the strategic plan of the state agency approved by the governing body of the state agency;
- (c) where the project for which the conditional grant is applied for is an infrastructure development project, the project designs, plans and bills of quantities approved by the governing body of the state agency and the requisite regulatory approvals from relevant government institutions, where applicable;
- (d) a statutory declaration of programs funded through other sources, if any; and
- (e) the details and signatories of the bank account in the name of the state agency where the conditional grant shall be channeled.

16. A conditional grant shall only be disbursed if—

Conditions for disbursements of conditional grants.

- (a) the disbursement is approved and recorded in minutes of the Board of Trustees; and
- (b) the disbursement is to meet the expenses related to the objects and purpose of the Fund.

17. (1) The Board of trustees may reject an application for disbursement of a loan or grants if the applicant has—

Appeals.

- (a) previously defaulted;
- (b) not complied with any requirement under this Order; or
- (c) been previously convicted for breaching various fisheries laws.

(2) An applicant whose application for a grant or a loan is rejected, may appeal to the Cabinet Secretary in writing.

(3) Upon receipt of an appeal under sub-paragraph (2) above, the Cabinet Secretary shall form an ad-hoc committee to determine the appeal.

(4) The decision of the ad-hoc committee shall be final.

(5) Without prejudice to sub-paragraph (4) an aggrieved person has a right to seek legal redress at the court.

18. (1) A person who receives a conditional grant or a loan shall—

Obligations of recipient of conditional grants or loans.

- (a) submit quarterly and annual progress reports of the program, project or activity funded by the Fund; and

- (b) allow the staff of the Fund to monitor and evaluate the program, project or activity funded by the Fund.

(2) A person who receives a conditional grant or loan from the Fund shall return any unutilized funds where—

- (a) the purpose for which the funds were disbursed was not undertaken;
- (b) the purpose for which the funds were disbursed was undertaken but the funds were not fully utilized; or
- (c) savings from the funds are realized as a result of change in circumstances.

(3) Unutilized funds returned under sub-paragraph (2) shall be recorded as a receipt of the Fund.

(4) A person who fails to comply with sub-paragraph (2) or (3) shall not be eligible for any subsequent disbursement from the Fund.

PART IV—MISCELLANEOUS

19. The levies payable on the value of the fish landed shall be as set out in the Schedule. Levies.

20. (1) At least three months before the commencement of each financial year, the Board of Trustees shall prepare estimates of the revenue and expenditure of the Fund for that year. Annual estimates.

(2) The annual estimates shall make provision for all estimated revenues into and expenditures from the Fund for the financial year and in particular, the estimates shall provide for—

- (a) revenues projected to be received by the Fund from the sources of funds provided for under this Order;
- (b) moneys allocated as conditional grants and loans under this Order;
- (c) monies for the administration expenses of the Fund;
- (d) the payment of the salaries, allowances and other charges in respect of the staff of the Fund;
- (e) the payment of the allowances and other charges in respect of the Board of Trustees;
- (f) the payment of pensions, gratuities and other charges in respect of the staff of the Fund; and
- (g) the proper maintenance of the assets, equipment and properties under the Fund.

(3) The annual estimates shall be submitted to the Cabinet Secretary for the National Treasury for approval and thereafter, the Board of Trustees shall not increase or decrease the annual estimates unless a supplementary budget has been approved in the same manner.

21. The Board of Trustees shall prepare quarterly financial and non-financial reports in accordance with the format prescribed in the Quarterly reports.

Public Finance Management Act, , and submit the report to the Cabinet Secretary and the Cabinet Secretary for the National Treasury.	Cap. 412A.
22. (1) The Board of Trustees shall keep proper books and records of account of the income, expenditure, assets, equipment and properties of the Fund.	Accounts and audit.
(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General with a copy to the National Treasury, the accounts of the Fund together with—	
(a) a statement of the income and expenditure of the Fund during the financial year; and	
(b) a statement of the assets and liabilities of the Fund on the last day of that financial year.	
(3) The financial statements prepared under sub-paragraph (2), shall be in accordance with the prescribed format in the Public Finance Management Act.	
(4) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act.	Cap. 412A. Cap. 412B.
(5) The Board shall inform and keep the public informed of its activities and operations through regular publications and such activities and operations shall be accessible to the public unless there are reasons of commercial confidentiality or security justifying exclusions.	
23. The Administrator may invest any of the funds of the Fund which are not immediately required for its purposes in such government securities in accordance with the provisions of the Public Finance Management Act.	Investment of funds. Cap. 412A.
24. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year shall be retained by the Fund for the purposes of the Fund.	Retention of receipts and earnings.
25. (1) A person who misappropriates any funds or assets of the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Order, commits an offence and shall, on conviction, be liable to the penalties provided under section 24(5) of the Statutory Instruments Act.	Offences and penalties.
(2) A person who commits an offence under this Order, for which no penalty has been prescribed shall, on conviction, be liable to the penalties provided under section 24(5) of the Statutory Instruments Act.	Cap. 2A.
26. (1) The Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024 is revoked.	Cap. 2A. Revocation of L.N. No. 58 of 2024.
(2) Notwithstanding the provisions of sub-paragraph (1)—	
(a) a person who is an employee of the Fund under the revoked Order shall, at the commencement of this Order, be deemed to be an employee of the Fund; and	
(b) the assets and liabilities of the Fund under the revoked Order shall, at the commencement of this Order, be deemed to be assets and liabilities of the Fund.	

