

THE NATIONAL ASSEMBLY  
PAPERS LAID

DATE: 13 MAR 2024

DAY

TUESDAY

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 42*

(Legislative Supplement No. 28)

TABLED

BY:

LEGISLATIVE

Hon Owen Bayo, MP  
Deputy leader, majority party

721

1st March, 2024

Isaiah mwaka

LEGAL NOTICE No. 49

**THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT**

(Cap. 378)

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

**ARRANGEMENT OF REGULATIONS**

*Regulation*

**PART I — PRELIMINARY**

- 1 — Citation.
- 2 — Interpretation.

**PART II- ESTABLISHMENT OF BEACH MANAGEMENT UNITS**

- 3 — Establishment of unit.
- 4 — Objectives.
- 5 — Functions of the unit.
- 6 — Powers of the unit.
- 7 — Procedure for registration of beach management unit.
- 8 — Area of jurisdiction.
- 9 — By-laws.
- 10 — Amendments of by-laws.
- 11 — Register of beach management units.
- 12 — Co-management area.
- 13 — Co-management plan.
- 14 — Environmental protection.

**PART III— ADMINISTRATION**

- 15 — Administrative structure.
- 16 — The assembly.
- 17 — Responsibility of the assembly.
- 18 — Executive committee.
- 19 — Responsibilities of an executive committee.
- 20 — Sub-committee.
- 21 — Employees of a beach management unit.

22 – Responsibilities of the chairperson.

23 – Responsibilities of the secretary.

24 – Duties of the treasurer.

#### PART IV – MEMBERSHIP OF A BEACH MANAGEMENT UNIT

25 – Membership.

26 – Categories of members.

27 – Joining procedure.

28 – Resignation and expulsion of a member.

29 – Rights and obligations of members.

#### PART V – ELECTIONS

30 – General.

31 – Qualifications as a member of the executive committee.

32 – Voting, announcing of results, etc.

33 – Members not entitled to vote.

34 – Term of office.

#### PART VI – CONDUCT OF BUSINESS AND AFFAIRS

##### *The assembly*

35 – Meetings of the assembly.

36 – Quorum.

37 – Decisions of the assembly.

##### *The executive committee*

38 – Meetings of the executive committee.

39 – Decisions of the executive committee.

#### PART VII – SUPPORT AND CONTROL OF BEACH MANAGEMENT UNITS

40 – Support by county director of fisheries.

41 – Supervision by the county director of fisheries.

42 – Inquiry into books of accounts and records.

43 – Dismissal by the assembly.

44 – Suspension by the county director of fisheries.

45 – Dissolution of beach management units.

#### PART VIII – FINANCIAL PROVISIONS

46 – Financial management.

47 – Finances.

48 – Fees and charges.

49 – Registers.

- 50 — Records.
- 51 — Bank accounts.
- 52 — Accounts and audit.

#### PART IX – BEACH MANAGEMENT UNIT NETWORKS

##### *Establishment*

- 53 — Establishment of Beach management unit networks.
- 54 — Mandate of beach management unit network.
- 55 — Standard operating procedures.
- 56 — Ward beach management unit network.
- 57 — Sub-county beach management unit network.
- 58 — County beach management unit network.
- 59 — Water body beach management unit network.
- 60 — National beach management unit network.

##### *Administration*

- 61 — Administrative structure.
- 62 — Network sub-committees.

##### *Election*

- 63 — Qualifications as member of the network sub-committee.
- 64 — Voting.
- 65 — Term of office.
- 66 — Restriction on leadership.

##### *Conduct of business and affairs*

- 67 — Meetings of network committees.
- 68 — Quorum.
- 69 — Decisions of network Committees.

##### *Financial provisions*

- 70 — Finances.
- 71 — Records.

#### PART X - GENERAL PROVISIONS

- 72 — Penalties.
- 73 — Obstruction.
- 74 — Malicious damage documents and assets.
- 75 — Revocation.
- 76 — Savings and transition.

**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 5;                                                                                                              |                 |
| “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 53;                                                             |                 |
| “boat owners” means the owners of registered fishing vessels;                                                                                                                                                                       |                 |
| “by-laws” means the internal administrative rules of a beach management unit or a beach management unit network approved by the assembly, committee members and authorized fisheries officer;                                       |                 |
| “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 plan” means a plan for the co-management of a fishery or geographical area developed pursuant to regulation 13;                                                                                                      |                 |
| “co-management area” means an area in which a beach management unit undertakes fisheries management activities jointly with other stakeholders as provided under 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 18;

"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.

"member" means a member of a beach management unit and beach management unit network;

"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;

"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" means the County Director of Fisheries, Director-General or a fisheries officer nominated in writing to supervise or conduct beach management unit and beach management unit network 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 for a designated fish landing station in accordance with regulation 7.

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 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;
- (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;
  - (iii) type and number of fishing crafts that landed fish and fish products;
  - (iv) issue by-laws which shall be binding upon its members; and
  - (v) any persons present at or using the beach.

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 25;
- (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) The county director of fisheries shall work with the interim representatives to determine and develop the by-laws of the beach management unit.

(8) Following the preparation of an agreed draft of the by-laws, the county director of fisheries shall cause a meeting to be held at which the potential members of the proposed beach management unit shall consider and approve the draft by-laws developed under sub-regulation (7).

(9) Upon conclusion of the meeting under sub-regulation (8), the following documents shall be submitted to the county director of fisheries—

- (a) minutes of the potential members' meeting;
- (b) the approved draft by-laws; and
- (c) the application made under regulation 7(2).

(10) The county director of fisheries shall assess the documents submitted under sub-regulation (9), 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.



(11) 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/T2 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) a notice stating that the beach is managed by the beach management unit, which shall be identified by name; and
- (b) a copy of its by-laws.

9. (1) A beach management unit shall issue by-laws which shall be binding upon its members and any persons present at or using the beach.

By-laws.

(2) The by-laws issued under sub-regulation (1) shall provide for the following—

- (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;
- (f) nomination of members to the administrative structures of the beach management unit; and

(g) any other relevant information.

10. (1) A beach management unit may amend its by-laws in the manner specified in these Regulations and in its by-laws.

Amendments of  
by-laws.

(2) Where a beach management unit seeks to amend its by-laws, it shall, within fourteen days of the date of adoption of the amendments, submit a copy of the proposed amendments to the county director of fisheries for approval.

(3) Within twenty-one days of receipt of the proposed amendments under sub-regulation (2), the county director of fisheries shall, in writing, notify the beach management unit of his decision and specify the reasons thereof.

(4) When making a determination under sub-regulation (3), the county director of fisheries shall consider—

- (a) whether the proposed amendment complies with the Act, these Regulations and any other relevant legislation;
- (b) whether the proposed amendment is in accordance with the objectives of the beach management unit; and
- (c) any other relevant consideration.

(5) Where the county director of fisheries does not respond within the timeline specified under sub-regulation (3), the by-laws shall be deemed to have been approved.

(6) A beach management unit dissatisfied with the decision of the county director of fisheries under this regulation may appeal, in writing, to the County Executive Committee Member whose decision shall be final.

11. (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.

12. (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.

13. (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, whose decision shall be final.



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

14. (1) 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.

(2) A beach management unit shall include in its by-laws provisions concerning the protection of the aquatic environment in its co-management area.

#### PART III— ADMINISTRATION

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

Administrative structure.

- (a) the assembly;
- (b) the executive committee; and
- (c) such other sub-committees as may be specified in these Regulations and the by-laws of the beach management unit.

16. The assembly of a beach management unit shall consist of all the registered members.

The assembly.

17. (1) The assembly of the Beach Management Unit shall be responsible for the following—

Responsibility of the assembly.

- (a) approval of the co-management plan;
- (b) approval of the proposed budgets and work-plan;
- (c) adoption of the annual report and accounts;
- (d) approval of fees or charges payable by the members;
- (e) adoption of by-laws and amendment of existing by-laws;
- (f) election of the members of sub-committees;
- (g) where necessary, removal from office, of the members of the executive committee;
- (h) ensuring sustainable fishing in their area of jurisdiction; and
- (i) undertaking such other tasks as may be specified in these Regulations or the by-laws.

(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.

18. (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 specified in the by-laws of each beach management unit which shall be representative of 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.

19. The responsibility of the executive committee shall be—

- (a) to supervise the general management of the activities of a beach management unit and the implementation of its by-laws;
- (b) to approve the minutes of the executive committee meetings;
- (c) to supervise and review the implementation of the co-management plans;
- (d) to represent the beach management unit to strengthen relationships with other beach management units;
- (e) to convene and prepare meetings of the assembly, including the preparation of the agenda;
- (f) to review applications for admission, resignation and expulsion of members and make recommendations to the assembly;
- (g) to 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;

Responsibilities of  
an executive  
committee.

- (h) to submit the draft of co-management plans and any rules to the assembly for approval;
- (i) to prepare and submit the proposed budget to the assembly for approval;
- (j) to conclude contracts in accordance with the approved budget and plans;
- (k) to employ and, where necessary, dismiss staff of the beach management unit;
- (l) to maintain accounts and registers as specified in these Regulations;
- (m) to 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) to 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 or the by-laws.

20. (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;
- (d) resolution sub-committee; and
- (e) such other sub-committees as may be prescribed in the by-laws.

(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.

21. (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.

22. (1) The responsibility of the chairperson of a beach management unit shall be—

Responsibilities of the Chairperson.

- (a) to chair meetings of the assembly and the executive committee;
- (b) to act as the official spokesperson of the beach management unit with third parties;
- (c) to be a signatory on the beach management unit's fiduciary account;
- (d) to ensure timely submission of data, information and financial reports by the committee to the assembly and the county director of fisheries;
- (e) for purposes of implementing the Act and any regulations made thereunder, the chairperson shall have powers to arrest any person whom he has reason to believe has committed an offence under the Act or these Regulations;
- (f) to hand over to the authorized fisheries officer and other disciplined officers as soon as is reasonably practicable, any person arrested or items seized under the provisions of this regulation; and
- (g) to undertake such other tasks as may be specified in these Regulations or the by-laws.

(2) Without prejudice to any provision in these Regulations, the chairperson's powers shall be limited to his areas of jurisdiction as guided by the County Executive Committee Member.

23. 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.

24. 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

25. (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 26; 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.

26. (1) A beach management unit shall have the following categories of members-- Categories of members.
- (a) boat owners;
  - (b) crew members;
  - (c) fish traders;
  - (d) foot fishers; and
  - (e) others as may be specified under the by-laws.
- (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.
27. (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, whose decision shall be final.

(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.

28. (1) A member of a beach management unit may, by notice in writing to the executive committee, resign from his 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 or its by-laws 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 whose decision of shall be final.

(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.

29. (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 by-laws;
- (b) comply with the provisions of the Act and regulations;
- (c) ensure that licences issued under the Act are valid;
- (d) 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; and
- (e) not damage property owned or used by the beach management unit;
- (f) 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

30. 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.

31. (1) A member of a beach management unit who wishes to contest and referred to in regulation 30(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) has not contravened the by-laws or rules of the beach management unit;
- (g) does not have any arrears of fees or charges to the beach management unit;
- (h) has been proposed and seconded by at least ten other members of the beach management unit who shall be in the same membership category;
- (i) is literate, except for the secretary and treasurer who shall be a holder of at least a secondary school education certificate; and
- (j) 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.

