 A picture containing text

Description automatically generated 

**REPUBLIC OF KENYA**

**DEPARTMENT OF AGRICULTURE, LIVESTOCK AND FISHERIES**

**BY-LAWS OF THE MTWAPA BMU BEACH MANAGEMENT UNIT**

**THESE BY-LAWS HAVE BEEN DESIGNED TO COMPLY WITH THE FISHERIES ACT, KENYA FISHERIES MANANGEMENT AND DEVELOPMENT ACT, 2016 AND BEACH MANAGEMENT UNITS REGULATIONS, 2020**

**Contents**

[1. NAME OF BEACH MANAGEMENT UNIT (BMU) 1](#_Toc101461951)

[2. PHYSICAL AND POSTAL ADDRESS 1](#_Toc101461952)

[3. INTRODUCTION, INTERPRETATION AND EXPLANATION 1](#_Toc101461953)

[4. AREA OF JURIDICTION 4](#_Toc101461954)

[5. OBJECTIVES 4](#_Toc101461955)

[6. ADMINISTRATION 5](#_Toc101461956)

[7. BMU STRUCTURE 7](#_Toc101461957)

[8. MEETINGS 10](#_Toc101461958)

[9. EXECUTIVE COMMITTEE 11](#_Toc101461959)

[10. RESPONSIBILITIES AND POWERS OF THE EXECUTIVE COMMITTEE 12](#_Toc101461960)

[11. EMPLOYEES 14](#_Toc101461961)

[12. ADMINISTRATIVE RULES 15](#_Toc101461962)

[13. FINANCIAL MANAGEMENT 16](#_Toc101461963)

[14. DISPUTE RESOLUTION 19](#_Toc101461964)

[15. FINE AND PENALTY 20](#_Toc101461965)

[16. COOPERATION WITH STAKEHOLDERS 22](#_Toc101461966)

[17. OTHER 22](#_Toc101461967)

[18. APPROVAL 24](#_Toc101461968)

# NAME OF BEACH MANAGEMENT UNIT (BMU)

This Beach Management Unit will be called the MTWAPA Beach Management Unit and in these by-laws be known as the “BMU”.

# PHYSICAL AND POSTAL ADDRESS

The registered BMU office will be at Mtwapa Beach, Customs landing site with postal address; Post Office Box 98-8010, Mtwapa-Kilifi. Any change of address will be notified to the Kilifi County Fisheries Director and members of the BMU.

# 3. INTRODUCTION, INTERPRETATION AND EXPLANATION

**a) Introduction**

After registration to the BMU, these by-laws will compel the BMU and its members to the same extent as if they were signed by each member and also make agreements for each member to comply with all the provisions of these by-laws. These by-laws will also impose on anyone who will use those BMU landing sites.

**b) Translation**

In these by-laws, unless the context otherwise requires, words or phrases shall be interpreted in accordance with the Fisheries Act; Kenya Fisheries Management and Development Act, 2016 and BEACH MANAGEMENT UNITS REGULATIONS, 2020 which will be recognized within these by-laws, followed and used in future adjustments.

**c) Definition**

**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.  
**Beach**- means the defined geographical area of jurisdiction of a Beach Management Unit  
**Beach Management Unit**- means an organization of fishers, fish traders, boat owners,  
fish processors and other beach stakeholders who traditionally depend on fisheries activities for their livelihoods.

**Beach Management Unit network**- means an organization of Beach Management Unit  
at ward, sub-county, county, water body and national levels.

**Beach seining-** means a method of fishing in a semi-circular shape using a small boat, or in shallow water, by hand wading through the water. Once the second end of the net is ashore again the two ends are hauled together and the net is hauled back on to the shore and the catch removed from the net.  
**Boat owners-** means the owners of fishing vessels registered at a beach.  
**By-laws-** means the internal administrative rules of a Beach Management Unit and a  
Beach Management Unit network approved by the assembly and committee members respectively and the authorized fisheries officer.

**Chairman**- means the chairman of the assembly or executive a committee of a beach  
management unit or of the BMU 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 plan**- means a plan for the co-management of a particular fishery or  
geographical area.

**Co-management area**- means an area in which the Director General, Authorized  
Fisheries Officer and the Beach Management Unit shall undertake fisheries management  
activities.