FIRST SCHEDULE

FORMS

FORM No.: FLR 1 (*r. 11(3)*)

REGISTRATION WITH FISH LEVY TRUST FUND

For Official Use only

Application No.....

Date Received.....

1.0 Personal information

Surname First name other name(s)

.....

County: Sub county: Ward:

Gender : Male ☐ Female ☐

Kenya Revenue Authority Pin:

Physical address..... City/town:Postal code:

Street/ road:

Phone: Email:

Name of organization:

Registration No.:

to be completed by a Beach Management Unit applicant:

BMU number:

Name of BMU

Registration No.:

Verification by BMU chairperson

Name.....

Signature.....

Official stamp

to be completed by the trader

Verification by association's chairperson

Name.....

Signature.....

Official stamp

2.0 Registration of organization

Are you a registered organization? Yes

☐

No

☐

If yes, go to 2.1 if No go to 3.0

2.1 Details of the organization

Name of Organization:

Year of Incorporation: Registration No.:

Activity(s) involved in:

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

Postal Address:

Phone: Email:

No. of members/staff: Gender disaggregation: M: F:

3.0 Declaration

3.1 I hereby declare that the above details are correct and true to the best of my knowledge.

Name:

Signature: Date:

3.2 Witness.....

Name.....BMU numberSignature.....

4.0 For official use only

Name of approving County Executive Committee Member:

Signature: Date:

FORM FLR 2 (*r. 12*)

LOAN APPLICATION FORM

For Official Use only

Application No.....

Date Received.....

Part 1: Instructions

Please read the notes below before completing this form:

Amounts applied for MUST be strictly for the purpose set out in section 28 of the Fisheries Management & Development Act.

Attach copies of the detailed proposal as specified by the Fish Levy Trust Fund including related budget forecast and forecasted gains.

The declaration under Part 4 must be signed by the person making the application.

The Board of Trustees may approve with or without conditions, not approve with or without explanations.

Part 2: Applicant details

Name of Applicant.....

KRA PIN.....

Postal Address.....

Telephone Number(s).....

Email Address.....

Part 3: Bank Details

Account Name.....

Account Number.....

Bank Name.....

Bank Branch.....

City/Town.....

Part 4: Declaration

I certify that the funds shall be applied for the purpose set out in the attached proposal and in conformity with the law.

Name.....

ID No/Registration No..... (*attach copy*)

Signature.....Date.....

Part 5: FOR OFFICIAL USE ONLY

Amount applied for (Kshs).....in words.....

Amount approved (Kshs).....in words.....

If not approved(reasons).....

APPROVED/NOT APPROVED BY THE BOARD OF TRUSTEES.....

Minute No.

Name in Full

Signature.....Date.....

FORM NO: FLR 3 (*r. 15(2)*)

CONDITIONAL GRANT APPLICATION FORM

For Official Use only

Application No.....

Date Received.....

Part 1: Instructions

Please read the notes below before completing this form

Amounts applied for **MUST** be strictly for the purpose set out under Fisheries Management & Development Act.

Attach copies of the detailed proposal as specified by the Fish Levy Trust Fund including related budget forecast and forecasted gains.

The declaration under Part 4 must be signed by the person making the application

The Board of Trustees may approve with or without conditions, not approve with or without explanations.

Part 2: Applicant details

Surname First name other name(s)

.....

County: Sub county: Ward:

Gender : Male () Female ()

Kenya Revenue Authority Pin:

Physical address..... City/town:Postal code:

Phone: Email:

Name of organization:

Registration No.:

Part 3: provision of 30% contribution
provided..... not provided.....(insert boxes to tick)

Part 4: Bank Details

Account Name	
Account Number	
Bank Name	
Bank Branch	
City/Town	

Part 5: Declaration

I certify that the funds shall be applied for the purpose set out in the attached proposal and in conformity with the law.