32. (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.

33. (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.

34. 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 three years.

Term of office.

## PART VI – CONDUCT OF BUSINESS AND AFFAIRS

35. (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 his absence 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.

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

Quorum.

37. (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 show of hands or by secret ballot.

38. (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.

39. (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

40. (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.

41. (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.

42. (1) The county director of fisheries may make inquiry into the conduct of the affairs of a beach management unit and inspect its books and records—

Inquiry into books of accounts and records.

- (a) on the credible evidence of three members of that beach management unit who allege 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 whose decision shall be final.

(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.

43. (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 or the by-laws;
- (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 (3), 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) The decision of the County Executive Committee Member under sub-regulation (4) shall be final.

(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 (7), the county director of fisheries shall appoint an interim committee and call for fresh elections within ninety days of the dissolution.

44. (1) The county director of fisheries may suspend an executive committee or any of its members or any sub-committee where he determines that the executive committee, its members or sub-committee is engaged in or condoning prohibited fishing practices.

Suspension by the county director of fisheries.

(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) in writing, notify the executive committee, member or sub-committee of the suspension;
- (b) in writing, notify the County Executive Committee Member detailing reasons for the suspension;
- (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 whose decision shall be final.

(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.

45. (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

46. 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.

47. 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.

48. (1) 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, levy fees and charges in respect of the operation and management of the beach and its participation in co-management activities.

Fees and charges.

(2) The fees and charges under sub-regulation (1) shall come into effect upon approval of the by-laws by the County Executive Committee Member.

(3) The fees charged may include—

- (a) membership fee payable by all members;
- (b) an annual registration fee for fishing vessels;
- (c) a registration fee for new members;
- (d) landing fees payable by fishing vessels that land fish or fishery products at the fish landing station;
- (e) charges for the use of facilities and services provided by the beach management unit;
- (f) a rental fee in respect of buildings and constructions owned by beach management units on the fish landing station; and
- (g) a marketing fee payable by persons involved in the trading of fish.

49. Every beach management unit shall maintain—

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.

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

Records.

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

51. (1) A beach management unit shall open such bank accounts 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.

52. (1) A beach management unit shall maintain full accounts of receipts and expenditures and shall prepare an annual balance sheet and

Accounts and audit.

income and expenditure statement in the form specified by the county director of fisheries.

(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

53. (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/P5 set out in the Schedule.

54. (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

Mandate of beach management unit network.



orderly, safe and effective use and management of the administrative area over which it has jurisdiction.

(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.

55. (1) A beach management unit network shall issue standard operating procedures which shall be binding upon members within its jurisdiction.

Standard operating procedures.

(2) The standard operating procedures issued under sub-regulation (1) shall provide the specific activities in the defined geographical area that may be undertaken by its members or by members of other beach management unit networks in accordance with the applicable co-management plans.

56. (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.

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

Sub county beach management unit network.

58. 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

County beach management unit network.

network shall constitute a county beach management unit network committee.

59. 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.

60. 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.

61. 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.

62. (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.

63. 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 31.

Qualifications as a member of the network sub-committee.

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

Voting.

65. 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.

66. (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.

67. (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.
68. 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.
69. (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.
70. 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.
71. 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**
72. 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 set out in section 194 of the Act; or
- (c) to suspension of a licence.

73. 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.

74. (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.

75. The Fisheries (Beach Management Unit) Regulations, 2007 are revoked.

Revocation.

LN. No. 402 of 2007.

76. Notwithstanding the provisions of regulation 75—

Savings and transition.

- (a) the beach management units established in accordance with the Fisheries (Beach Management Unit) Regulations, 2007 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, 2007 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 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;

LN. No. 402 of 2007.

LN. No. 402 of 2007.

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, 2007 shall be deemed to be proceedings under these Regulations; LN. No. 402 of 2007.
- (e) a licence, certificate or permit issued under the Fisheries (Beach Management Unit) Regulations, 2007 shall be deemed to be a licence, certificate or permit under these Regulations; LN. No. 402 of 2007.
- (f) any administrative investigation or inquiry instituted in terms of the Fisheries (Beach Management Unit) Regulations, 2007 which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations; LN. No. 402 of 2007.
- (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, 2007 shall be deemed to be proceedings under these Regulations; and LN. No. 402 of 2007.
- (k) any proceeding taken in exercise of any of the powers under the Fisheries (Beach Management Unit) Regulations, 2007 shall be deemed to be proceedings under these Regulations. LN. No. 402 of 2007.

SCHEDULE  
FORM BMU/1

(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)

	Name of applicant	ID Number	Membership category	Address and residence	Signature
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)

Name or description of the asset	Official ownership number	Custodian

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(11))

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. 31(1))

## NOMINATION FOR ELECTIONS FORM

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

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

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

	Name	BMU Registration No.	Membership Category	Licence No.	Sign
1.					
2.					
3.					

Comments of the Presiding Officer

Name of the Presiding Officer

Signature

## FORM BMU/F4

(r. 32 (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 ..... Total Number of Fish Processors .....  
 ..... Total Number of Other .....

Details of Executive Committee Members

	Name (in CAPITAL LETTERS)	Sex (M/F)	Official Position	Category (boat owner, crew, fish trader, others)	ID Number	Signature
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
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. 53(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

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

County Executive Committee Member/Director-General

Made on the 13th February, 2024.

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

## LEGAL NOTICE No. 50

## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

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

## ARRANGEMENT OF REGULATIONS

*Regulation*

## PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Purpose.
- 4—Scope of application.

## PART II—REGISTRATION OF FISHING VESSELS

- 5—Artisanal inland fishing vessel registration certificate.
- 6—Semi-industrial inland fishing vessel registration certificate.
- 7—Transfer of registration certificate.
- 8—Record of inland fishing vessels.

## PART III—LICENSING OF ARTISANAL FISHERS

- 9—Artisanal inland fisher's licence.
- 10—Validity of artisanal inland fisher's licence.
- 11—Artisanal inland fishing vessel licence.
- 12—Validity of artisanal inland fishing vessel licences.
- 13—Seaworthiness of artisanal fishing vessel and safety of crew.
- 14—Fish trader's licence.
- 15—Fish movement permit.
- 16—Live fish movement permit.

## PART IV—FRESHWATER ORNAMENTAL FISHERIES

- 17—Freshwater ornamental fishing licence.
- 18—Conditions of licence.
- 19—Crustacea dealer's licence.

## PART V—CONSERVATION AND MANAGEMENT MEASURES

- 20—Movement of artisanal fishing vessel or gears to other water bodies.
- 21—Landing of fish
- 22—Discards.



- 23—Protection of anadromous, catadromous and potamodromous fish.
- 24—Introduction of fish species.
- 25—Minimum and maximum landing size of fish.
- 26—Protection of breeding areas.
- 27—Fishing in protected areas.

PART VI—FINAL PROVISION

- 28—Replacement of licence or certificate.

SCHEDULES

First Schedule - Forms

Second Schedule - Fees

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, 2016, 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;
  - “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
- 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 Kenya 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 Kenya 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 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 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 prescribed under 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).

(6) 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.

(7) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty set out 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) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty prescribed 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.
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.
- (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;

Validity of  
artisanal  
fisher's licence.

Artisanal fishing  
vessel licence.

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

12. An artisanal inland fishing vessel licence shall be—

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) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty prescribed 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 be—

- (a) made to the respective County Director of Fisheries in the County where the fish trader's main place of business is located;
- (b) made in the 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 his 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 the County 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.

(8) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty prescribed 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 his 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 consignment which is 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 prescribed in section 124(3) of the Act.

16. (1) No person shall move live fish from one catchment area in Kenya 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 his 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 set out 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 Kenya 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—

- (a) by a member of a beach management unit; and
- (b) to the Director-General through the respective County Director of Fisheries of the County where the Beach Management Unit is located.

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

(4) Where an application under sub-regulation (2) is approved, the County Director of Fisheries shall issue a freshwater ornamental fishing 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 in sub-regulation (3).

(6) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty prescribed 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) Any 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 his 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) Any person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the penalty prescribed 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 prescribed 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) Any 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) Any 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 Tuna 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) Any 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) Any 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) Any 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) Any person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a penalty set out in section 40 (2) of the Act.

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

#### PART VI – FINAL PROVISION

27. (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.

**FIRST SCHEDULE  
FORMS**

**IFR/A1: General application form**

*(r.5(3)(b), r.6(3)(c), r.9(3), r.11(3), 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/Mtaruna/Jahazi/Others*).
- (iii) Type of hull ..... Overall 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>
-------------------------	--------------------	------------------------	---------------------------

(c) Details of Directors

<i>Name</i>	<i>Nationality/Citizenship</i>	<i>Passport ID/No.</i>	<i>No.</i>
-------------	--------------------------------	------------------------	------------

6. Details for sport fishing clubs

(a) (i) Name of Sport fishing clubs.....

(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 as supplied by me/us herein 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))

No.	Item	Amount (Kshs)
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	1,500.00
	Crustacea dealer's licence (Wet)	500.00
	Crustacea dealer's licence (Dry)	
10.	Replacement of a licence or permit	20% of the respective application fee.

Made on the 13th February, 2024.

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

LEGAL NOTICE NO. 51

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

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

ARRANGEMENT OF REGULATIONS

*Regulation*

PART I – PRELIMINARY

- 1 – Citation.
- 2 – Interpretation.
- 3 – Application.

PART II- REGISTRATION AND LICENSING

- 4 – Application for a recreational fishing licence.
- 5 – Conditions for recreational fishing.
- 6 – Validity of recreational fishing licence.
- 7 – Recreational fishing vessels registration.
- 8 – Transfer of recreational fishing.
- 9 – Recreational fishing vessel.
- 10 – Register of recreational fishing vessel licences.
- 11 – Registration of sport fishing club.
- 12 – Reporting requirements.

PART III-CONSERVATION AND MANAGEMENT MEASURES

- 13 – Prohibitions.
- 14 – Register of recreational fishing catch data.
- 15 – Fishing gear.
- 16 – Area restrictions.
- 17 – Species restrictions.
- 18 – Transition.

SCHEDULES

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 208(2)(m) of the Fisheries Management and Development Act, 2016, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

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

PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (Recreational Fisheries) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
- “Act” means the Fisheries Management and Development Act; Cap. 378.
- “angling” means the taking of fish by hook-and-line by manually operating a rod, reel and line or one or more separate lines to which a number of hooks are attached per line;
- “artificial fly” means a single hook dressed with conventional natural or artificial fly tying materials only, to which no additional fly, spoon, spinning head or other similar device or any edible matter is attached and may be incorporated only in the dressing in the form of metal wire or ribbing, or foil or beads;
- “fishing camp” means an established area or a building designated by county government purposes of fisheries;
- “recreational fishing” has the meaning assigned to it under section 2 of the Act;
- “sport fishing” means recreational fishing; and
- “sport fishing club” means an institution that offers, on a commercial basis, for let or hire a vessel or fishing gear and includes a private members’ club or fishing association.
3. These Regulations shall apply to recreational fishing and recreational fishing related activities in Kenya fishery waters. Application.