**Closed area** - an area set aside and not engaged in any fishing activity by anyone for a short or long term at the consent of the BMU.  
**County Director of Fisheries**- means the technical officer responsible for fisheries  
management in a County Government.

**Collaboration-** means a process of groups working together for a common benefit, as opposed to working competitively for personal gain.

**Executive committee**- means a committee of Beach Management Unit and beach  
management unit network members selected in office pursuant to the provisions of regulations.  
**Fish landing site**- means a point on the shore of any waters or coastline of which the  
Director-General in consultation with the County Executive Committee Member has by notice in  
the gazette designated as a point to land fish.

**Fishing grounds-** means a coastal area used by fishermen for fishing.  
**Fish traders-** means persons routinely involved in fish trading at a fish landing station.

**Spear gun -** means a device used by a fisherman to dive and target fish in seawater which is also illegal according to our fishing laws.

**Joint co-management area** - means a designated geographical area managed by more than two stakeholders for the improvement of marine resources.

**Locally managed marine area** -means an area set aside for the purpose of conserving marine resources any no fishing activity is allowed there for a short or long term at the consent of the BMU.  
**Member-** means a member of a Beach Management Unit and Beach Management Unit  
network.

**Non-governmental organization**- means a non-profit group that functions independently of any government.

**Noxious substance-** means a method of using toxins to catch fish, method of fishing is forbidden.

**Community social groups**- means an organization aimed at making desired improvements to a community's social health, well-being, and overall functioning.

# AREA OF JURIDICTION

In carrying out its responsibilities, the Mtwapa BMU jurisdiction will cover six kilometers (6 KM) along the coast from Kwa Chief (South) to Ndodo (North). There are seven Mtwapa BMU fish landing sites including; Moorings, Babylon, Kwa Chief, Customs, Kichangani, Vingazini, Mkomani and Jumba ruins. It is bordered by Marina BMU on the South and Kanamai BMU on the North.

**a) Co-management Area**

In the Mtwapa BMU management areas there is an exception to the Jumba Ruins landing site which is within the Kanamai BMU and Mtwapa BMU boundaries. And of GPS coordinates; (39775429-3941831. 39781361-3944167) the southern part and 39777056-3939111.39782304-3941661) the northern part. The area covers a total of twenty-two hectares (22 ha). It will be managed in partnership between Mtwapa and Kanamai BMU.

# OBJECTIVES

The goals of Mtwapa BMU are as follows:

1. Strengthen the management of fish landing sites, fishery resources and the marine environment.
2. To support the sustainable development of the fishing industry.
3. Prevent the use of illegal fishing and fishing gear
4. Ensuring sustainable fishing (registering, inspecting and listing new and former members.)
5. Prevent / reduce conflict in the fishing industry.
6. Strengthening the economy and social development for members of the Mtwapa BMU. (Improving the alternative means of income of BMU members.)
7. Ensuring market access to fish and other products.
8. Ensure order at the landing sites regarding the purchase of fish from fishermen by putting in place mechanisms to inform BMU members if there is need to increase or reduce the prices of fish
9. Conserve marine species that are at risk of extinction (eg turtles, dolphins, corals, mermaids and others).
10. To sensitize BMU members on health and substance abuse issues.,
11. Improve Mtwapa BMU relationships and partnerships with stakeholders to implementing BMU projects and activities
12. Improving safety in the Mtwapa BMU section
13. Provide maritime rescue services in the Mtwapa BMU area.
14. To strengthen and develop the infrastructure of BMU members in the landing sites and its suburbs.
15. Protect and ensure the efficient use of BMU equipment and resources (e.g. boats / equipment, machinery, buildings, refrigerator and so on)

# 6. ADMINISTRATION

**1) Membership**

BMU members will include:

a) Registered members who signed the BMU registration application and fulfilled all other membership requirements in accordance with the BMU by-laws and Beach Management Unit Regulations, 2007.

b) New members approved to join BMU in accordance with these by-laws and Beach Management Unit Regulations, 2020 and their names listed in the membership register.

**2) Eligibility**

In addition to the provisions of the Beach Management Unit Regulations, 2020 and the BMU by-laws, new applicants must meet the following requirements:

1. Must have applied to join by filling out the full application form (standard form)
2. Must be a Kenyan citizen with a National Identity Card.
3. Pay a non-refundable registration fee of Ksh.2000.
4. Pay the annual registration fee in January of Ksh. 100 which is non-refundable.
5. Be a stakeholder in the fishing industry in accordance with the Beach Management Unit Regulations, 2020.
6. Must not be registered with another BMU.
7. Be sane.

