**REPUBLIC OF KENYA**

**County govt of kilifi**

**DEPARTMENT OF AGRICULTURE, LIVESTOCK AND FISHERIES**

**KBMU LOGO**

**BY-LAWS**

**FOR**

**KURUWITU BEACH MANAGEMENT UNIT**

**THESE BY-LAWS HAVE IN CONFORMITY WITH THE KENYA FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2016 AND BEACH MANAGEMENT UNITS REGULATIONS, 2020**

# NAME OF BEACH MANAGEMENT UNIT (BMU)

This beach management unit shall be called **KURUWITU BEACH MANAGEMENT UNIT**  referred to in these By-Laws as the 'BMU'

# REGISTERED OFFICE AND POSTAL ADDRESS

The registered office of the BMU shall be in the Kuruwitu landing site. The postal address shall be **Post 86 - 8019, VIPINGO**. Members of the BMU shall furnish the Directorate of fisheries with any changes in the postal address.

# PREAMBLE, INTERPRETATION AND DEFINITIONS

# Preamble

Upon the registration, these by-laws shall bind the BMU and members to the same extent construed to have been signed by each member and contained covenants on the part of each member to observe all the provisions of the by-laws. These by-laws shall bind any other person/s present at or using the beach.

# Translation

In these by-laws, unless the context otherwise requires, words or phrases shall be defined or interpreted following the Fisheries Act; Kenya Fisheries Management and Development Act, 2016 and Beach Management Units Regulations, 2020 made thereunder, referred to as 'the Act' and 'the Regulations' respectively and which shall include their subsequent amendments

# Definition

# conserved area - An area set aside and not engaged in any fishing activity by any person for a short or long term at the consent of the BMU.

# Co-management area: means an area in which the Director-General, County Executive Committee Member, the Beach Management Unit and other stakeholders shall undertake fisheries management activities for the improvement of marine resources;

# Fishing zone – areas within the ocean used for fishing activities

1. Cooperation - Working together for a particular benefit
2. **Dragnet** -This is a type of net lowered to the bottom of the sea to catch fish.
3. **Mono-filament**  - it's a net made from a single filament string. Monofilament is an illegal fishing gear according to the Fisheries act.
4. **Spear Guns** – it's an underwater fishing device designed to launch a tethered spear or harpoon to impale fish or other marine animals and targets. It's illegal within the fisheries act.
5. **Poisonous herb *(utupa*)** – it's a traditional herb thrown into the ocean to suffocate the fish. The fish then floats on top to easily pick the dead fish. It is an illegal fishing method within the laws of Kenya.
6. **Add more definations**……BMU, member
7. **AREA OF JURISDICTION**

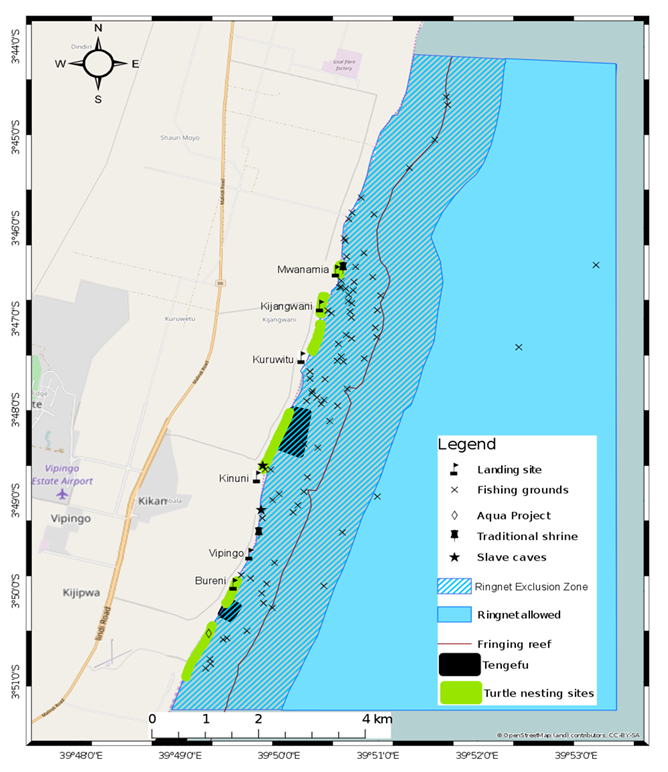
When executing its mandate, the BMUs area shall cover 12,000 hectares along the coastrom the Ferini fishing zone in the South to the Kabenderani fishing zone towards the North. Kuruwitu BMU fish landing sites are Bureni, Vipingo, Kinuni, Kuruwitu, Kijangwani and Mwanamia. It borders Kanamai BMU (from the Southern side) and Takaungu BMU on the (Northern side).