PART II- REGISTRATION AND LICENSING

4. (1) Subject to section 106(1) of the Act, any person who wishes to engage in recreational fishing in Kenya fishery waters shall apply for a recreational fishing licence to the respective County Government in which recreational fishing is intended to take place in Form RFR/A1 as set out in the First Schedule. Application for a recreational fishing licence.
- (2) Upon receipt of the application under sub-regulation (1), and upon payment of the prescribed fees set out in the Second Schedule, the County Executive Committee Member shall issue a recreational



licence in Form RFR/A2 set out in the First Schedule within fourteen days.

(3) Any person who engages in recreational fishing without a licence 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 one year, or to both.

5. (1) A person undertaking recreational fishing shall—

Conditions for recreational fishing.

- (a) where necessary, be a member of a sport fishing club or a fishing camp;
- (b) use a hook and line or trolling line;
- (c) not engage in buying or selling fish caught in the course of recreational fishing;
- (d) practise catch-and-release fishing to the extent possible, except where the fish are injured or killed during recreational fishing operations;
- (e) not land more than three pieces, per permit, per fishing day, in case where the fish is injured or killed during recreational fishing;
- (f) pay a fee of 7% of landed value to the respective county government; and
- (g) use artificial fly as bait.

(2) Any person who contravenes this regulation shall, on conviction, be liable to the fine prescribed under section 106(2) of the Act.

6. (1) A recreational fishing licence shall be valid for the area specified in the licence and issued under the following categories—

Validity of recreational fishing licence.

- (a) an annual licence which shall be valid up to the 31<sup>st</sup> December of the year in which it is issued;
- (b) a monthly licence which shall be valid for a period of thirty consecutive days from the date of issue;
- (c) a weekly licence which shall be valid for seven consecutive days from the date of issue; or
- (d) a daily licence which is valid for the day specified in the licence.

7. (1) A person shall not use a recreational fishing vessel for fishing in Kenya fishery waters without a registration certificate.

Recreational fishing vessels registration.

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

- (a) has been evaluated by the beach management unit to which the owner of the recreational fishing vessel is a member in

accordance with the rules of the beach management unit;  
and

(b) has been inspected by a fisheries officer.

(3) An application for registration of a recreational fishing vessel shall be made to the County Executive Committee Member in Form RFR/CR4 set out in the First Schedule and the applicant shall provide the following information—

- (a) the number of recreational fishing vessels operated by that person;
- (b) the technical characteristics of the recreational fishing vessel, including length and engine power;
- (c) the location of the vessel;
- (d) the area of operation; and
- (e) any other relevant information that the County Executive Committee Member may consider necessary.

(4) The application in sub regulation (3) shall be accompanied by a certificate of sea worthiness of the vessel from the Kenya Maritime Authority;

(5) Within seven days of receipt of an application under sub-regulation (3), the County Executive Committee Member shall consider the application and notify the applicant of his decision.

(6) Where the application is approved, the County Executive Committee Member shall issue a recreational fishing vessel certificate to the applicant in Form RFR/CR5 upon payment of the fee specified in the Second Schedule.

(7) Where the application is not approved, the County Executive Committee Member shall indicate the reasons for refusal in the notice under sub regulation (5).

(8) Upon issuance of the registration certificate under this regulation, the County Executive Committee Member shall—

- (a) allot an identification mark to the vessel in respect of which a recreational fishing vessel certificate is issued; and
- (b) cause an entry of the allotted identification mark to be made in the register of recreational fishing vessels.

(9) Any person who contravenes sub-regulation (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

8. (1) Where there is a transfer in ownership of a registered recreational fishing vessel, the transferor and the transferee shall jointly submit to the County Executive Committee Member, an application seeking the transfer of the recreational fishing vessel certificate in the Form RFR/CR6 set out in the First Schedule.

Transfer of  
recreational fishing  
vessel registration  
certificate.

(2) Where an application for transfer under sub regulation (1) is approved, the County Executive Committee Member shall—

- (a) cancel the name of the owner of the fishing vessel from the register; and
- (b) enter in the register the change of particulars.

9. (1) Pursuant to section 84 of the Act, a person shall not use any vessel for recreational fishing without a valid recreational fishing vessel licence in relation to that vessel.

Recreational  
fishing vessel  
licence.

(2) An application for a recreational fishing vessel licence shall be made to County Executive Committee Member in the Form RFR/CR7 set out in the First Schedule.

(3) Within seven days of receipt of the application under sub-regulation (2), the County Executive Committee Member shall consider the application and notify the applicant of his decision.

(4) Where the application is approved, the County Executive Committee Member shall issue a recreational fishing vessel licence to the applicant in Form RFR/CR8 upon payment of the fee specified in the Second Schedule.

(7) Where the application is not approved, the County Executive Committee Member shall indicate the reasons for refusal in the notice under sub regulation (3).

(4) Any person who uses a vessel for recreational fishing without a licence commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

10. The County Executive Committee Member shall maintain a register of all licences issued for recreational fishing vessel in that County.

Register all  
recreational fishing  
vessel licences.

11. (1) A holder of a recreational fishing licence may become a member of a sport fishing club or a fishing camp.

Registration of  
sport fishing club.

(2) An application for registration of a sports fishing club shall be made to the County Executive Committee Member by a holder of a recreational fishing licence in Form RFR/A3 set out in the First Schedule and accompanied by the fee specified in the Second Schedule.

(3) Within seven days of receipt of the application under sub-regulation (2), the County Executive Committee Member shall consider the application and notify the applicant of his decision.

(4) Where the application under sub-regulation (2) is approved, the County Executive Committee shall issue a certificate of registration of sport fishing club in Form RFR/CR3 set out in the First Schedule.

12. Pursuant to section 75 of the Act, a sport fishing club registered under regulation 3 shall maintain a log of their activities and

Reporting  
requirements.

shall submit a quarterly catch report to the Director-General in the Form RFR/RF/1 set out in the First Schedule.

#### PART III-CONSERVATION AND MANAGEMENT MEASURES

13. (1) A holder of a recreational fishing licence shall— Prohibitions.

- (a) not engage in buying or selling fish caught in the course of recreational fishing;
- (b) practise catch-and-release fishing to the extent possible, except where the fish is injured or killed during recreational fishing operations;
- (c) not engage in fishing for, or be in possession of, any prohibited fish species;
- (d) not engage in fishing for, or be in possession of any fish smaller than, or of a mass less than the size limits listed in a management plan.

(2) Any person who contravenes the provisions of this regulation shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or both.

14. (1) Without prejudice to section 75 of the Act, the Director-General shall cause to be kept a register of recreational fishing catch data in a County. Register of recreational fishing catch data.

(2) The holder of a recreational fishing licence shall submit a catch data report in the Form RFR/RF/1 set out in the First Schedule.

(3) Any person who contravenes sub-regulation (2) commits an offence and shall be liable to the penalty set out under section 75(4) of the Act.

15. (1) A person engaging in recreational fishing shall only use following methods— Fishing gear restrictions.

- (a) angling;
  - (i) hook and line;
  - (ii) trolling line; or
  - (iii) rod and reel; or
- (b) fly fishing.

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

16. (1) A person shall not engage in recreational fishing in an area that is declared as a protected area or prohibited as per the management plan of that area. Area restrictions.

(2) Any 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 three months or both.

17. (1) A person shall not engage in recreational fishing of a species that has been declared a protected species.

Species  
restrictions.

(2) Any 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 three months, or to both.

18. The licences, certificates and permits issued under the Fisheries (General) Regulations, 1991 shall be deemed to be issued under these Regulations subject to the conditions attached.

Transition.  
L.N. No. 34 of  
1991.

Passport  
photo

786

Kenya Subsidiary Legislation, 2024

FIRST SCHEDULE  
FORM RFR/A1

r. 4(1)

Application No.....



REPUBLIC OF KENYA

Date.....

COUNTY GOVERNMENT OF .....

APPLICATION FOR A RECREATIONAL FISHING LICENCE

1. Name of applicant: .....
2. ID Number / Passport:..... (Please attach copy)
3. Postal address: .....
4. Residential address: .....
5. Telephone number: .....
6. Email:.....
7. Recreational fish landing station ..... Ward .....  
Sub-County .....
8. Fishing gears.....
9. Fishing permit period .....Date of expiry:.....

*Declaration:*

I do hereby declare that the particulars and information made herein above is correct, complete and truly stated. I understand clearly that discovery of any false information provided by me will render this application invalid.

Signed ..... Date .....

Passport  
photo

Kenya Subsidiary Legislation, 2024

787

FORM RFR/A2

(r.4(2))

RECREATIONAL FISHING LICENCE

No.....



Date.....

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF .....

This Recreational / Sport fishing licence is hereby issued to:

Name of applicant: .....

ID / Passport Number .....

Nationality .....

Fishing gears to be used .....

Recreational fish species targeted .....

Name of sport fishing club or fishing camp (where applicable) .....

Physical address in Kenya: .....

Class of licence: Yearly. / Monthly. / Fortnightly. / Weekly. / Daily).....

*Conditions:*

A recreational fisher shall—

- (i) Where necessary, be a member of a sport fishing club or a fishing camp.
- (ii) use a hook and line or trolling line.
- (iii) not engage in buying or selling fish caught in the course of recreational fishing.
- (iv) practise catch-and-release fishing to the extent possible, except where the fish is injured or killed during recreational fishing operations.
- (v) not land more than three pieces, per permit, per fishing day, in case where the fish is injured or killed during recreational fishing.

- (vi) pay a fee of 7% of landed value to the respective county government.  
 (vii) use artificial fly as bait.

Fees paid .....

Date of issue.....Date of expiry .....

Sign:.....

County Executive Committee Member

Official Stamp

NOTE:

- (a) A yearly Recreational Fishing Licence expires on the 31<sup>st</sup> December.  
 (b) A monthly Recreational Fishing Licence is valid for 30 consecutive days from the date of issue.  
 (c) A fortnightly Recreational Fishing Licence is valid for 14 consecutive days from the date of issue.  
 (d) A weekly Recreational Fishing Licence is valid for seven (7) consecutive days, from the date of issue.

Form RFR/CR4

(r. 7(3))

APPLICATION FOR A RECREATIONAL FISHING VESSEL CERTIFICATE

Type of Vessel .....

Name of Vessel .....

Name of Owner/ Operator .....

Address of owner/Operator .....

Name of Captain/ Master (where applicable) .....

Proposed type of fishing gear (s) .....

has been registered in the local fishing vessels Register at (office and address of licensing officer) .....

For the purpose of fishing in accordance with the Fisheries Management and Development Act and the vessel has been allotted the following identification number for the purpose of complying with the provisions of the Fisheries Management and Development (Recreational Fisheries) Regulations, 2024

No..... (Insert Application No. ....)

Length (Overall) ..... Beam (greatest width) .....

Depth (greatest depth) ..... Tonnage (if known) .....

Port/ County of Registration .....

Proposed fish landing station/ landing port .....

Other identifiers (IRCS/ MMSI/ IMO No. etc.) .....

Method of propulsion (State whether paddle/ sail/inboard or outboard/Horse Power) .....



Fees paid in words..... Date of issue .....

Sign.....

County Executive Committee Member

Official Stamp

FORM RFR/CR5

(r. 7(6))

THIS RECREATIONAL FISHING VESSEL CERTIFICATE

Date.....

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF .....

This recreational fishing vessel certificate issue to:

Name of applicant: .....