**3) Resignation and Expulsion from the BMU**

1. A member wishing to resign from the BMU must notify the Executive committee in writing / letter one month in advance. Resignation of any member will not relief the member any debts and loans they owe the BMU.
2. A member of the BMU shall be removed from the BMU by decision of the BMU assembly following the recommendations of the Executive committee for the following reasons: -
3. He has been convicted in a court of law for violating fisheries laws
4. He has been convicted by a court of law for violating national laws and imprisoned for a period of six months or more
5. Has continued to engage in activities contrary to the objectives of the BMU and these by-laws ignoring any warning written three times by the Executive committee.

c) BMU membership will terminate from the date when a member:

1. A member dies.
2. Dismissed from BMU by the assembly in accordance with BMU regulations.
3. Imprisoned for violating fisheries laws and regulations.
4. Imprisoned for violating any law in the laws of Kenya.
5. Joining and being a member of another BMU.
6. If one is determined as of no sound mind.
7. Failing to attend three consecutive assembly meetings without valid reason.

# 7. BMU STRUCTURE

1. The assembly will be the main decision-making body of the BMU.
2. The Executive committee shall consist of nine (9) members and shall be responsible for implementing the decisions of the assembly. Among the members of the Executive committee are the office bearers: **Chairman, Vice-chairperson, Secretary, Vice-secretary and Treasurer.**
3. BMU will consist of five (5) basic sub-committees including the MCS committee, finance, environment, disputes and sanitation but may add others according to their needs. Sub-committees must consist of a Chairperson (*who will be appointed from the members of the Executive committee but not one of the office bearers*), and the Secretary, and not more than 3 members. The Chairman of the Executive committee shall be *ex-officio* on all sub-committees. These sub-committees will function as listed below;
4. **MCS and security Sub-committee**
5. Ensure mechanism for collection and submission of BMU catch data
6. Protecting fish breeding grounds.
7. Protecting BMU vessels and gears.
8. Ensuring sustainable fishing in the areas under co-management through the use of legally authorized fishing gear.
9. Ensure that all fishermen and vessels are licensed.
10. Ensuring that all members have complied with maritime safety rules and provided maritime support / rescue services when required to do so.
11. Ensure that all fishing gear used in the BMU and its members are marked with identification and that all fishing boats are legally registered.
12. Ensuring that all those in the fishing industry in their BMU jurisdiction are registered with the BMU and they renew their membership every year.
13. Ensure that they have kept their records so that they can monitor their work and submit a report to the Executive committee.
14. **Environment, Conservation, Hygiene, Health and Gender Equality Sub-committee**
15. Ensuring that fish are handled hygienically.
16. Managers of designated and protected areas within the BMU.
17. Responsible for beach clean-up.
18. Undertaking conservation activities such as conservation of native species including sea turtles in coastal areas.
19. Seeking partnerships with various organizations for issues of conservation and cleaning of beaches.
20. Ensuring cleanliness in the fish depot and BMU offices and buildings.
21. To sensitize fishermen on the importance of education and gender equality.
22. Educate the community on gender equality.
23. Collaborate with stakeholders to ensure that members receive appropriate medical treatment and that they have health insurance.
24. **Finance and Projects Sub-committee**
25. Assisting the treasurer to collect BMU funds.
26. Assist with the treasurer to formulate a draft BMU budget for the Executive committee.
27. Ensuring the proper use of BMU funds. Ensure that projects are implemented in accordance with the programs and regulations listed by law.
28. Ensure financial audits and expenditure.
29. To assist the treasurer in compiling and reporting the money to the Executive committee for presentation to the BMU assembly.
30. Seeking ways to secure funding from government, civil society, non-governmental organizations, companies and individuals. (Establish strategies for raising funds to achieve the objectives of their committee and the assembly.) (Identify and involve stakeholders / donors for financial assistance for project implementation.)
31. Design and plan projects that will benefit BMU through the BMU chairman.
32. Keep records of the committee activities so that they can monitor their work and submit a reports to the Executive committee.
33. **Conflict resolution Sub-committee**
34. Reducing conflicts between the involved members and other degrading practices.
35. Resolve member disputes within the BMU. If the dispute is not about BMU it will be referred to the relevant institutions for resolution.
36. To sensitize the community on the role of BMU in social cohesion.
37. To submit reports / statements on dispute resolution to the executive committee to be presented to the BMU assembly, the Director of fisheries and other relevant departments.
38. To fine and follow up on fines for members in disciplinary cases.
39. Collaborate with other stakeholders to resolve disputes.
40. Prepare a report on the arrangements and all matters of dispute and submit it to the executive committee.
41. **Welfare Sub-committee**
42. Proposing community support programs.
43. Involvement in the development of welfare account.
44. To help determine the distribution of interest from the income of fishing activities.
45. Assist members to run their own common interest groups.
46. Assist the finance committee in the collection of welfare funds.
47. Helping members to make savings.
48. Helping members get loans.
49. To help raise funds to assist a member in the event of an accident, loss of mother / father / child, illness or disaster of the member himself and the accident.