1. **Co-management Area**

Co-management area in which BMU shall develop management activities in collaboration with the Director of Fisheries and other stakeholders. This area shall include the following:- Ferine fishing zone on the Southern side and the Kibenderani fishing zone from the Northern side. This section shall have a size of 12,000 Ha2 - Kuruwitu BMU beaches and a section within the sea (as shall be listed in the Co-Management Area Plan).

Within Kuruwitu BMU are of jurisdiction, there is a "Tengefu" marine conserved area at Kinuni fish landing site. The "Tengefu" is managed by (Kuruwitu conservation Welfare Association) KCWA is within the Kuruwitu BMU Co-management area. Its GPS coordinates are (592840E, 95799605S), (593051E, 9579882S), (592896E, 9579182S), (592896E, 9579064S) The following rules and regulations are followed;

1. There shall be no fishing activities in this area. It is not permissible to release or take off any marine organism from the Tengefu, living or dead.
2. Tourism and turtle conservation activities shall also take place. The Tengefu because it is a turtle breeding site.
3. KCWA CBO, through a memorandum of understanding with Kuruwitu BMU, shall oversee the Kuruwitu marine conservation area

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# OBJECTIVES

The BMU objectives are as follows:

1. Strengthen the management of fish landing sites, fishery resources and marine environment.
2. To support the sustainable development of the fishing sector.
3. Prevent/reduce conflict in the fishing sector.
4. Strengthen the economy and social development for members of the Kuruwitu BMU fish landing sites, Conserving the endangered marine species (e.g. turtles, dolphins, corals, mermaids and others).
5. Sensitize members about health, established and emerging diseases, disease outbreaks, pneumonia and drug abuse.
6. Enable members to access health care through NHIF and other insurance.
7. Maintain gender equality
8. Improve the alternative income of BMU members in their management and other areas.
9. Prevent the use of illegal fishing and fishing gear
10. Improving Kuruwitu BMU relationships and partnerships with stakeholders for assistance in implementing BMU projects and activities
11. Improve tourism in the Kuruwitu BMU area of jurisdiction
12. Improving safety in the Kuruwitu BMU area of jurisdiction
13. Provide maritime rescue services in the Kuruwitu BMU area of jurisdiction in case of an incident or accident.
14. Ensure market access to fish as well as other fisheries products.
15. To support funding and educating future generations through the BMU.
16. To strengthen and develop the infrastructure of BMU members at the landing site and its suburbs.
17. Protect and ensure the efficient use of BMU equipment and resources (e.g. boats/equipment, machinery, buildings, refrigerator and so on)
18. Ensuring sustainable fishing (Registering, inspecting and listing new and former members.)
19. Building capacity of members
20. strengthening co-management through networking

# ADMINISTRATION

1. Membership

Members of the BMU shall include:

1. Indigenous members who signed the BMU application form ;
2. have fulfilled all other membership requirements following the BMU by-laws and Beach Management Unit Regulations, 2020;
3. New members approved to join BMU shall be guided by these by-laws and Beach Management Unit Regulations, 2020. Through formal applications and their names listed in the membership register after they have been audited by the BMU committee and approved by the BMU assemble within one month in collaboration with the office of the Director of Fisheries, Kilifi.
4. Eligibility

In addition to the provisions of the BMU regulations on registration requirements and by-laws of the BMU, new applicants must comply with the following:

1. Have them apply to join the BMU by filling out a standard form.
2. Be a Kenyan citizen with a National Identity Card.
3. Pay the registration fee of Ksh. 200 non-refundable.
4. They should pay all the required government fees before starting their work within the BMU
5. pay a yearly renewal fee of Ksh. 100 by end of January is non-refundable.
6. In the event, a person fails to pay or pays late on item 2 (e) then he/she should pay a fine of ksh.50.
7. Must undergo the vetting process by the BMU executive committee and his application together with the vetting results put before the BMU assemble for discussion and decision making on whether to approve or reject the applicant's request.
8. Comply with all these by-laws, Fisheries Act and the Beach Management Unit Regulations, 2020. Actors/stakeholders in the fishing industry must follow BMU regulations 2020. i.e. *(fishing boat owner, fisherman/crew member, fish trader, net repairer, boat builder and repairer, gear sellers and menders, licensed fish transporters, cage farmers, mariculture farmers, artisanal beach-based fish processors, shell collectors and factory processing agents)*
9. They may not members of another BMU.
10. They must be 18 years of age or older.
11. Be of sane mind.
12. He should not be a person who has criminal records and if necessary, bring a letter from the Chief / local elder or a certificate of good conduct)