ID / Passport Number .....

Nationality .....

Fishing gears to be used .....

Recreational fish species targeted .....

Name of sport fishing club (where applicable) .....

Physical address in Kenya: .....

Conditions

A recreational fisher shall —

1. Use a hook and line or trolling line.
2. Not engage in buying or selling fish caught in the course of recreational fishing.
3. Practice catch-and-release fishing to the extent possible, except where the fish is injured or killed during recreational fishing operations.
4. Not land more than three pieces, per permit, during one day of recreational fishing.

Fees paid .....

Date of issue.....Date of expiry .....

Sign:.....

County Executive Committee Member

Official

FORM RFR/CR6

(r. 8(1))

APPLICATION FOR TRANSFER OF RECREATIONAL FISHING VESSEL  
REGISTRATION CERTIFICATE

I/We .....of ..... address  
..... hereby authorize the transfer of ownership of  
certificate of registration of local fishing vessel/private mark No.  
..... to ..... of address  
.....

Reasons for transfer .....

Signed .....

Witness .....

Date .....

FOR OFFICIAL USE ONLY

Comment/Decision of Licensing Officer .....

Note—This application must be submitted together with appropriate application for  
certificate or registration duly completed by a person or institution to whom the transfer is  
to be made.

FORM RFR/CR7

(r. 9(2))

Application No.....

Date .....



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF .....

APPLICATION FOR A RECREATIONAL FISHING VESSEL LICENCE

New Applicant Yes/No..... Renewal Yes/No.....

## Details of Applicant (Natural person):

1. Name of the vessel owner: .....
2. ID Number /Passport/: .....
3. Postal address: .....
4. Residential address: .....
5. Telephone number: .....
6. Email:.....
7. Ward .....Sub County:.....

## In case of a company

- (a) Name of company .....
- (b) Certificate of incorporation number ..... (Please attach copy)

## Shareholders:

<i>Name</i>	<i>Citizenship</i>	<i>Passport or ID/No.</i>	<i>No. of Shares Held</i>

Particulars of the vessel to be used

1. Name of vessel: .....
2. Fishing vessel registration number: .....
3. Date of construction .....
4. Country of construction: .....
- (b) Length Overall (m) .....
- (c) Gross Registered Tonnage (G.R.T.) .....
- (d) Type of hull .....
- (e) Vessel Hold capacity .....
- (f) Number of wet fish holds:.....Total capacity (M<sup>3</sup>).....
- (g) Number of freezer holds:.....Total capacity (M<sup>3</sup>).....
- (h) Landing station:.....

Vessel master / skipper

1. Name:.....
2. Nationality .....
3. Postal address; .....
4. Business or residential address:.....
5. Telephone number: .....
6. Email.....

Crew






(a) Fishery species that the applicant wishes to harvest:.....

(b) Fishing areas targeted by the applicant .....

I/We hereby attach a detailed document demonstrating fulfilment of conditions as prescribed in Regulation 15 of MFAR.

*Declaration:*

I/We the undersigned, being directors of the applicant company, do hereby declare that the particulars and information provided above is correct, complete and truly stated. We understand clearly that any false information provided by us will render this application invalid.

Signed (Director)..... Date .....

Signed (Director) ..... Date .....

FORM RFR/CR8

(r. 9(4))

RECREATIONAL FISHING VESSEL LICENCE NO.....

REPUBLIC OF KENYA

Date.....



COUNTY GOVERNMENT OF .....

This recreational / Sport fishing vessel licence is hereby issued to:

Name of applicant:.....

ID / Passport Number .....

Nationality .....

Type of Vessel .....

Fishing gears to be used .....

Recreational fish species targetted.....

Name of sport fishing club (where applicable) .....

Physical address in Kenya: .....

Class of Permit: Yearly. / Monthly. / Fortnightly. / Weekly. / Daily

*Conditions.*

A recreational fisher shall —

5. Use a hook and line or trolling line;
6. Not engage in buying or selling fish caught in the course of recreational fishing;
7. Practice catch-and-release fishing to the extent possible, except where the fish is injured or killed during recreational fishing operations; and
8. Not land more than three pieces, per permit, during one day of recreational fishing.

Fees paid .....

Date of issue.....Date of expiry .....

Sign:.....

County Executive Committee Member

Official Stamp

NOTE:

- (a) A yearly Recreational Fishing Licence expires on the 31<sup>st</sup> December.....
- (b) A monthly Recreational Fishing Permit is valid for 30 consecutive days from the date of issue.
- (c) A fortnightly Recreational Fishing Permit is valid for 14 consecutive days from the date of issue.
- (d) A weekly Recreational Fishing Permit is valid for seven (7) consecutive days, from the date of issue.

AFFIX PHOTO OF  
THE APPLICANT

FORM RFR/A3:

(r.11(2))

## REGISTRATION OF A SPORT FISHING CLUB

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 hull ..... Overall 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 fishing vessel be exclusively used by you or will it be shared by the other licenced fishers .....

Will/Will not be shared.

(ii) If fishing vessel 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>



## (c) Details of directors

Name	Nationality/Citizenship	Passport ID/No.
Chairman		
Vice-Chairman		
Secretary		
Asst. Secretary		
Treasurer		

6. I/We declare that the particulars and information as supplied by me/us herein 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) .....

## FORM RFR/CR3

(r.11(4))

## CERTIFICATE OF REGISTRATION OF SPORTS FISHING CLUB

1. (a) Name of Club/Association .....

(b) Address .....

(c) Registrar's of Societies Registration Certificate No. ....

2. Location of Club/Association:

District ..... Division/Town .....

Location ..... Village .....

has been registered as Sport Fishing Club/Association for the purpose of hiring boats or fishing gear in accordance with the provisions of the Fisheries Act and Regulations made thereunder and contingent to conditions specified hereunder:

.....

Fees paid .....

Date of issue .....

Date of expiry: 31<sup>st</sup> December.....

County Executive Committee Member



SECOND SCHEDULE  
FEES

(r. 4(2)), 6(2), 8(5), 10(2))

No.	Item	Marine	Amount of Fees (Kshs.) Inland
	Registration of a sports fishing club		10,000
	Registration of recreational fishing vessel		20,000
	Recreational fishing licence		
	Annual Licence		1500
	Monthly Licence		600
	Weekly licence		400
	Daily licence		50

Made on the 8th February, 2024.

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

LEGAL NOTICE NO. 52

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 loan application.
- 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—Annual estimates.
- 20—Quarterly reports.
- 21—Accounts and Audit.
- 22—Investment of Funds.
- 23—Retention of receipts and earnings.
- 24—Offences and penalties.

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, Cap. 378, 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— Interpretation.
- “Act” means the Fisheries Management and Development Act; 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) of the Act if the person— Qualifications of members of the Board of Trustees.

- (a) possesses a degree from a university recognized in Kenya;
- (b) has adequate 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 of Trustees 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 a master's degree in any of the following fields from a recognized institution—
  - (i) fisheries;

- (ii) natural resource management;
  - (iii) environmental management or science;
  - (iv) biological sciences;
  - (v) aquatic sciences; or
  - (vi) business administration;
  - (vii) finance; or
  - (viii) equivalent qualification;
- (c) has fifteen years' relevant work experience, five of which shall be at a senior management level;
- (d) is a member of a relevant professional body in good standing;
- (e) has a certificate in leadership or corporate governance course lasting not less than four weeks from a recognized institution;
- (f) meets the requirements of Chapter Six of the Constitution;
- (g) demonstrates managerial, administrative, and professional competence in work performance and results; and
- (h) exhibits a thorough understanding of national goals, policies, objectives and ability to relate them to the Fish Levy Trust Fund's mandate.

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;
- (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; and
- (c) meets any other criteria set out by the Board of Trustees.

(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;
- (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; and
- (c) meets any other criteria set out by the Board of Trustees.

(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 —

- (a) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the county assembly and obtained the requisite regulatory approvals from relevant government institutions; and

- (b) meets any other relevant criteria set out by the Board of Trustees.

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;
- (b) priority programs, projects and activities to be eligible to receive a conditional grant in that financial year; and
- (c) any other information that the Board of Trustees may consider necessary.

(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 30% 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;
- (e) the details and signatories of the bank account in the name of the beach management unit where the conditional grant shall be channeled; and
- (f) any other additional information as may be required by the Board of Trustees.

(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;
  - (e) the details and signatories of the bank account in the name of the association where the conditional grant shall be channeled; and
  - (f) any other additional information as may be required by the Board of Trustees.
- (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;
  - (e) the details and signatories of the bank account in the name of the county government where the conditional grant shall be channeled; and
  - (f) any other additional information as may be required by the Board of Trustees.
- (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;
- (e) the details and signatories of the bank account in the name of the state agency where the conditional grant shall be channeled; and
- (f) any other additional information as may be required by the Board of Trustees.

16. A conditional grant shall only be disbursed if—

- (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.

Conditions for disbursements of conditional grants.

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

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

Appeals.

(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—

- (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.

Obligations of recipient of conditional grants or loans.

(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. (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.

20. The Board of Trustees shall prepare quarterly financial and non-financial reports in accordance with the format prescribed in the Public Finance Management Act, , and submit the report to the Cabinet Secretary and the Cabinet Secretary for the National Treasury.

Quarterly reports.

Cap. 412A.

21. (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. Cap. 412A.
- (4) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act. 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.
22. 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.
23. 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.
24. (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, upon conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings, or to both. Offences and penalties.
- (2) A person who commits an offence under this Order, for which no penalty has been prescribed shall upon conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings, or to both.

*For Official Use only*

Application No.....

Date Received.....

812

*Kenya Subsidiary Legislation, 2024*

SCHEDULE  
FORMS

FORM No.: FLR 1 (p. 11(3))

REGISTRATION WITH FISH LEVY TRUST FUND

**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 number .....Signature.....

4.0 For official use only

Name of approving County Executive Committee Member: .....

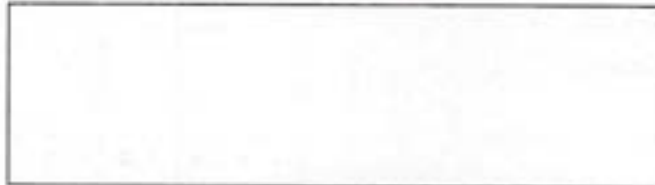
Signature: ..... Date: .....

*For Official Use only*

Application No.....

Date Received.....

**LOAN APPLICATION FORM**



**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, 2016.

Attach copies of the detailed proposal as specified by the Fish Levy Trust Fund including related budget forecast, forecasted gains and any other relevant documentation to the application.

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.....

Application No.....

Date Received.....

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.....

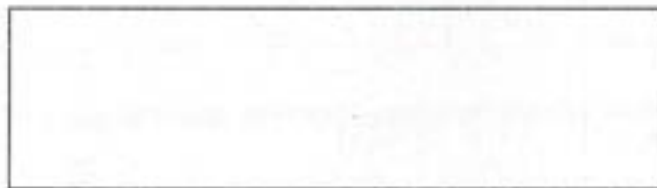
Minute No. ....

Name in Full .....

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

FORM NO: FLR 3 (p. 15(2))

CONDITIONAL GRANT APPLICATION FORM



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,2016

Attach copies of the detailed proposal as specified by the Fish Levy Trust Fund including related budget forecast, forecasted gains and any other relevant documentation to the application

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.....