Name.....

ID No/Registration No..... (*Attach copy*)

Signature.....Date.....

Part 6: FOR OFFICIAL USE ONLY

Amount applied for (Kshs).....in words.....

Amount approved (Kshs).....in words.....

If not approved (reasons).....

REVIEWED BY FUND SECRETARIAT

Name in Full

Signature Date

Comments if any

.....

RECOMMENDED/NOT RECOMMENDED BY THE MANAGING TRUSTEE OF THE FUND

Name in Full

Signature Date

Comments if any

APPROVED/NOT APPROVED BY THE BOARD Minute No.

Name in Full

Signature

Date

LEVIES (r. 19)	
Category of Fisher	Levy Payable of the value of the total fish per landing
Artisanal fisher	2%
Sea Cucumber fishers	2 %
Shell Collectors	1%
Kenyan semi-industrial	3%
Kenyan industrial	5%
Artisanal fisher landing fish bycatch for fish meal processing	0%
Kenyan Semi and Industrial landing fish for fish meal processing	2%
Foreign Fishing landing fish for fish meal processing	2%
Semi Industrial Foreign Fishing Landings	7%
Industrial Foreign Fishing Landings	12%
Ornamental fisher	50% /piece
Bycatch landed by artisanal (less than 2% of the total catch)	0%
Bycatch landed (more than 2% of the total catch)	15%
Authorized trans-shipment	30%

Made on the 16th July, 2024.

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

LEGAL NOTICE NO. 124

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT
(GENERAL) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

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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 the Act;
and

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fisheries.

PART II —LICENSING AND AUTHORIZATION

3. (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.

4. (1) The Director-General may impose conditions on any licence, permit, authorization or registration certificate issued pursuant to section 90 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 and fishing weir.

(3) The County Executive Committee Member may, subject to section 84(2)(a) and (b), 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.

5. (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 sub-regulation (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.

6. (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.

7. 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

8. (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.

9. (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 the aggrieved person 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.

10. (1) The Fisheries (General) Regulations, 2024 are revoked.

Revocation of
L.N. No. 60 of
2024.

(2) Notwithstanding the provisions of sub-regulation (1)—

- (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.

11. (1) Pursuant to section 50 of the Act and for the purpose of orderly landing and recording of fish catches, no person other than a sport fisherman shall land any fish at any point except at a designated fish landing station

Fish landing.

(2) A person who contravenes the provisions of sub-regulation (1) shall, on conviction, be liable to the penalty provided for under section 50 (4) of the Act.

(3) The fish landing stations shall be as set out in the Schedule.

SCHEDULE

(r. 11)

DESIGNATED FISH LANDING STATIONS

1. Lake Victoria

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
(a) Busia	Bunyala	Bunyala South Bunyala South	Mabinju Namabusi Osieko Runyu Bulwani
		Bunyala West Bunyala North	Nalera Bukoma Sumba Island Marenga Omena Marenga Mulukoba Rudacho Openji Sisenye Bugoto Sisenye Omena
	Samia.....	Bwiri Agenga Nanguba	Bumbe Buyukha Busembe Busijo non existent Sio Port
(b) Siaya	Bondo	Sakwa Central	Liunda Uyawi Wagusu Sirongo
		Sakwa South	Nyamnwa Wichlum Ludhi
		Sakwa West	Nyamarimba
		Yimbo Central	Uwaria
		Yimbo East	Oele
		Yimbo West	Hange Mahanga and Sike (Mageta Island) Nambo Uhanya Usenge
	Boro	Alego West	Gangu (L. Kanyaboli)

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
	Rarieda	Asembo East	Kokach Ralayo
		Asembo West	Kowange
		Uyoma Central	Aram Kogonga Kopiata Lwanda Kotieno Madundu Nyangoe
		Uyoma West	Kamariga Misoru Kayuaya Osindo
(c) Homa Bay	Kendu	Karachuonyo Central ..	Obaria Siara
		Karachuonyo West	Achuodho Alara Chwowe Dunga Kagwe Kawere Rakwaro
		Karachuonyo North	Kendu Bay
		Karachuonyo North/ West	Awana Mitimbili Sare Wathremo
		Karachuonyo West	Alum Bala Rawi Doho Kaimbo Mainugu Rangombe
	Mbita	Gembe	Kaugege Lwanda Nyamasare Mirunda Misoru Kobar Tabla
		Gwassu Central	Kagoro Kinda Rasira