# Resignation and Dismissal from BMU

1. A member wishing to withdraw his/ her membership shall inform the Executive Committee in writing. The request will be granted upon him/her paying any outstanding fees owed to the BMU.
2. A member may be expelled from membership of the BMU by a decision of the BMU assembly on the proposal of the executive committee on one or more of the following grounds: -
3. He has been convicted in court on a fisheries-related offence
4. he has been convicted in a court of law on any other criminal offence and sentenced to imprisonment for a period exceeding six months; or
5. He has continued to engage in activities contrary to the objectives of the BMU and these by-laws and ignored following instructions of three written warning letters from the BMU Committee.
6. BMU Membership shall cease with effect from the date a member:
7. when one dies.
8. Dismissed from the BMU by the BMU assembly following the Regulations
9. Is imprisoned for violating fisheries laws and regulations
10. Is imprisoned for violating any of the laws of Kenya
11. Moving to another BMU.
12. Leave maritime activities for more than six months.
13. If (s)he is not in a good state of mind.

# BMU Structure

1. The assemble shall be the supreme decision-making body of the BMU.
2. The BMU Committee shall consist of nine members (9), eleven (11), thirteen (13) or fifteen (15) and shall be responsible for implementing the decisions of the assemble. The BMU committee includes:- Chairman, Deputy Chairman, Secretary, Deputy Secretary and Treasurer.
3. BMU shall have five (5) sub-committees. The Sub-committees must consist of a Chairman, Secretary and three other members. This sub-committee shall not be elected from the BMU executive committee office bearers but shall all be from the remaining members of the executive and assembly. The chairman of the executive shall be ex-officio on all sub-committees.

These sub-committees members shall perform tasks as outlined below;