Made on the 8th February, 2024.

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

## LEGAL NOTICE NO. 53

## 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  
(MARINE FISHERIES) REGULATIONS, 2024

## PART I- PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (Marine Fisheries) Regulations, 2024.

Citation.

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

Interpretation.

“Act” means the Fisheries Management and Development Act;

Cap. 378.

“authorization” means permission granted to fishers to access a marine fisheries resource in accordance with the Act;

“authorized officer” has the meaning assigned to it under section 2 of the Act;

“beach management unit” has the meaning assigned to it under section 2 of the Act;

“catch data” means the data in respect of any species taken for which the licence was granted;

“Council” means the Kenya Fisheries Advisory Council established under section 6 of the Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fisheries in the respective county;

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

“Director-General” has the meaning assigned to it under section 2 of the Act;

“fisher” has the meaning assigned to it under section 2 of the Act;

“Kenya marine fishery waters” means internal waters, the territorial sea and the exclusive economic zone as declared in the Maritime Zones Act;

Cap. 371.

“licensed fisher” means a person authorized to undertake fishing in accordance with this regulation;



"master" has the meaning assigned to it under section 2 of the Act;

"ornamental fishing" means commercial fishing for aesthetic purposes including aquarium fishing; and

"subsistence fishing" has the meaning assigned to it under the Act.

3. The purpose of these Regulations is to provide for—

Objects and  
purpose of  
Regulations.

- (a) modalities for accessing Kenya marine fishery resources;
- (b) terms and conditions for harvesting marine fishery resources;
- (c) the realization of economic benefits from marine fishery resources;
- (d) the promotion of food and nutrition security;
- (e) levies for promoting development of artisanal fishers;
- (f) management and conservation of marine fishery resources; and
- (g) monitoring, control and surveillance mechanisms to eradicate illegal, unreported and unregulated fishing within Kenya marine fishery waters.

4. These Regulations shall apply to persons, vessels or other crafts undertaking any marine fishing falling within the scope of the Act.

Application.

#### PART II-PROCEDURES FOR REGISTRATION AND LICENSING OF FISHERS AND FISHING CREW

5. A person who intends to undertake subsistence fishing in Kenya marine fishery waters shall apply for registration to the County Executive Committee Member in Form 1 set out in the First Schedule.

Registration for  
subsistence  
fishing.

6. (1) A person who intends to undertake artisanal, ornamental, semi-industrial, industrial or foreign industrial fishing in Kenya marine fishery waters shall apply for a licence to the Director-General in Form 2 set out in the First Schedule.

Application for a  
fishing licence

(2) The application under sub-regulation (1) shall specify all the crew members on board the intended fishing vessel.

7. (1) The Director-General and the County Executive Committee Member shall maintain a register of fishers which shall be available for inspection by any member of the public during official working hours.

Register.

(2) The register shall be updated regularly and shall be maintained for the duration of the licence.

(3) The County Executive Committee Member and the respective beach management units shall maintain a register of—

- (a) registered subsistence fishers; and
- (b) daily landing for all subsistence fishers.

#### PART III-REQUIREMENTS FOR MARINE FISHING

8. (1) A person qualifies to undertake subsistence fishing if the person—

Qualification for subsistence, artisanal and ornamental fishing.

- (a) is citizen of Kenya;
- (b) is a member of a beach management unit; and
- (c) is a holder of valid fisher registration certificate issued by the respective county government.

(2) A person qualifies to undertake artisanal fishing or ornamental fishing if the person—

- (a) is a citizen of Kenya;
- (b) is a member of a beach management unit; and
- (c) is a holder of a valid fishing licence issued by the Director-General.

9. (1) A person who undertakes subsistence fishing shall—

Conditions for subsistence fishing.

- (a) be a member of a beach management unit;
- (b) use a hook and line, a trap or foot fishing;
- (c) not catch and land more than five kilograms of fish, or five pieces of whole fish per day, whichever is higher;
- (d) report all catch data at a designated landing station; and
- (e) not engage in commercial fishing or commercial fish trade activities.

(2) Any person who contravenes the provisions of this regulation shall, on conviction, be liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one month, or to both.

10. (1) A person who undertakes artisanal fishing shall—

Conditions for artisanal and ornamental fishing.

- (a) be a member of a beach management unit;
- (b) use a recommended fishing method and gear;
- (c) comply with section 103 of the Act;
- (d) be a holder of a valid licence for artisanal fishing vessel issued under section 84 (1) (c) of the Act; and
- (e) report all catch data at a designated landing station.

(2) Any person who contravenes the provisions of this regulation shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

- |                                                                                                                                                                      |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 11. A licence or authorization shall be issued and renewed in accordance with the provisions of section 87 of the Act.                                               | Conditions for issuance of licences and authorizations.            |
| 12. A licence or authorization shall be rejected in accordance with the provisions of section 88 of the Act.                                                         | Requirements for rejection of licences and authorizations.         |
| 13. A licence or authorization shall be suspended or cancelled in accordance with the provisions of section 94 of the Act.                                           | Suspension or cancellation of a licence.                           |
| 14. A licence or authorization shall be terminated in accordance with the provisions of section 95 of the Act.                                                       | Termination of licences and authorizations.                        |
| 15. (1) A person qualifies to be granted a semi-industrial or industrial fishing licence if the person—                                                              | Qualifications for semi-industrial fishing and industrial fishing. |
| (a) is a citizen of Kenya or is a company incorporated in Kenya; and                                                                                                 |                                                                    |
| (b) meets the conditions for semi-industrial and industrial fishing set out in section 98 of the Act.                                                                |                                                                    |
| (2) In addition to the requirements in sub-regulation (1), the person shall submit proposals for—                                                                    |                                                                    |
| (a) landing, storage and arrangements for value addition in Kenya;                                                                                                   |                                                                    |
| (b) skills transfer, training opportunities and preference for employment of citizens of Kenyans in accordance with the provisions of section 91 (1) of the Act; and |                                                                    |
| (c) ensuring compliance with fisheries management and conservation measures as provided for in relevant laws.                                                        |                                                                    |
| 16. (1) A foreign industrial fisher qualifies to undertake fishing in Kenya marine fishery waters if the foreign industrial fisher—                                  | Qualifications for a foreign industrial fisher.                    |
| (a) is a registered foreign company;                                                                                                                                 |                                                                    |
| (b) demonstrates the ability to exercise the authorization evidenced by the following—                                                                               |                                                                    |
| (i) access to a fishing vessel or vessels and other relevant fishing equipment; and                                                                                  |                                                                    |
| (ii) human resource capacity to fulfil fishing obligations for the intended fishing licence; and                                                                     |                                                                    |
| (c) upon issuance of a fishing licence, registers a company in accordance with the Companies Act, before commencing fishing.                                         | Cap. 486.                                                          |
| (2) In addition to the requirements in sub-regulation (1), the company shall submit proposals for—                                                                   |                                                                    |

- (a) landing, storage and arrangements for value addition in Kenya;
- (b) skills transfer, training opportunities and preference for employment of citizens of Kenya;
- (c) ensure compliance to fisheries management and conservation measures as provided for in relevant laws.

#### PART IV—LANDING REQUIREMENTS AND TRANSHIPMENT

17. A licensed fisher shall—

Obligations to landing.

- (a) land all fish at a designated fish landing station or fish landing port; and
- (b) keep the fish in a manner to ensure that it remains fit for human consumption.

18. An authorized officer at a designated fish landing station or fish landing port shall—

Duty of an authorized officer.

- (a) keep a record of the fish including the weight, name of the species and size; and
- (b) compute the amount of levies payable per value of fish landed and collect the levies payable.

19. (1) Pursuant to the provisions of section 107 of the Act, a person may make an application for transshipment to the Director-General in Form 3 set out in the First Schedule.

Application for transshipment.

(2) Upon receipt of the application under sub-regulation (1), the Director-General shall consider the application and may prepare an authorization to transship in Form 4 set out in the First Schedule and recommend to the Cabinet Secretary for endorsement.

(3) An application under sub-regulation (1) maybe approved for—

- (a) live fish trade; and
- (b) sashimi grade tuna:

Provided that an application for transshipment of live fish shall be approved in consultation with the Director of Veterinary Services.

(4) Where transshipment is authorized, the provisions of section 99(1)(k) of the Act shall apply.

(5) This regulation shall not apply to fishing vessels not licensed to fish in Kenya Marine fishery waters.

20. (1) The owner or operator of a fishing vessel in Kenya marine fishery waters shall not transfer any fish from one vessel to another unless the vessel is in distress and such transfer is authorized and supervised by an authorized officer.

Exemption to transshipment.

(2) Any person who intentionally transships in the Kenya marine fishery waters, without authorization and supervision by an authorized



officer commits an offence and shall be liable on conviction to a penalty provided for under section 107(8) of the Act.

#### PART V AUTHORIZATION TO FISH IN THE HIGH SEAS

21. (1) The operator of a Kenyan fishing vessel who intends to carry out fishing in the high seas shall apply for a written authorization to fish to the Director-General in Form 5 set out in the First Schedule.

Application for authorization to fish in the high seas.

(2) Any fish caught pursuant to sub-regulation (1) shall be landed in accordance with the landing obligations provided in regulation 17.

(3) The Director-General shall consider the application in sub-regulation (1) within seven days and may issue the applicant with a certificate of authorization to carry out fishing in Form 6 set out in the First Schedule.

22. The Director-General may refuse to issue or renew an authorization to fish in the high seas to an operator of a Kenyan fishing vessel where—

Refusal to grant or renew authorization to fish in the high seas.

- (a) the fishing vessel is on the illegal, unreported and unregulated fishing list maintained by a regional fisheries management organization; or
- (b) the Director-General determines that the responsibilities of the Republic of Kenya cannot be exercised effectively under the applicable international conservation and management measures in respect of the fishing vessel.

23. (1) Any operator of a fishing vessel wishing to enter or exit Kenya marine fishery waters shall notify the Director-General within twenty-four hours before such entry or exit.

Authority to enter or exit Kenya marine fishery waters.

(2) The notification referred to in sub-regulation (1), maybe made in electronic form and shall specify—

- (a) the data on the catch on board the vessel;
- (b) the co-ordinates at which the vessel intends to exit or enter;
- (c) the expected time of entry or exit; and
- (d) where applicable, the name of the observer on board appointed in accordance with the Act.

(3) The Director-General may direct an authorized officer to inspect all catch on board any vessel intending to enter or exit Kenya marine fishery waters.

24. The operator of a Kenyan fishing vessel which has been granted an authorization to fish in the high seas shall—

Conditions for authorization to fish in the high seas.

- (a) not use the fishing vessel to engage in any fishing activity which undermines international fishing conservation and management measures;
- (b) comply with the laws of a foreign State in respect of which any foreign licence was obtained;



- (c) report to the Director-General on the area of fishing or fishing related activities, vessel position and catch returns, if any; and
- (d) land all catch on shore in Kenya for value addition activities.

#### PART VI - REGISTRATION AND LICENCING OF FISHING VESSELS

25. (1) A licensed fisher shall apply to the Director-General for registration of a fishing vessel, whether local or foreign flagged in Form 7 set out in the First Schedule.

Registration and placement of identification marks on fishing vessels.