# 8. MEETINGS

1. Assembly will be the supreme authority for the BMU. BMU members shall exercise this authority at all assembly meetings.
2. Assembly meetings will be held as follows:
3. The Annual General Meeting shall be held annually in accordance with the provisions of the regulations
4. Monthly Executive committee Meeting or when need arises
5. Quarterly assembly meetings in March, June, September and December and when a need arises.
6. Monthly sub-committee meeting or when the need arises.
7. A special assembly meeting will be held:
8. When called by the Chairman
9. When called by the assembly through a 21-day written notice to the Executive committee , of which ⅔ of the members are registered and have signed in the notice.
10. When the assembly convenes a meeting through method (b) (iv) and the Executive committee fails to convene, 2/3 of the assembly shall register their names and request to the fisheries officer to convene the meeting.
11. Method of meeting invitation meeting

The BMU will use one or a multiple of the following methods to communicate meeting invitations

1. Via a text message 30 days before the meeting
2. A letter 30 days before the meeting
3. A written statement to be published in each landing site 30 days before the meeting
4. Passing the message individual to individual

# 9. EXECUTIVE COMMITTEE

1. The election of the Executive committee shall be by secret ballot.
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 other activities consistent with the objectives of the BMU in the jurisdiction of the BMU.
3. The BMU Executive committee shall consist of nine (9) members democratically elected by the BMU assembly.
4. The Executive committee shall consist of members elected from the following categories
5. Boat owners (30% of Executive committee).
6. Crew / Fisherman (30% of Executive committee).
7. Fish traders (30% of Executive committee).
8. Others (10% of Executive committee).
9. The assembly shall elect the following leaders / members by direct voting
10. Chairman.
11. Vice Chairman.
12. Treasurer.
13. Secretary.
14. Vice-Secretary.
15. Committee members.
16. Not less than one-third (1/3) of the executive committee seats should be reserved for women.
17. The suspension, dismissal and re-appointment to the executive committee shall be made by the assembly in accordance with the provisions of Beach Management Unit Regulations, 2020.
18. The assembly shall dismiss a member / member of the Executive committee or sub-committee for the following reasons:
19. He/she has failed take responsibilities assigned to her/him through BMU regulations and BMU bylaws.
20. Has been found to have embezzled or misuse BMU funds.
21. Has been confirmed to be of unsound mind.
22. Has been found to be Engaging / allowing illegal fishing.
23. Failure to attend three (3) consecutive executive committee meetings without valid reason.
24. Have been jailed by a court of law for any criminal offence.

10. RESPONSIBILITIES AND POWERS OF THE EXECUTIVE COMMITTEE

1. **Executive committee**

The functions of the executive committee shall be as follows:

1. To oversee the activities of the BMU and the implementation of these by-laws.
2. Supervise and review the implementation of the co-management plan.
3. Represent BMU in the collaboration between BMU and other stakeholders / partners.
4. Convening and organizing assembly meetings including agenda preparation.
5. Vetting the applicants for joining and resigning from the BMU and make recommendations to the assembly regarding the expulsion of members.
6. Presenting the work plan and draft budget to the assembly.
7. Recruitment and when necessary to dismiss BMU employees.
8. Maintaining an account and register as defined in the Regulations.
9. Prepare funding proposals, expenditure reports and revenue and submit them to the assembly for approval.
10. Inspect and record foreign fishing vessels and authorize parking where appropriate.
11. Ensuring that fishing vessels in their jurisdictions are registered and have maritime certification and safety equipment.
12. Dispute Resolution.
13. Ensuring that there are plans for the welfare of members.
14. Ensuring the safety of fishermen and their marine fishing gear.
15. Collection of fish data, member register and their fishing vessels.
16. Represent the BMU in the joint co-management plans in the Joint co management area plans,
17. Other functions referred to in these regulations or by-laws.
18. **Chairman**