1. **Subcommittee on patrol, security**, **education, research and communication**
2. Protect fish breeding grounds
3. Prevent theft on fishing nets and fishing boats
4. Prevent illegal fishing
5. Ensure all fishermen are licensed with their vessel registered under the BMU as required by fisheries laws and regulations
6. Protecting BMU vessels, fishing gears and traps
7. Conducting a regular inspection of fishing vessels fishing under BMU jurisdiction
8. Ensure that all fishing vessels fishing within BMU jurisdiction are properly marked, its members are equipped with identification cards and boats used for fishing activities are legally registered.
9. Ensure that all those in the fishing industry in their BMU areas are registered with the association and re-register every year.
10. Ensure that all members have complied with maritime safety rules and provide maritime support at fish landing site/rescue services when required to do so
11. Ensuring sustainable fishing in the co-managed area by using legally authorized fishing tools
12. In collaboration with the Director of fisheries, the relevant departments of marine conservation, responsible security department, they shall ensure that all fisheries laws fully comply.
13. Ensure that they have improved education, research and communication within the BMU.
14. Ensure that the information (a) on objectives has reached the entire Kuruwitu BMU community and the appropriate response is delivered/received.
15. Establish strategies that ensure training programs, information, and skills are available and reach the target group.
16. To create awareness of the budgeted expenditure required for members to achieve their goals effectively.
17. Develop research work plans meant to help them reach the desired expectations.
18. Ensure they find solutions to all the gaps causing failure in the implementation of the project hence bringing about solutions towards beneficiaries.
19. Ensure that there is an explanatory letter related to the research activities conducted within the Kuruwitu BMU are approved by the Director of fisheries.
20. Establish strategies to raise funds to meet the goals of their committees.
21. Make sure they keep their records and track their work activities and submit reports to the executive committee.
22. Collaborate with stakeholders in identifying research limitations and being able to address them.
23. Identify the educational / learning limitations required by / and members and ensure their capacity is improved.
24. Facilitate training on effective fishing techniques
25. Capacity build fishers and traders on ways to improve fish and fish products income
26. Facilitate training of fishermen and marketers on effective fish storage techniques and reduce fish lose
27. Facilitate hygiene education of the fish landing site, fish deport and all offices under the BMU
28. **Sub-Committee on Environment and Conservation**
29. Managers of designated and protected areas.
30. Responsible for Beach cleanliness and cleanups
31. Ensure the conservation of native species .e.g.mangroves on the beaches
32. Develop a schedule for beach cleanups
33. Seeking partnerships with various organizations on issues of conservation and cleaning of beaches
34. Partner with a different organization in ensuring that members receive appropriate medical treatment and that they have medical insurance
35. Ensuring gender equality for each member
36. **Sub-Committee on Finance** **and projects**
37. Assisting the Treasurer to raise money for the BMU
38. Assisting the Treasurer to develop financial work plans, financial expenditure requests and the BMU budget
39. Make sure BMU funds are properly used
40. Make sure financial audits on expenditure is conducted.
41. Assist the Treasurer in compiling and submitting the financial report to the executive committee and the BMU assemble
42. Identify ways of mobilizing funding from government, social organizations, non-governmental organizations, companies and individuals.
43. Design and plan projects that shall benefit BMU through the BMU chair.
44. Ensuring good planning and ways under which the intended project has reached and benefited BMU members.
45. To create awareness to BMU members on how ac particular project shall benefit the BMU and community at large.
46. Can come up with initiatives towards achieving projects goals eventually bring about positive change to the targeted community.
47. Make sure the projects planned are implemented within the annual work plan as planned.
48. Establish strategies on fund mobilization to achieve the goals of the BMU through the executive committee.
49. Make sure they keep their daily activities records for purposes of following up their work and submit reports to the executive committee.
50. Ensures projects implemented to adhere to the programs and regulations listed in this by-law and other relevant fisheries regulations
51. Identify and involve stakeholders/donors for financial assistance on project implementation
52. Identify and provide priorities for all BMU projects
53. **Dispute Resolution Subcommittee** **and Interests**
54. Ending wars between fishermen and other degrading practices
55. Resolve member disputes within the BMU. If the dispute is not about the BMU, it shall be referred to the relevant institutions for the resolution of the dispute.
56. Motivatingcommunity on the role of BMU in social cohesion
57. Search and initiate amendments to these by-laws
58. Submit dispute resolution fish landing sites/statements to the Executive committee, the Bmu Assembly and the Director of Fisheries and other relevant departments
59. Provide and follow up on fines for members in disciplinary cases
60. Collaborate with stakeholders to resolve disputes
61. Suggest programs to help the community
62. Develop an interesting account in collaboration with the treasurer
63. To help determine the distribution of interest from fishing income
64. Helping members run the party (shares / merry go round)
65. Assist the finance committee in the collection of interest funds
66. Helping members save (shares/shares)
67. Establish Strategies to Help Members Get Credit
68. Assisting members during education, accident, illness or disaster for him and his community (father, mother and children)
69. Finding other stakeholders who can assist members in their interests
70. Prepare a report on all matters of interest concerning the welfare and submit it to the Executive committee or Assembly
71. **Sanitation**, **health and Gender Equality**
72. Make sure fish is properly and hygienically stored
73. Ensure quality fish transportation from the fish landing site
74. Collect and store all fish data including separate data in the BMU fish landing site
75. Ensuring cleanliness in the fish stock market and BMU offices and buildings
76. To sensitize fishermen at the fish landing site on education and gender equality
77. Educate the community about gender equality, chronic diseases, adolescents and the effects of drug abuse.
78. Ensure hygienic fish handling

NB: These sub-committees are free to interact with other organizations through the executive committees in ensuring effective performance in their responsibilities

# Meetings

1. The supreme authority of the BMU shall be vested in the General Meetings of the assembly members
2. Such meetings shall be held as follows
3. Annual General Meeting shall be held annually following the provisions of the regulations
4. Monthly executive committee meeting or when the need arises
5. Assembly meeting every three months or in case a need arise or emergency.
6. Monthly meeting of sub-committees or in the event of an emergency.
7. Special executive committee meeting shall be held:
8. When called by the Chairman
9. When summoned by the assembly through a 21-day written notice to the committee, where2/3of members have registered names in the notice
10. When the Assembly convenes a meeting through method (iv) (b) and the Executive committee fails to convene where2/3The Assembly shall register the names and convene a meeting through the Fisheries Officer