(2) The Director-General shall evaluate the application in sub-regulation (1) and make a recommendation to the Board for approval.

(3) Where the Board approves the application, the Director-General shall issue a fishing vessel registration certificate in Form 8 set out in the First Schedule and allot an identification mark which shall be embossed on the fishing vessel in accordance with the Third Schedule.

26. (1) A person shall apply for a fishing vessel licence to the Director-General in Form 9 set out in the First Schedule.

Application for licensing of fishing vessels.

(2) The Director-General shall evaluate the application under sub-regulation (1) and make a recommendation to the Board for approval.

(3) Where the Board approves the application, the Director-General shall prepare a fishing vessel licence to be endorsed by the Cabinet Secretary in Form 10 set out in the First Schedule.

(4) The Director-General shall, after the endorsement by the Cabinet Secretary, issue a fishing vessel licence.

#### PART VII - FEES, CHARGES AND LEVIES

27. (1) All fees, levies and charges payable under these Regulations shall be as prescribed in the Second Schedule.

Fees.

(2) All fees, levies and charges payable under sub-regulation (1) shall be paid into the Consolidated Fund.

(3) The Cabinet Secretary may review levies and landed values payable from time to time.

28. (1) Every fisher shall ensure that any bycatch caught in the course of fishing in Kenya's marine fishery waters shall not exceed two percent of the total landings.

Bycatch levies.

(2) Bycatch in excess of twenty percent of the total landings shall be charged a levy of \$3.50 per tonne.

## PART VIII—GENERAL PROVISIONS

29. (1) A licensed 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, the licensed 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.
30. (1) A person shall not use trawl nets or ring nets within five nautical miles off the coastline of the Republic of Kenya. Prawn trawl and ring net fishing.
- (2) A person who contravenes this regulation commits an offence and shall be liable on conviction to a penalty provided under section 42 (7) of the Act.
31. (1) The owner or operator of any fishing vessel shall maintain in English or Kiswahili language, a bound fishing logbook. Requirements of a fishing logbook.
- (2) A fishing logbook shall be kept in a place where it is protected from damage and where it is readily available for inspection at any time upon the request of an authorized officer.
- (3) A fishing logbook shall be filled in a legible manner, in block capitals and shall be signed by the master of the vessel.
- (4) The master shall be responsible for the accuracy of the data recorded in the fishing logbook.
- (5) The master of a Kenyan fishing vessel shall, upon returning from each fishing trip, cause every consignment caught to be inspected, weighed, and the sizes and species verified and recorded by a fisheries officer.
- (6) A master of a fishing vessel operating in Kenya fishery waters shall, upon returning from each fishing trip, after completion of the landing of the fish, hand over the original of the fishing logbook to the Director-General before leaving the fish landing point.
- (7) A person who owns or operates a fishing vessel and knowingly fails to hand over a log book to an authorized officer commits an offence and shall be liable on conviction to the penalty set out in section 99(2) of the Act.

FIRST SCHEDULE  
Form 1 (r.5)



Application No.....



REPUBLIC OF KENYA

Date .....

COUNTY GOVERNMENT OF .....

APPLICATION FOR REGISTRATION AS A SUBSISTENCE FISHER

Category of Fisher: ..... (Subsistence fisher)

- (3) Name.....
- (4) National Identification (ID) / Passport Number: .....
- (5) Telephone Number: .....
- (6) Email address (optional): .....
- (7) Postal address: .....
- (8) Residential address: .....
- (9) Beach Management Unit .....and membership number  
.....Fish landing station .....
- (10) Ward..... Sub County.....
- (11) Number of persons in the household. ....
- (12) Average income per month (Kshs) .....

*Declaration:*

I do hereby declare that the particulars and information made herein above is correct, complete and truly stated. I understand clearly that any false information provided by me will render this application invalid.

Signed ..... Date .....

## FORM 2 (r.6(1))

Application No.....



REPUBLIC OF KENYA

Date .....

APPLICATION FOR ARTISANAL/ ORNAMENTAL/ SEMI- INDUSTRIAL/  
INDUSTRIAL /FOREIGN INDUSTRIAL FISHING LICENSE

Category of Fishing (Artisanal/ Ornamental/ Semi- Industrial/ Industrial / Foreign Industrial)

1. Name.....
2. Nationality.....
3. Identification: ID Number/ Passport number.....
4. Telephone Number.....
5. Email address.....
6. Postal address: .....
7. Residential address: .....
8. Vessel details: Name:.....IMO number.....
9. Vessel licence number:
10. Applicant's license number:
11. Position/Role of the fisher on-board the fishing vessel:
  - (a) Captain / Master
  - (b) First mate
  - (c) Deck officer
  - (d) Engineer
  - (e) Deckhands (general crew)
  - (f) Other (specify) .....

*If a company*

- (a) Name of company .....
- (b) Certificate of incorporation number ..... (Please attach copy)

## Shareholders:

Name	Citizenship	Passport or ID/No.	No. of Shares Held

## Particulars of the vessel to be used

1. Name of vessel: .....
2. Fishing vessel registration number: .....
3. Date of construction .....
4. Country of construction: .....
- (b) Length Overall (m) .....
- (c) Gross Registered Tonnage (G.R.T.) .....
- (d) Type of hull .....
- (e) Vessel Hold capacity .....
- (f) Number of wet fish holds:.....Total capacity (M<sup>3</sup>).....
- (g) Number of freezer holds:.....Total capacity (M<sup>3</sup>).....
- (h) Landing station:.....

## Vessel master / skipper

1. Name:.....
2. Nationality .....
3. Postal address: .....
4. Business or residential address: .....
5. Telephone number: .....
6. Email.....

## Crew

1. Total number of crew .....
2. Number of Kenyan crew .....
3. Specifications of gears to be used:.....

## If a joint venture

Name of the company:

- (a) Certificate of incorporation .....(Please attach copy)
- (b) Postal address: .....



(c) Physical address: .....

(d) Telephone number: .....

Email:.....

## Ownership Details of Applicant Company

Shareholder Name	Citizenship	Passport ID/No.	No. of Shares Held (Attach CR12 )

## Company Management details

Name	Nationality/ Citizenship	Passport No. ID/No.

## Fishing vessel to be used in fishing:

Name and IMO number of vessel	Type of vessel	No. of crew		Type of hull	Overall Length (m)	Date of Construction	G.R.T./N.R.T	Joint venture/ Charter/ Personally owned	Flag State
		Kenyans	Non-Kenyans						

(e) Fishery species that the applicant wishes to harvest: .....

(f) Fishing areas targeted by the applicant .....

## Declaration:

I declare that the information provided in this form is correct. Any information that is false will lead to a cancellation of the licence.

Signed ..... Date .....

If Semi-industrial/ Industrial/ Foreign Industrial fishing vessel

*Declaration:*

I/We the undersigned, being directors of the applicant company, do hereby declare that the particulars and information made herein above is correct, complete and truly stated. We understand clearly that any false information provided by us will render this application invalid.

Signed (Director)..... Date .....

Signed (Director) ..... Date .....

## FORM 3 (r. 19(1))

Application for Authorization for Onshore Transshipment of Fish No.....

Date.....



REPUBLIC OF KENYA

## APPLICATION FOR AUTHORIZATION FOR ONSHORE TRANSSHIPMENT

1. Name of Right holder
2. Name of the vessel
3. Proposed port of transshipment: .....
4. Destination of fish to be transhipped:
5. Date and time for which the transshipment is requested: .....
6. Full details of all catch on board the vessel: .....

Reasons for transshipment: .....

Name of Master.....

Details of recipient (vessel/reefer/containers).....

Species name	Common name	Quantities on board the vessel (MT)	Quantities intended to be transhipped (MT)

Signature

Date.....

Official Stamp

For official use only

Recommendation

This application for transshipment is hereby recommended /not recommended for authorization.

Director General

Name

Signature

Date.....

Official Stamp

## FORM 4 (r. 19(2))

Authorization for Onshore Transshipment of Fish No.....

Date.....



REPUBLIC OF KENYA

## AUTHORIZATION FOR ONSHORE FISH TRANSSHIPMENT

The vessel (Name).....number.....is authorized to transship fish onshore under the following conditions.

1. Name of Right holder
2. Name of the vessel
3. Proposed port of transshipment: .....
4. Destination of fish to be transhipped:
5. Date and time for which the transshipment is requested: .....
6. Full details of all catch on board the vessel: .....

Reasons for transshipment: .....

Name of Master.....

Details of recipient (vessel/reefer/containers) .....

Species name	Common name	Quantities on board the vessel (MT)	Quantities intended to be transhipped (MT)



Conditions

This transshipment is hereby authorized subject to the following conditions:

1. The Transshipment shall only take place at the date and place authorized.
2. An authorized officer shall be present at all times during the transshipment.
3. The authorized officer shall ensure that the fish being transhipped is accurately weighed and recorded by species.
4. The authorized officer shall furnish the Director-General with copies of these records.
5. Upon completion of the transshipment operation, the operator of each fishing vessel shall submit to the Director General a full transshipment report before the fishing vessel leaves the port.

Authorization

In accordance with the Fisheries Management and Development Act, the transshipment of the consignment indicated in this application is hereby granted.

Cabinet Secretary

Signature

Date.....

Official Stamp

## FORM 5 (r. 21(1))

Application for an Authorization to Fish (ATF) No. ....

Date.....



REPUBLIC OF KENYA  
APPLICATION FOR AN AUTHORIZATION TO FISH (ATF) IN THE HIGH SEAS

1. Name of licensed fisher .....

Name of fishing vessel	
IRCS/ International Radio Call Sign	
IMO No.	
National Vessel registration No.	
Fishing Vessel registration No.	
RMFO number	
Country and Port of Registration	
Type of vessel	
The length overall of the vessel:	
Authorized fishing area(s)	
Operator and address	
Owner and address	
Number of crew	
Gross registered tonnage	
Type and specifications of the vessel monitoring system(s)	
Fish holding capacity, including the number of holds	
Intended area of operation and intended port(s) of discharge	
Targeted species	

Attach copies of any foreign fishing license obtained.

Signature.....

Date.....

## FORM 6 (r. 21(3))

Authorization to Fish No.....

Date.....



REPUBLIC OF KENYA

## AUTHORIZATION TO FISH (ATF) IN THE HIGH SEAS

1. Name of licensed fisher .....

Name of fishing vessel	
IRCS/ International Radio Call Sign	
IMO No.	
National Vessel registration No.	
Fishing Vessel registration No.	
RMFO number	
Country and Port of Registration	
Type of vessel	
The length overall of the vessel:	
Authorized fishing area(s)	
Operator and address	
Owner and address	
Number of crew	
Gross registered tonnage	
Type and specifications of the vessel monitoring system(s)	
Fish holding capacity, including the number of holds	

Intended area of operation and intended port(s) of discharge	
Targeted species	

The holder of this Authorization is required to comply with International fisheries management and conservation measures.

Validity: From ..... To .....

Date .....

Signature.....

Director General  
Kenya Fisheries Service  
Official Stamp

## FORM 7 (r. 25(1))

Application for a Fishing Vessel Licence No.....

Passport photo

Date.....