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
		Gwasssi North	Kisegi Kitawa Kiwa Nyandiwa Osiri Uterere Gingo
		Kaksingri	Kibuogi Nyakwara Sindo Ragwe Ukula
		Mfang'ano	Kasarani Milundu Ringiti (Remba Island) Kamarach (Takawiri Island) Nyakweri Sena Ugina Yokiya Wakula
		Rusinga	Kiumba Lwanda Rombo Misenye
			Mwanga Sienga Okowe Nyagina Ufira Utajo Urya (Godhe Island)
(d) Migori	Nyakite	Kadem Central	Kaobe Modi
		Kadem North	Lwanda- Konyango
		Kadem West	Aneko Got Kachola Lidha Matuso
		Karungu East	Ngira
		Karungu West	Ohodi Okiro Sori

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
		Muhuru	Kibro Mugabo Nyangwenda Sumba Tagache
	Rangwe	Kanyada East	Lela
		Kanyada West	Kananga Koginga
		Kochia	Ngegu
(d) Kisumu	Maseno	Seme Central	Asat
		Seme East	Kaloka
		Seme West	Arongo Nyamarwaka
	Nyando	Kano North West.....	Nyamware
		Kano South West	Nduru Oseth
	Nyakach Lower	Nyakach North.....	Kusa
	Nyakach Upper	Nyakach West	Bala Koguta Sango Rota
	Winam	Kisumu East	Paga Usare Usoma
		Kisumu West	Ogal
		Kolwa West	Dunga
<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
			Tako Block
		Town	Kichinjio
2. Indian Ocean			
(a) Kilifi	Malindi		Ngomeni Malindi Mayungu Watamu Kilifi Takaungu Mtwapa
(b) Kwale	Matuga	Ngombeni	Tsunza Mbuguni Mkwaju Mwanyerere

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
		Tiwi	Kikadinu Nyari Tiwi
	Msambweni	Diani	Mwakamba Gomani Mwamombi Trade Winds
		Kinondo	Mwaepe Mvuleni Mgwani Jeza Chale Gazi
		Msambweni	Mwandamu Mkunguni Mwaembe Munge Shirazi Funzi Bodo
		Pongwe/Kidimu	Ramisi Kiwambale Anziwani Shimoni Mkwiro Wasini Kibuyuni Mtimbwani Kijiweni
			Chiromo Mwanjeni Kivuma Aleni Chete cha Kale
		Vanga.....	Kiwegu Vanga Jimbo
(c) Lamu	Kiunga	Kiunga	Ishakani Kiunga Kiwayuu
	Faza	Faza	Kizingitini Rasini Shanga
	Amu	Amu	Amu Ndununi Matondoni

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
		Mokowe	Mokowe
	Mpeketoni	Mkunumbi	Mkunumbi
		Mpeketoni	L. Kenyatta
	Witu	Witu	Bulto Moa
(d) Mombasa	Kisauni	Bamburi	Utange
		Kisauni	Bamburi Nyali Mkomani Mishomoroni
	Island	Island	Mkupe Old Port Market Tudor
	Likoni	Likoni	Mtongwe Likoni Timbwani
	Changamwe	Changamwe	Jomvu ya Vyungu Mikindani Kitanga Juu
(e) Tana River ...	Kipini	Kipini	Kipini
3. Lake Turkana			
(a) Turkana	Central: Sub County		Tondenyang Lawarengak Nachukwi Kataboi Namandak
			Kalokol Eliye Spring Kerio
(b) Marsabit			Ileret Moite El Molo Bay Loiyangalani
4. Lake Baringo			
(a) Baringo	Marigat	Njemps	Kambi ya Samaki
	Tungulbel	Korofi	Ngenyin Komolion
	Muchongon	Makutano	Noosuguro Kiserian
	Nginya	Loyamaruk	Loruk

<i>County</i>	<i>Sub County</i>	<i>Ward</i>	<i>Beach</i>
5. Lake Naivasha			
(a) Nakuru	Naivasha	Naivasha	Central Landing
6. Lake Jipe and Chala			
(a) Taita Taveta .	Taveta	Jipe	Kajero Kilometre Mkwanjoni
		Chala	Darajani Lesesia
7. Man-made Dams			
(a) Masinga	Machakos	Ekalakala Mananja Tumutumu	
	Embu	Riakanau Tumutumu	
(b) Kiambere	Kitui	Katooni	
(c) Kamburu	Machakos	Kamburu	
(d) Kindaruma	Embu		
(e) Gitaru	Embu		

Made on the 10th July, 2024.

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