# The Executive Committee

1. Elections of the Executive committee shall be by secret ballot or proposed at a meeting of all BMU party members from each fish landing site.
2. If a member of the BMU is elected to the Executive or sub-committee within the BMU, then he or she is not eligible to be elected to any leadership in the social organization that operates or engages in any activities in line with the BMU objectives in the Kuruwitu BMU.
3. Executive Committee of the BMU shall be between nine (9), thirteen (13) and (15) fifteen democratically elected by the entire BMU Assembly.
4. Executive Committee shall compose members appointed by the following categories
5. **Owners of fishing vessels** (30% of Executive committee)
6. **Sailor / Fisherman** (30% of Executive committee)
7. **Fish Vendors** (30% of Executive committee)
8. **Other stakeholders** (10% of Executive committee)
9. **Note**: Not less than one-third of the seats in the Executive committee should be reserved for women.
10. The Assembly shall elect the following leaders/members by voting directly
11. Chairman
12. Vice-Chairman
13. Treasurer
14. Secretary
15. Assistant Secretary
16. They have a committee

The suspension, dismissal and re-appointment to the Executive Committee shall be made by the Assembly following the provisions of Beach Management Unit Regulations, 2020. The Assembly shall dismiss a member/members of the Executive Committee or subcommittee for the following reasons

1. if confirmed he has a mental retardation
2. failure to attend three (3) consecutive meetings
3. engaging in / permitting illegal fishing
4. (s)he has failed in (h)is/er responsibilities following the Regulations or by-laws
5. convicted by a court of law
6. embezzlement of BMU funds
7. misuse of elected office
8. inability to work due to a debilitating disease

# RESPONSIBILITIES, DUTIES AND ROLES

# Executive Committee

The functions of the Executive Committee shall be as follows:

1. Supervise the activities of the BMU and the implementation of these by-laws.
2. Approve records of the previous meeting
3. Supervise and review the implementation of the co-management plan
4. Represent the BMU in meetings between BMU and other stakeholders/partners.
5. Convene and organize Assembly meetings including preparation of the agenda.
6. Examine applications for interested persons willing to join or resign from the BMU and make recommendations to the BMU Assembly regarding the expulsion of members.
7. Submit drafted Co-management plan and other legislation to the Assembly.
8. Represent work plans and drafted budget for the BMU to the Assembly.
9. Complete contracts based on budgets and approved plans.
10. Hiring and when required to lay off BMU employees.
11. Maintain accounts and registers as defined in the Regulations
12. Exchange information/ideas with BMU or other relevant organizations to maintain fairness and transparency in fish prices and its products.
13. Prepare funding, expenditure proposals, revenue projections and submit them to the Assembly for approval.
14. Inspect and record foreign fishing vessels and authorize parking where appropriate.
15. Supervise the financial management of BMU.
16. Ensure fishing vessels in our jurisdictions are registered and have maritime authority certification and safety equipment.
17. Dispute Resolution
18. Make sure there are plans for member’s welfare are taken into consideration
19. Prohibit construction sixty (60) meters from the high water mark as mandated in EMCA rules.
20. To oversee the management of the Kuruwitu conservation area for the sustainable use of this marine resource.
21. Ensuring the safety of fishermen and their fishing gear
22. Collaboration with financial institutions towards improving BMU performance
23. Fish data collection
24. Supervise all BMU employees

# Chairman

The BMU chairman shall perform the following functions:

1. Conducting/supervising Executive Committee and Assembly meetings
2. Be the BMU official spokesman
3. Ensure the Executive Committee submits statistics, information and financial statements to the Assembly and the Director of Fisheries promptly.
4. Arrest any person who has a criminal record
5. Seize any fish, fishing gear, vessel, or other articles which he has reason to believe has been used in the commission of the offence, or in respect of which the offence has been committed.
6. Handle seized items following the Fisheries Act and the BMU Regulation.
7. Signatory to the Bank account;
8. And all other functions authorized by these By-laws or regulations.

# Secretary

The BMU Secretary shall perform the following functions:

1. Convene meetings of Executive Committee and Assembly in consultation with the chairman.
2. Act as the minute clerk at meetings of the assembly and the executive committee.
3. Maintain the correspondence of the beach management unit.
4. Prepare monthly, quarterly and annual performance reports for submission and presentation to the Executive committee and the Assembly.
5. Maintain and update all Assemblymember records, equipment, statistics and other records.
6. Collect and submit all statistics and information as required by the Director of Fisheries.
7. Any other duties assigned to him by the chairman

# Treasurer

The Treasurer shall perform the following functions:

1. Prepare and make payments approved by the Executive Committee
2. Maintain records of BMU financial transactions
3. Receive the money and deposit it into the BMU Bank account
4. Keeping records of BMU assets and liabilities
5. Prepare monthly, quarterly and yearly financial statements
6. Submit and present financial statements to Executive Committee and Assembly for analysis, approval
7. Signatory to the Bank account
8. Collaborate with sub-committee on finance in revenue collection for the BMU
9. Payment of salaries to employees
10. Other duties assigned to him by the chairman

# EMPLOYEES

BMU shall have employees whose functions will be as follows:

# Watchman

1. Guarding of the fish depot and its contents
2. Guarding all fishing vessels located within the BMU areas
3. And any work assigned to him by members of the executive committee through a sub-committee on patrols and security following the work agreement.