The BMU chairman will perform the following functions:

1. Chair the meetings of the BMU executive committee and the BMU Assembly.
2. BMU official spokesperson.
3. Ensuring that the executive committee submits statistics, information and financial statements to the assembly and the Director of Fisheries in a timely manner.
4. Arrest any person who has proven to be a criminal / criminal offender.
5. Prohibit fish, fishing equipment, or other equipment which he or she has proven to be used in the commission of the offense, or for any reason for the breach.
6. Handing over seized items or somebody to the authorized fisheries officer for violation of BMU regulations 2020 and by-laws.
7. Signatory of the bank.
8. All other functions authorized by these by-laws or regulations.
9. **Secretary**

The BMU Secretary will perform the following functions:

1. To convene meetings of the executive committee and the assembly in consultation with the chairperson.
2. To serve as a reference clerk at assembly meetings and the executive committee.
3. Be the custodian of the BMU documents.
4. Prepare monthly, quarterly and annual performance reports and submit them to the executive committee and the assembly.
5. Maintaining and updating all assembly member records, equipment, statistics and other records.
6. Collect and submit all statistics and information as required by the fisheries office.
7. Any other duties assigned to him by the chairman relating to the activities of the BMU.
8. **Treasurer**

The Treasurer will perform the following functions:

1. To prepare and make payments approved by the executive committee.
2. Maintain records of BMU financial transactions.
3. Receive the money and deposit it in the BMU bank account.
4. Keeping records of BMU assets and liabilities.
5. Prepare monthly, quarterly and annual financial statements.
6. Prepare and submit financial statements to the executive committee and the assembly for analysis, and approval.
7. Signature of bank.
8. Collaborate with the finance sub-committee for fundraising.
9. Paying salaries to all BMU employees.
10. Other duties assigned to him by the chairperson relating to BMU activities.

# 11. EMPLOYEES

Mtwapa BMU will have employees whose functions are as follows:

1. **Security**
2. Protection of the fish depot and its contents
3. Guard all fishing vessels located within the BMU areas
4. Any other function assigned to him by the members of the Executive committee through the subcommittee on patrols and protection in accordance with the employment agreement.
5. **Cleaner**

(a) Maintain the cleanliness of the fish depot, BMU offices and its premises.

(b) To guide and participate beach cleaning

(c) And any other function assigned to him by the members of the Executive committee

1. **Fish Depot Clerk**

(a) Collect and Record fish statistics

(b) Collect fish levies and fees.

(c) Record the money collected

(d) Buying and selling fish

(e) Any other function assigned to him by the members of the Executive committee through the sub-finance committee in accordance with the terms of employment agreement.

1. **Criteria to consider when hiring BMU staff**
2. Must be Kenyan and have a national identity card
3. Be of sound mind
4. Be able to read and write
5. Have a certificate of good conduct
6. Be aware of BMU activities
7. **Procedure for hiring staff**
8. The BMU will follow the following procedures when hiring BMU staff
9. Executive committee to advertise and publish job vacancies
10. A job seeker to write application letters and submit them to the BMU office
11. Letter of request to be reviewed by the Executive committee
12. Executive committee to conduct interviews for those who sent their application letters
13. Successful candidates will be presented to the assembly for approval
14. An agreement will be signed between BMU and the employee after negotiations

# 12. ADMINISTRATIVE RULES

MTWAPA BMU will apply these rules in its areas of jurisdiction / co-management area:

1. A member must pay all BMU fees and levies failure to which he will be expelled from the BMU register.
2. Abusive language will be fine as per these by-laws.
3. It is not permitted to catch turtles, dolphins and other endangered species in accordance with national laws.
4. A fisherman who lands at the landing site of Mtwapa BMU must produce the fish catch data upon landing.
5. It is not permissible to fish in a locally managed marine area a person found will be prosecuted.
6. It is not permitted to build any structure on the beach without permission from the relevant departments.
7. The laws not enshrined in these by-laws shall be enforced in the area of ​​BMU in accordance with applicable National legislation.