REPUBLIC OF KENYA

APPLICATION FOR REGISTRATION OF ARTISANAL/SEMI-INDUSTRIAL/  
INDUSTRIAL FISHING VESSEL

1. Name of person:.....
2. Type, category and registration number of vessel: .....
3. Certificate of incorporation ..... (Please attach copy)
4. Postal address: .....
5. Physical address: .....
6. Telephone number: ..... Email.....

## Details of the vessel

7. The flag state: ..... and previous flag state if any: .....
8. Current registration number:.....
9. Previous owner:.....
10. The name .....and any previous name of the vessel: .....
11. Year: ..... and place of manufacture: .....

Shareholder Name	Citizenship	Passport ID/No.	No. of Shares Held (Attach CR12 )



## Company Management details

<i>Name</i>	<i>Nationality/ Citizenship</i>	<i>Passport No. ID/No.</i>

## Ownership structure of the operating company:

<i>Shareholder Name</i>	<i>Citizenship</i>	<i>Passport ID/No.</i>	<i>No. of Shares Held</i>

## Directors of the Operating company

<i>Name</i>	<i>Nationality/ Citizenship</i>	<i>Passport No. ID/No.</i>

12. International Radio call sign number (IRCS)
13. Vessel tonnage:
14. Vessel length:
15. Fish hold volume:
16. Fish carrying capacity:
17. International Maritime Organization (IMO) number as applicable:
18. Vessel identifier issued by an RFMO as applicable:
19. Flag State Authorization To Fish (ATF) No ..... (attach copy)
20. Maritime Mobile Service Identity No.....
21. Type of hull: .....
22. Length Overall (m) ..... Width (m).....Draft (m).....Air draft (m).....
23. G.R.T. ....N.R.T.....
24. Date of Construction: .....
25. Type of Vessel Monitoring System (VMS):.....
26. Vessel Hold capacity
  - (i) Number of wet fish holds:.....Total capacity (M<sup>3</sup>).....
  - (ii) Number of freezer holds:.....Total capacity (M<sup>3</sup>) .....

27. Vessel Master

- a) Name of the Master .....
- b) Nationality .....
- c) Postal address: .....
- d) Business or residential address: .....
- e) Telephone number: .....
- f) Email.....

28. Crew

- a) Total number of crew .....
- b) Number of Kenyan crew .....
- c) Crew facilities (sanitary, accommodation and catering facilities):.....

29. Fishing areas

.....  
.....

Declaration

I, the undersigned hereby apply for a licence to use the fishing vessel indicated above to fish in Kenyan fishery waters and declare that the information provided is to the best of my knowledge is correct

Signature ..... Place ..... Date.....

## FORM 8 (r. 25(3))

Certificate of a Fishing Vessel Registration No. ....

Date.....



REPUBLIC OF KENYA

## CERTIFICATE OF REGISTRATION OF FISHING VESSEL

The vessel (Name).....number.....is registered as an .....fishing vessel. The particulars of the vessel are as follows: -

1. Name of vessel owner:.....
2. Type, category and license number : .....
3. Certificate of incorporation ..... (Please attach copy)
4. Postal address: .....
5. Physical address: .....
6. Telephone number: ..... Email.....
7. The flag state: ..... and previous flag state if any: .....
8. Current registration number:
9. Previous owner:.....
10. The name .....and any previous name of the vessel: .....
11. Year: ..... and place of manufacture: .....
12. International Radio call sign number (IRCS)
13. Vessel tonnage:
14. Vessel length:
15. Fish hold volume:
16. Fish carrying capacity:
17. International Maritime Organization (IMO) number as applicable:

18. Vessel identifier issued by an RFMO as applicable:
19. Flag State Authorization To Fish (ATF) No ..... (attach copy)
20. Maritime Mobile Service Identity No.....
21. Type of hull: .....
22. Length Overall (m) ..... Width (m)..... Draft (m)..... Air draft (m).....
23. G.R.T. .... N.R.T.....
24. Date of Construction: .....
25. Type of Vessel Monitoring System (VMS):.....
26. Vessel Hold capacity
- (iii) Number of wet fish holds:..... Total capacity (M<sup>3</sup>).....
- (iv) Number of freezer holds:..... Total capacity (M<sup>3</sup>) .....
27. Vessel Master
- g) Name of the Master
- h) Nationality
- i) Postal address: .....
- j) Business or residential address: .....
- k) Telephone number: .....
- l) Email.....
28. Crew
- d) Total number of crew
- e) Number of Kenyan crew
- f) Crew facilities (sanitary, accommodation and catering facilities):  
.....
29. Fishing areas  
.....  
.....

Director General – Kenya Fisheries Service

Name:..... Signature .....

Place ..... Date.....

Passport  
photo

FORM 9 (r. 26(1))

Application for a Fishing Vessel Licence No.....



Date.....



REPUBLIC OF KENYA

APPLICATION FOR FISHING VESSEL LICENCE

1. Name of licensed fisher:.....
2. Type, category—
  - (a) artisanal
  - (b) semi-industrial
  - (c) industrial
3. number of fishing right: .....
4. Postal address: .....
5. Physical address: .....
6. Telephone number: .....
- Email.....

Details of the vessel

7. The flag state: .....
8. Vessel registration number:
9. International Radio call sign number (IRCS)
10. International Maritime Organization (IMO) number;
11. Vessel identifier issued by an RIMO as applicable;



- 12. Flag State Authorization To Fish (ATF) No ..... (attach copy)
- 13. Maritime Mobile Service Identity No.....
- 14. G.R.T. ....N.R.T.....
- 15. Type of Vessel Monitoring System (VMS):.....
- 16. Vessel Hold capacity
  - (v) Number of wet fish holds:.....Total capacity (M<sup>3</sup>) .....
  - (vi) Number of freezer holds:.....Total capacity (M<sup>3</sup>) .....
  
- 17. Vessel Master
  - m) Name of the Master
  - n) Nationality
  - o) Postal address: .....
  - p) Business or residential address: .....
  - q) Telephone number: .....
  - r) Email.....
  
- 18. Crew
  - g) Total number of crew
  - h) Number of Kenyan crew
  - i) Crew facilities (sanitary, accommodation and catering facilities).....
  
- 19. Fishing areas  
.....  
.....

**Declaration**

I, the undersigned hereby apply for a licence to use the fishing vessel indicated above to fish in Kenyan fishery waters and declare that the information provided is to the best of my knowledge is correct

Signature ..... Place .....

Date.....

## FORM 10 (r. 26(3))

Fishing Vessel License No.....

Date.....



## REPUBLIC OF KENYA

ARTISANAL/SEMI-INDUSTRIAL /INDUSTRIAL/ FOREIGN INDUSTRIAL  
FISHING VESSEL LICENSE

The vessel (Name)..... number..... is  
licensed as a .....fishing vessel. The particulars of the license  
are as follows:-

1. Name of Right holder:.....
2. Type, category and number of fishing right: .....
3. The name of vessel:.....
4. Vessel Registration number: .....
5. Postal address: .....
6. Physical address: .....
7. Telephone number: ..... Email.....
8. The flag state: .....
9. International Radio call sign number (IRCS)
10. International Maritime Organization (IMO) number as applicable;
11. Vessel identifier issued by an RFMO as applicable;
12. Flag State Authorization To Fish (ATF) No ..... (attach copy)
13. Maritime Mobile Service Identity No.....
14. Length Overall (m) .....Width (m).....Draft (m).....Air draft (m).....
15. G.R.T. ....N.R.T.....
16. Type of Vessel Monitoring System (VMS):.....
17. Vessel Hold capacity
  - (vii) Number of wet fish holds:.....Total capacity (M<sup>3</sup>) .....
  - (viii) Number of freezer holds:.....Total capacity (M<sup>3</sup>) .....
18. Vessel Master

- a) Name of the Master
- b) Nationality
- c) Postal address: .....
- d) Business or residential address: .....
- e) Telephone number: .....
- f) Email: .....

19. Crew

- a) Total number of crew
- b) Number of Kenyan crew
- c) Crew facilities (sanitary, accommodation and catering facilities):  
.....

20. Fishing areas

.....  
.....

Director General – Kenya Fisheries Service

Name:.....Signature .....

Place ..... Date.....

## SECOND SCHEDULE

## FEES, LEVIES AND CHARGES (r. 27(1))

## Application fees for fishing vessel licence

No	Type of fishing vessel	Fee (kshs)
1	Artisanal fisherman boat	500 p.a
2	Semi-industrial vessel	100,000 p.a
3	Registration of Kenyan Fishing Industrial Vessel	200,000 p.a
4	Renewal of Registration of Kenyan Industrial Vessel	100,000 p.a
5	Foreign Industrial:	
	a) Purse seiners	USD 50,000 p.a
	b) Long liners	USD 30,000 p.a

## Application fees for fisherman's licence

No	Type of fishing vessel	Fee (kshs)
1	Artisanal fisherman license	500 p.a
2	Industrial fisherman's license	
	a) Foreign crew	10,000 p.a
	b) Local crew	1,000 p.a

## Fishing Levies

Fishery Species	Levy Payable (% of landed value) payable by:				
	Ornamental fishing	Artisanal fishers	Semi industrial fishers	Industrial fishers	
	(Levy per each ornamental fish)			Kenyan fishing vessel	Foreign fishing vessel
All species	50	2	5	\$2.5	\$2.5
Fish landed for fishmeal processing		1	2	2	2

## Landed values of the fisheries resources

No.	Fishery/species	Landed price (Ksh/kg)
1	Yellowfin tuna	250
2	Skipjack tuna /bonito	150
3	Bigeye tuna	200
4	Swordfish	250
5	Scavenger	174
6	Parrotfish	147
7	Rabbitfish	177
8	Snapper	183
9	Black skin	165
10	Grunter	155
11	Rock cod	181
12	Unicorn fish	162
13	Pouter	182
14	Streaker	157
15	Goat fish	169
16	Surgeon fish	146
17	Cat fish	142
18	Sardines	113
19	Jacks	165
20	Barracudas	156
21	Little mackerels	165
22	Mulletts	154
23	Sharks & Rays	156
24	King fish	186
25	Queen fish	126
26	Milk fish	136
27	Sail fish	153
28	Dolphin fish	98
29	Octopus	169
30	Crabs	382
31	Squids	197
32	Prawns	433
33	Lobsters	904
34	Beche-de-mers	519
35	Oysters	141



## THIRD SCHEDULE

## IDENTIFICATION MARKS FOR FISHING VESSELS (r. 25(3))

1. All fishing vessels operating in Kenyan marine waters shall be required to display identification marks as follows—
- (a) the Name and registration number of the vessel;
  - (b) block letters and numbers at all times;
  - (c) the height of letters and numbers shall be in proportion to the size of the vessel in accordance with the following criteria—
    - (i) for identification marks to be displayed on the side or the superstructure of the vessel-

Vessel length:	Minimum height of letters and numbers:
25m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12m but less than 15m	0.4 m
5 m but less than 12m	0.3 m
under 5 m	0.1 m

- (ii) Identification marks to be displayed on horizontal surfaces of vessels with an overall length of five metres and above shall have a minimum height of 0.3 metres.

Made on the 8th February, 2024.

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

LEGAL NOTICE NO. 54

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

*Regulation*

PART I—PRELIMINARY

- 1 — Citation.
- 2 — Interpretation.
- 3 — Cooperation between the National and County Governments.
- 4 — Publication of notices.