* 1. Cleaner

1. Maintain the cleanliness of the fish depot, BMU offices and its facilities.
2. Facilitate and participate in beach cleaning
3. And any work assigned to him by the members of the executive committee through the sub-committee on health, equality and gender following the employment agreement
   1. Fish Depot Clerk
4. Recording fish and fishing statistics
5. Collecting taxes.
6. Record all the money collected
7. Buying and selling fish
8. And any work assigned to him by the members of the executive committee through a sub-committee on finance according to the work agreement

**NB**: BMU shall be able to advertise any other job vacancy as it arises.

# ADMINISTRATIVE RULES

Kuruwitu BMU shall apply these rules in its areas of jurisdiction and Co-management area:

1. A member must pay all BMU fees and if he or she fails to pay he or she shall be notified and warned by the dispute resolution sub-committee.
2. It is not permissible for a member to make abusive remarks at the BMU landing sites
3. The use of the illegal fishing gear is prohibited for example Dragnet, monofilaments fishing nets, spear guns, etc.
4. It is not permitted for a member or members to embezzle funds or damage BMU assets
5. It is illegal to cut down trees/mangroves without the permission of the forestry department.
6. It is not permitted to pollute the beach and the marine environment in any way
7. It is not allowed to fish marine turtles, dolphins, whales and any other endangered creatures following national and international laws
8. A foreign fisherman (who is not a member of BMU) shall be required to pay all fees to BMU
9. The foreign fisherman must comply with the Kuruwitu BMU rules when in the Kuruwitu BMU areas of jurisdiction
10. A fisherman who lands fish catch at the Kuruwitu BMU landing site must produce data of fish catch without fail.
11. Laws that are not listed in these by-laws but are related to fisheries activities shall be enforced in the BMU area following applicable National legislation.

# FINANCIAL MANAGEMENT

The BMU financial year shall commence on the 1st of January and end on the last day of the year, December 31st.

(1) BMU revenue;

1. BMU funds as approved according to Beach Management Unit Regulations, 2020 shall be available from:
2. Non-refundable membership registration fee of Ksh 200
3. Membership renewal annual fees of Ksh 100 non-refundable
4. Annual fishing vessel registration fee of
   1. *Kihori / canoe / dau / mtori* - Ksh 200
   2. *Ngalawa* - Ksh 300
   3. Boat - Ksh 500
5. Annual landing (anchor) fee of Ksh. 500 for members and Ksh.1000 for non-members.
6. Fee for unloading per kilogram of fish for Ksh. 5 for members (fishermen) and Ksh. 10 for non-members of the Kuruwitu BMU.
7. Fish Selling fee from vendors: Ksh 10 per consignment.
8. BMU property use fee:
9. Machines - 20% of revenue after deducting fuel costs
10. Nets - Shall be charged the same amount as a single fisherman's share

or access to services from BMU

1. Grant/loans from Government/funding (National / County), NGOs, Individuals, and other donors
2. The percentage that shall be accepted in the agreement between any social group, private companies or non-governmental organizations that fulfil their responsibilities and earn an income using the resources under Kuruwitu BMU
3. The fee to be paid for ornamental fish fished shall be 20% of the market sale value of the fish.
4. Sportfishing fee (Kshs 500 per boat for one trip)
5. BMU car parking fee at the parking lot under the supervision of BMU (Kshs. 50 per day)
6. Motorcycle parking fee on the beach under BMU supervision (Ksh. 20 per day)
7. Fee for a vehicle that came to carry fish at the fish landing site (Kshs 500 per trip)
8. Fee for a motorcycle that came to carry fish at the fish landing site (Ksh. 50 per trip)
9. Private companies e.g (Centum / Mombasa cement) sign an agreement/ memorandum of understanding with BMU on how they shall compensate for the environmental damage that occurs through their activities within the areas under BMU's control every year.
10. Expenditure of BMU funds and its functions

All funds collected by BMU shall only be used for the implementation of the objectives listed below and those that shall emerg to be of urgency:

1. Office administration - Stationery, salaries/allowance
2. Patrols / Surveillance and rescue operations - Boats, Engine, Oil
3. Repairs of BMU equipment
4. Purchase of BMU equipment
5. Data collection
6. Transport
7. Basic purposes
8. Meetings (privileges/allowances)
9. BMU elections

**NB:**

Pay County BMU Network fees following network rules.