# 13. FINANCIAL MANAGEMENT

The BMU financial year will start on the 1st of January and end on the last day of the year (31), December.

1. **BMU revenue**

BMU funding as approved in accordance with Beach Management Unit Regulations, 2020 will be available from:

1. Non-refundable membership registration fee of Ksh 2000.
2. Non-refundable annual membership renewal fee of Ksh 100
3. Annual fishing vessel registration fee of
4. Canoe – Ksh.500
5. Boat – Ksh.1000
6. Sail boat- Ksh.500
7. Fee for landing (anchor) vessels for a member shall be Ksh.1000, which will be paid only once he registers his instrument, and Ksh.2000 for non-members each time they come.
8. The fish landing levy for member fishermen should be Ksh.2 and Ksh.5 for non-members of Mtwapa BMU
9. Levies for fish traders: Ksh.2 per kg per member and Ksh.5 per kg for non-members of MTWAPA BMU
10. BMU property use fee:
11. Machine and boats – 50%sharing
12. Nets - Divide according to the catch of the day 50%
13. Preserving fish in the refrigerator- Ksh.5 per kg
14. Diving cylinder with Regulator (Complete) for a day - Ksh.200 per member and Ksh. 300 for non-members
15. Empty gas cylinder - Ksh.400 per member and Ksh.600 for non-members
16. Projector - Ksh. 1500
17. A parking fee on the beach under the supervision of BMU Ksh.50 per day.
18. Fish storage fee for refrigeration Ksh.5 per kg per day.
19. Motorcycle parking fee on the beach under the supervision of BMU Ksh.30 per day
20. BMU will put and manage temporary Bandas in the beach to be leased to beach operators for beach related activities.
21. Large banda Ksh.8000 high season and Ksh.5000 low seasons
22. Middle banda Ksh.5000 high season and Ksh.3000 low seasons
23. Small banda Ksh.2000
24. The cost of high value fish or fish products (such as crab, lobster) will be Ksh.50 per kilo for live and Ksh.20 for the dead.
25. **Expenditure of BMU funds and its functions**

BMU funds will only be used for the implementation of the objectives listed below and for emergencies:

1. Office administration - Stationery, salaries / allowance
2. Patrols / Surveillance and rescue operations - Boats, Engine, Oil
3. BMU equipment adjustment
4. Use and maintenance of BMU items
5. Purchase of BMU equipment
6. Data collection
7. Transport
8. Basic structures
9. Meetings (privileges)
10. BMU elections
11. To pay County BMU Network fees in accordance with network rules
12. Any money that BMU collects or deserves to receive, will be sent either by electronic mail or check in less than 24 hours (twenty-four).
13. Budget of any expenditure will be approved by the Kilifi South Sub-County Fisheries Officer before the funds are released to the bank for use.
14. **BMU management records**

BMU will keep the following books and records:

1. A register of membership lists which must be reviewed and updated as required every three months, and must contain the name, address and type of membership of each member.
2. Register of equipment and tools owned by the BMU.
3. Debt record, costs and payments.
4. Financial books and records of the BMU on behalf of its members.
5. Record of assembly meetings.
6. Record of Executive committee meetings.
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. Guestbook
13. BMU seal
14. Progress report and projects
15. Fish statistical record
16. BMU financial management shall be in accordance with the provisions of the BMU finanacial Regulations , and to this extent
17. The Treasurer shall submit a monthly, quarterly and yearly financial report to the Executive committee.
18. The Executive committee shall submit these financial statements to the assembly and the fisheries department.

# 14. DISPUTE RESOLUTION

1. Any dispute arising out of these by-laws shall be resolved by a subcommittee on disputes and any appeal shall be referred to the Executive committee. If it fails to resolve, the dispute will be referred to the responsible fisheries officer for mediation.
2. Disputes will 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 will apply
3. In the event that there are disputes that do not fully relate to the fisheries department, whether in the case of BMU, then the relevant government departments will be notified and take action in accordance with applicable law.

