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THE KAJULU HILLS CATCHMENT PROTECTION AREA ORDER

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Kenya

Water Act

The Kajulu Hills Catchment Protection Area Order Legal Notice 223 of 2022

Legislation as at 31 December 2022

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The Kajulu Hills Catchment Protection Area Order (Legal Notice 223 of 2022)

Contents

1. Citation	1
2. Interpretation	1
3. Application of this Order	1
4. Declaration of protected area	1
5. Kajulu Hills Catchment Management Plan	2
6. Penalty	2
SCHEDULE [r. 2, 4]	3

WATER ACT

THE KAJULU HILLS CATCHMENT PROTECTION AREA ORDER

LEGAL NOTICE 223 OF 2022

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1. Citation

This Order may be cited as the Kajulu Hills Catchment Protection Area Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"Act" means the Water Act (Cap. 372);

"association" means a water resources users association registered by the Authority in accordance with the Act;

"Authority" means the Water Resources Authority established under section 11 of the Act;

"basin area" means the area designated by the Authority as a basin area under section 24 of the Act;

"feeder rivers" means the rivers Awach Kajulu (Nyang'ori) and Awach Kibos which feed into Nyamasaria river flowing into Lake Victoria;

"Kajulu Hills Catchment Area" means the water catchment area located within the northern shoreline of Lake Victoria North Basin Area from which the feeder rivers originate and demarcated as hydrological system 1G and 1H;

"protected area" means the area declared to be a catchment protected area under paragraph 4 of this Order and is demarcated for protection and conservation within the Kajulu Hills Catchment Management Plan;

"Kajulu Hills Catchment Management Plan" means the management and conservation plan developed by the Authority in respect of the protected area;

"riparian reserve" means land in respect of which management obligations are imposed on users or owners by the Authority due to its proximity to the Protected Area and the feeder rivers;

"soil and water conservation plan" means soil and water conservation plan as defined in the Water Resources Regulations (sub. leg);

"sub-basin area" means the area designated by the Authority as a basin area under section 24(2) of the Act.

3. Application of this Order

This Order and the Kajulu Hills Catchment Protection Plan shall apply to the National Government, national government entities, County Governments, county government entities and any other person being a user of water resources and the riparian reserve of the Protected Area and feeder rivers.

4. Declaration of protected area

The Kajulu Hills Catchment Area is declared to be a protected area for purposes of the Act.

5. Kajulu Hills Catchment Management Plan

- (1) The Kajulu Hills Catchment Management Plan shall come into effect immediately upon publication of this Order in the *Gazette* and shall, without prejudice to the provisions of the Regulations developed under the Act, be the basis for protection, conservation and use of the water resources within the Kajulu Hills Catchment Area.
- (2) The Authority shall place signboards and beacons in or near the Kajulu Hills Catchment Protected Area or in appropriate public places frequented by land and water users and at the Authority's offices; displaying up-to-date information about the condition of the water resources of the Protected Area.
- (3) The public notices shall contain information regarding the action required of water and land users to conserve and protect the water resources of the Kajulu Hills Catchment Protected Area.

6. Penalty

Any person who—

- (a) contravenes this Order; or
- (b) fails to comply with the provisions of the Kajulu Hills Catchment Management Plan,

commits an offence and shall, upon conviction, be liable to a fine of twenty thousand shillings or imprisonment for a term not exceeding six months, or to both.

THE KAJULU HILLS CATCHMENT PROTECTED AREA



Location of Kajulu Hills sub catchment within IHA sub basin

NOTE: 1. The Protected Area is spread within Wathorego and Kadero sub locations of West Kajulu and East Kajulu locations of Kisumu County. It is located 9 km to the east of Kisumu City. The sub catchment covers an area of 5.5km^2 and is within the IHA-sub basin of Lake Victoria South Basin Area.

2. The area of the hills that contributes surface run-off into the rivers was delineated using a GIS software. The area measures 5.5 km^2 out of the 858 km^2 catchment area of the whole IHA sub basin as shown in the map.