Any funds that BMU shall collect or qualify for, shall be sent to the bank either by the mobile electronic system (Mpesa) or a cheque be deposited in less than 24 hours (twenty-four).

The budget of any expenditure shall be approved by the Kilifi South Sub-County Fisheries Officer before the funds are released from the bank and utilised.

1. The Chairman, Treasurer and a member of the Assembly approved by the Assembly shall be the signatories to the BMU accounts.
2. BMU management books;

BMU shall keep the following books and records:

1. A membership list that should be updated and well-kept as required every three months. It must contain the name, address and type of membership of each member.
2. Register of equipment, tools and fishing gear owned by each BMU member
3. Debt record, costs and payments.
4. Record of Assembly meetings.
5. Record of Executive Committee meetings.
6. Record of commercial transactions and contracts.
7. List of assets owned and/or used by BMU.
8. A copy of these By-Laws.
9. Kenya Fisheries Management and Development Act, 2016
10. Beach Management Unit Regulations, 2020
11. BMU registration certificate publicly posted.
12. A financial handbook that provides details of all the money spent by BMU.
13. A ledger (Ledger) with BMU business transaction records.
14. Copy of financial position, approved account (balance sheet and balance sheet (balance sheet, income and expenditure for landing site)
15. Copies of quarterly financial statements.
16. Copies of annual financial statements.
17. Guest Book
18. Copies of bank statement records
19. BMU seal
20. Financial Report
21. Fish and fishing statistical record
22. The management of the BMU finances shall be following the provisions set in the BMU Regulations, to this extent:
23. The treasurer shall present monthly, quarterly and annual financial reports to the executive committee whose report shall include the welfare sub-committees financial report
24. The Executive Committee shall submit these financial statements to the Assembly and the Department of Fisheries.

# DISPUTE RESOLUTION

1. Any dispute which arises from these by-laws shall be resolved by the sub-committee of disputes resolution and any appeal shall be referred to the Executive committee. If it fails to resolve, the dispute shall be referred to an authorized Fisheries officer for mediation.
2. Disputes shall be resolved through dialogue and compromise in all management units as mentioned above. If a solution is not found then the laws of Kenya, Kenya Fisheries Management and Development Act, 2016 and Beach Management Unit Regulations, 2020 shall apply
3. If there are disputes that do not fully relate to the fisheries department, whether they have occurred in the BMU areas, then the relevant government departments shall be notified and take action following existing laws.

# FINE AND PENALTY

The Executive Committee shall impose fines and penalties for the following offences:

1. Disposal of waste on the beach shall be charged Ksh. 500 per BMU member
2. Disposal of waste on the beach from companies and other actors shall be fined following the law (charged in court)
3. Dragging fish products from the boat to the depot shall be fined Ksh. 200 and if he continues he shall be deregistered as a member of the BMU and action taken following the Fisheries Act
4. Those who insult/use abusive language at the landing site shall be fined Ksh. 500 and if continues then he shall be deregistered from the BMU
5. Sales of fish in undesignated/unapproved BMU fish landing sites shall be charged Ksh. 2,000 and if continues then he shall be deregistered from BMU
6. Anyone who uses another member/ person's fishing gear without permission shall be fined Ksh. 2,000 and if continues then he shall be deregistered from BMU
7. Reducing or increasing prices of fish by any BMU member without approvals from the assembly through the executive committee shall attract a fine of Ksh. 2,000. if he continues he shall be banned from buying or selling fishing
8. Theft of fishing gear shall be charged half the value of the stolen fishing gear/equipment plus the replacement of the fishing gear/equipment by the thief. Legal action shall also be taken.
9. The fine for theft of the vessel shall be determined by the sub-committee to resolve the dispute and he shall also be prosecuted
10. Having sex on the beach is prohibited and those involved shall be subject to state laws (reported to the police).
11. Drug abuse on the beach is prohibited and those involved shall be subject to state laws (reported to the police).
12. Children are not allowed on the beach during school hours
13. Anyone who causes misuse or misuse of BMU money shall then be forced to return the money and be deregistered from the BMU.

Anyone who repeatedly refuses and violates these rules shall be expelled from the party (BMU) and be prosecuted following the applicable Fisheries laws and regulations of Kenya.