# 15. FINE AND PENALTY

The Executive committee will impose fines and penalties for the following offenses:

1. Disposal of waste on the beach will be charged Ksh. 500.
2. Disposal of waste by companies and other parties will be fined in accordance with the law (court action)
3. Dragging fish will be charged Ksh. 200 and if he continues he will be expelled as a BMU member.
4. Use of abusive language will be fined Ksh. 500 and continued violations on the same will lead to expulsion from BMU
5. The landing and sale of fish in undesignated landing sites will be charged Ksh. 500 and continued violation will lead to expulsion from the BMU
6. A person who uses a BMU tool/equipment without permission will be fined Ksh. 2,000 and continuing will lead to expulsion from the BMU
7. The fine for the theft of the vessel will be confirmed by the sub-committee to resolve the dispute and will also be subject to legal action.
8. Having sex on the beach is prohibited and those involved will be dealt with in accordance with the law (be reported to the Police).
9. Drug use on the beach is prohibited
10. Children are not allowed on the beach during school hours, if caught they will be taken to the police station. Children not allowed at the beach past 10:00pm.
11. A person who misuses BMU funds will then be compelled to return the money and be expelled from the BMU.
12. Failure to attend a meeting without permission/valid reason will be fined Ksh 100
13. Being late for meeting will be charged Ksh 100 and Ksh 50 for not turning off the phone during the meeting.
14. Whoever fails to provide data should not be licensed
15. Driving a motorbike, motorcycle or tuktuk on the beach is prohibited.
16. Whoever is found cutting mangroves will be prosecuted according to the law.
17. Illegal fishing is not allowed.,whoever is caught using illegal equipment will be charged as per the law.
18. Any person who repeatedly violates these rules shall be expelled from the BMU and prosecuted in accordance with the applicable fishing laws and regulations of Kenya.
19. In the event of a person being late for three months to pay annual renewal membership fee then he/she should pay the fee and a fine of ksh.50 for every month.
20. It is forbidden to dig for bait on the beach, whoever is found to be fined Ksh. 500
21. Fines and penalties not listed in these by-laws shall be enforced by the BMU in accordance with applicable National laws.

# 16. COOPERATION WITH STAKEHOLDERS

Relevant stakeholders in Mtwapa BMU such as social groups.

1. **All social organizations**

Social organizations intending to be operating along the BMUs area of jurisdiction should abide the by-laws of the BMU.

1. Any social organization shall be a participatory member within the BMU as an organization and not members of that organization to be official members of the BMU.
2. When any social organization performs any revenue-generating activity, using BMU resources, then it will be their responsibility to submit a certain levy of revenue agreed upon through a written agreement and approved by the Mtwapa BMU assembly on a monthly basis without fail.
3. When a member is elected as the leader of Mtwapa BMU then he/she will not be allowed to be the leader of a social organization that conducts its activities within the BMU.

# 17. OTHER

1. **Salary**

The salary level of BMU employees will be recommended by the Executive committee and approved by the assembly

1. **Privileges**

A member on official duty will be paid the following benefits:

1. At BMU committee meetings at the port. Each committee member who attended the meeting will be paid Ksh.500
2. In remote meetings requiring transportation, it shall be catered by the BMU.
3. Transportation costs will depend on the distance traveled and the fees set by the service providers. The Executive committee shall ensure that the travel allowance will meet the needs of the member. If there is a need to add them, they must be approved by the assembly.
4. **Procedures for the amendment of the By-Laws**

The Executive committee shall propose amendments to the by-laws for a meeting of the assembly for the purpose of adoption. Amendments to the by-laws will be implemented after approval by the responsible Fisheries office in accordance with the Act.

1. **BMU Stamp**

The BMU seal will contain the following information:

1. Name of BMU
2. Address
3. Office telephone number
4. Date

# 18. APPROVAL

We, the members of the Executive Committee, who have signed the terms below, approve and pass these by-laws on behalf of the members of the MTWAPA BMU.

**NAME ID NO. SIGNATURE**

**Chairperson**: Mr. Bausi Mbwana Bausi ............................ ......................

**Vice Chairperson**: Mr.Freeze Ngole Mbaji .............................. ......................

**Secretary**: Mr. Ndago Munga Ndegwa ............................... ......................

**Vice Secretary:** Mr. Abdhala Aula Ali ........………..... .........................

**Treasurer**: Madam Saumu Shee Hindo .......................... ..........................

I confirm that the following by-laws of the Mtwapa BMU, we have approved and officially registered.

I RECEIVED IT TODAY ......................... DAY .................... ......... 20 ...................................

**KILIFI COUNTY FISHERIES DIRECTOR**