All fines and penalties not listed in these by-laws shall be enforced by BMU following applicable national legislation, rules and regulations.

# Additional regulations

# Partnerships with stakeholders

Stakeholders involved in activities within the BMU jurisdiction area such as common interest groups, social groups, private companies, researchers, governmental organizations and non-governmental organizations:

1. **All social organizations**
2. Once they have plans to do any project, then they must submit a request letter to the Director of Fisheries through BMU so that it can be approved in writing and a contract (MOU) on how they shall work be developed and approved by the assembly.
3. Any social organization shall be a Co-member within the BMU as an organization and not members of that organization to become official members of the BMU.
4. When any social organization performs any revenue-generating activity, using BMU resources, then it shall be their responsibility to submit a certain percentage of revenue agreed upon through a written agreement (MOU) and approved by the BMU Assembly each month without fail.
5. As soon as it is established that this social organization violates the wishes of Kuruwitu BMU then the agreement shall be terminated.
6. When a member is elected as the leader of Kuruwitu BMU then he/she will not have allowed being the leader of a social organization that conducts its activities within the BMU jurisdiction area.
7. In all their activities that correspond to the functions of the BMU, then they shall carry out the activities collaboratively and under the directives of the BMU.
8. **Private companies**
9. Any company that needs or operates in the BMU jurisdiction area then they shall be required to have a memorandum of understanding with the BMU. This agreement shall be witnessed by the Director of Fisheries to ensure that if any damage or environmentally degradation occurs, then it should be compensated for the benefit of the community or the victims.
10. **All research organizations, academics or individual researchers**
    1. They must submit a letter of approval for their activities from the Director of Fisheries outlining the specific objectives of their studies or research.
    2. The benefits of such research or studies to the BMU and community members should be specified and after conducting research the findings and report are produced, discussed and handed over to the BMU and the community.
11. **Non-governmental organizations**
    1. They must submit a letter from the Director of fisheries outlining the specific goals of the activities they want to do.
    2. Clearly state the benefits of the activities through a memorandum after the activities of a particular project. (should showcase its benefits and achievement.)
12. **Government agencies**
    1. They must submit a letter from the Director of fisheries outlining the specific objectives of their activities.
    2. Before and after their activities, the BMU should fully understand the benefits of the activities to be conducted by the government agency and a report to be submitted to the BMU after the accomplishment of the activities.
13. **Salary**

The salary scale of all BMU employees shall be recommended by the Executive Committee and approved by the Assembly

# Allowances/ Miscellaneous and

A BMU member on official duty shall be paid the following benefits:

1. During BMU committee meetings. Every committee member who attends the sitting shall be paid Ksh.500 per day apart from his transport.
2. Lunch allowances shall be paid Ksh.500 for a member engaged in BMU activities. (This level shall be lower and can be adjusted to match the areas where the member shall be working from)
3. Travel fares/transport allowances shall depend on the length of the trip and the fees set by the service providers. The Executive committee shall ensure that the travel allowance shall meet the needs of the member. If there is a need to add more, then they must be approved by the Assembly. (The fare should not be less than Kshs 200).

**NB**

If a member has attended or been invited to a place/meeting where his or her fare is paid by a social organization or government, then he or she should not be paid any fare/reimbursement by BMU.

# By-Laws Amendment Procedures

Executive Committee shall propose amendments in by-laws to an Assembly meeting for adoption. Amendments to the by-laws shall be implemented after approval by the Kilifi County Fisheries Department following the Act.

# Rubberstamps

The BMU seal/Rubberstamp shall contain the following information:

1. Name of BMU
2. Address
3. Telephone number
4. Date

# ACCEPTABLE

We, the undersigned officials on behalf of the Executive Committee do herein acceptand adopt the by- laws for and on behalf of the members of KURUWITU BMU.

**NAME ID NO. SIGN**

**Chairman**: Mr. Ali Karisa Garama ............................... .........................

**Deputy Chairman**: Mr Gilbert Nzai ................................ ..........................

**Secretary**: Mr. Erick Kalume ............................... ...........................

**Deputy Secretary:** Mr James Tsofa ............................... ..........................

**Treasurer**: Miss Amina Omsebe ............................... ..........................

I Certify that the following by-laws of KURUWITU BMU, have been approved by me and duly registered

GIVEN UNDER MY HAND AT THIS ............... DAY .................... OF 20 ...................................

**COUNTY DIRECTOR OF FISHERIES**