PART II—LICENSING AND AUTHORIZATION

- 5 — Application, grant and denial.
- 6 — Power to impose conditions.
- 7 — Power to modify.
- 8 — Power to suspend or cancel.
- 9 — Grounds for denial of a licence.

PART III—GENERAL PROVISIONS

- 10 — Revocation and conditions for validity.
- 11 — Appeals.
- 12 — Revocation of L.N. No. 34 of 1991.
- 13 — Savings and transitions.

## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

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

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

## PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (General) Regulations, 2024. Citation.
  2. In these Regulations, unless the context otherwise requires — Interpretation.
    - “Act” means the Fisheries Management and Development Act; Cap. 378.
    - “Board” has meaning assigned to it under section 2 of the Act;
    - “Cabinet Secretary” has meaning assigned to it under section 2 of the Act; and
    - “County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fisheries.
  3. Without prejudice to the generality of section 33 of the Act, the Director-General or the County Executive Committee Member shall consult for the purpose of exchanging information, coordinating implementation, and administration of the Act and any Regulations made under the Act. Cooperation between the National and County Governments.
  4. Where under the Act, the Director-General or County Executive Committee Member, as the case may be, exercises any power by notice in the Gazette, the Notice shall be displayed conspicuously at each place where a register of licence, permit, authorization or certificate of registration is kept pursuant to these Regulations. Publication of notices.
- PART II – LICENSING AND AUTHORIZATION**
5. (1) An application for a licence, permit, authorization or certificate of registration shall be made in accordance with sections 84 and 89 of the Act and the respective Regulations relating to the type of licence, permit, authorization or registration. Application, grant and denial.
    - (2) An application for licence, permit, authorization or registration certificate may be denied in accordance with sections 86 and 88 of the Act.
  6. (1) The Director-General or County Executive Committee Member may impose conditions on any licence, permit, authorization or registration certificate issued pursuant to section 90 of the Act which are necessary for carrying into effect the objects and purpose of the Act. Power to impose conditions.

(2) The Director-General may impose conditions as to—

- (a) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto; or
- (b) the methods used for the fishing and disposal of fish or particular species of fish and the use of any equipment, appliance, instrument, net, fishing weir or any other related equipment.

(3) The County Executive Committee Member may impose conditions as to—

- (a) the methods used in disposal of fish;
- (b) conditions for fresh fish movement, storage and marketing;
- (c) general hygiene conditions of fish landing stations, auction, wholesale and retail markets;
- (d) general health conditions for fish processing facilities;
- (e) conditions for handling fish and fish products on-shore;
- (f) conditions for culture and placing on the market of fish culture products; or
- (g) recreational fishing vessels.

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

Power to modify.

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

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

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

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

Power to suspend or cancel.

- (a) such a suspension, cancellation or revocation is necessary or expedient for the proper management of trade, or fishing industry for such a period as he deems fit in the whole or in specified parts of the country; or



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

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

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

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

Grounds for  
denial of a  
licence.

#### PART III – GENERAL PROVISIONS

10. (1) Unless the Cabinet Secretary, the Director-General or County Executive Committee Member in writing otherwise directs, any person convicted of an offence under the Act or these Regulations shall stand disqualified from holding a licence, permit, authorization or certificate of registration related to the provisions under which he has been convicted for a period of two years from the date of conviction.

Revocation and  
conditions for  
validity.

(2) The holder of any licence, permit, authorization or certificate of registration which is cancelled pursuant to regulation (1) shall, within fourteen days from the date of conviction, surrender the licence, permit, authorization or certificate of registration or any document evidencing permission or authority to engage in business for which authority is required under the Act or these Regulations.

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

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

Appeals.

(a) the refusal of the Director-General or County Executive Committee Member to issue a licence, permit, authorization or certificate of registration to him;

(b) the suspension, cancellation or revocation of a licence, permit, authorization or certificate of registration by the Director-General or County Executive Committee Member; or

(c) any condition or restriction attached or imposed on a licence, permit, authorization or certificate of registration,

may, within thirty days of communication to him of such refusal, suspension, revocation, cancellation, condition or restriction, appeal in writing to the Board and may further appeal to the Cabinet Secretary.



(2) An appeal lodged under regulation (1) shall—

- (a) be in duplicate;
- (b) adequately describe the matter to which the appeal relates;
- (c) concisely state the grounds of the appeal; and
- (d) be lodged with the Cabinet Secretary and a duplicate copy forwarded to the Director-General or the County Executive Committee Member.

(3) The decision of the Cabinet Secretary in an appeal shall be in writing to the appellant and copied to the Director-General or the County Executive Committee Member.

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

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

13. Notwithstanding the provisions of regulation 17—

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

Made on the 8th February, 2024.

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

LEGAL NOTICE NO. 55

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT (SAFETY  
AND QUALITY) REGULATIONS, 2024

*Arrangement of Regulations*

PART I — PRELIMINARY PROVISIONS

*Regulation*

1—Citation.

2—Interpretation.

3—Scope of application.

PART II — OFFICIAL CONTROL ENTITIES

4—Assessment by the competent authority.

5—County report on official control.

6—Annual report on official control.

7—Technical committee on fish quality and safety.

8—Functions of the Technical Committee.

9—Conduct of business and affairs.

10—Functions of a fisheries inspector.

11—Powers of fisheries inspectors.

12—Identification of fisheries inspectors.

13—Records and reports by a fisheries inspector.

PART III—OFFICIAL CONTROL OF ESTABLISHMENT AND  
OPERATIONS

14—Approval for establishment and use of a fishery enterprise.

15—Refusal to grant approval.

16—Construction or refurbishing of a fishery enterprise.

17—Export fishery enterprises.

18—Internal controls.

19—Suspension, withdrawal and cancellation of approval.

20—Closure of fishery enterprise.

21—Establishment of an ice plant or a cold store.

PART IV—OFFICIAL CONTROL OF LANDING, MOVEMENT  
AND HANDLING

22—Landing station.

- 23—Movement permit.
- 24—Live fish movement.
- 25—Handling of fish maws and fish by-products.
- 26—Handling of fish unfit for human consumption.
- 27—Traceability.

**PART V – INSPECTION**

- 28—Inspection of a fishery enterprise.
- 29—Areas to be inspected.
- 30—Notification of non-compliance.
- 31—Inspection of a consignment.
- 32—Health certificate.
- 33—Consignment recall.
- 34—Inspection fees.
- 35—Obstruction during inspection.

**PART VI—HEALTH CONDITIONS FOR PRODUCTION AND PLACING ON THE MARKET**

- 36—Placing on the market of fish and fish products.
- 37—Prohibited harvest areas for bivalve molluscs.
- 38—Certificates of origin for bivalve molluscs.
- 39—Prohibition on placing on the market of certain species.
- 40—Placing on the market of fish and fish products from aquaculture.
- 41—Use of pharmaceuticals, drugs, antibiotics, etc in aquaculture.
- 42—Placing on the market of aquaculture feeds.

**PART VII—EXPORT AND IMPORT OF FISH, FISH PRODUCTS AND FISH FEED**

- 43—General conditions.
- 44—Imports.
- 45—Import inspection.
- 46—Exports.
- 47—Export and import from marine waters.

**PART VIII—LABORATORIES**

- 48—Accredited laboratories.
- 49—Standards for accredited laboratories.
- 50—Selection of a laboratory.

**PART IX – LICENCES, PERMITS AND CERTIFICATES**

- 51— Issuance of licence, permit or certificate.
- 52— Power to refuse a licence, permit or certificate.
- 53— Power to modify.
- 54— Power to suspend.
- 55— Validity.
- 56— Transferability.
- 57— Replacement.
- 58— Register.
- 59— Effect of a conviction.
- 60— Appeals.
- 61— Fees.

#### **PART X – FINAL PROVISIONS**

- 62— Monitoring.
- 63— Offences.
- 64— Revocation.
- 65— Savings and transition.

#### **SCHEDULES**

## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 208(2)(c) of the Fisheries Management and Development Act, 2016, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

## THE FISHERIES MANAGEMENT AND DEVELOPMENT (SAFETY AND QUALITY) REGULATIONS, 2024

## PART I—PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (Safety and Quality) Regulations, 2024.

Citation.

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

Interpretation.

“Act” means the Fisheries Management and Development Act;

Cap 378.

“accredited laboratory” means a laboratory approved by the Kenya Fisheries Service for purposes of testing and analysis of samples of fish, fish product or fish feeds;

“aquaculture facility” means a fishery enterprise undertaking operations related to the farming of fish;

“aquaculture product” means any product or part thereof (including oil) obtained by aquaculture processing, and intended for use as human food, animal feed or raw material ingredient in the manufacture of other commodities of commercial or ornamental value;

“batch” means a quantity of fish or fish products of the same species collected from the same production area during the same fishing or harvesting operation and accorded a similar identity;

“bivalve molluscs” means filter feeding lamellibranch molluscs;

“carrier” means any vehicle, vessel, aircraft, cart, bicycle, motorcycles, train, motorized or hand driven transport system on land or water in or on which fish may be carried by or on behalf of the holder of a permit or certificate to any place for purposes of placing on the market;

“certification” means the process of assurance of compliance with the requirements of these Regulations;

“chilling” means the process of cooling fish and fish products to a temperature approaching that of melting ice;

“clean water” means water from any source where harmful microbiological contamination and substances or toxic planktons are not present in such quantities that may affect the safety of fish, shell fish and their products intended for human consumption;

“competent authority” means the Ministry responsible for the Service and official control of the safety of fish, fish products and fish feed as provided in section 58 of the Act;



"compound feed" means a manufactured feedstuff containing two or more ingredients blended together;

"consignment" means fish, fish products or fish feed on transit from one point to another either locally, regionally or internationally and assigned one set of authorization document;

"container" means any box, detachable compartment, receptacle or any other arrangement in which fish may be carried by or on behalf of the holder of a permit or certificate to any place for purposes of placing on the market or selling;

"control plan" means a description established by the competent authority detailing the structure and organization of official control system, operation, and planning of official controls;

"control system" means a system comprising the competent authority and the resources, structures, arrangements and procedures set up to ensure that official controls are performed in accordance with these Regulations;

"control verification procedures" means arrangements put in place and actions performed by the competent authority for the purposes of ensuring that official controls are consistent and effective;

"County Executive Committee Member" means the County Executive Committee Member responsible for Fisheries in a respective County Government;

"critical control point" means any point, step or procedure at which control can be applied and a food safety hazard is prevented, eliminated or reduced to acceptable levels;

"designated fish landing stations" means a fish landing station designated as such pursuant to section 50 of the Act;

"designated person" includes a fisheries inspector or a beach management unit official;

"diseased fish" means a fish on or in which pathological changes or other abnormalities are apparent;

"disinfection" means the application of hygienically satisfactory chemical or physical agents and processes to clean surfaces with the intention of eliminating micro-organisms;

"factory vessel" means any vessel on board which fish and fish products undergo processing wrapping and packing if necessary;

"farming" in relation to any fish means the breeding, cultivating and rearing of such fish or the cultivating of any such vegetation, as the case may be;

"fish feed" means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding in fish farming systems producing fish for human and animal consumption;

"fisheries inspector" means a person appointed under the Act;

"fishery enterprise" means any premises, public or private and whether for profit or not, where operations related to production, farming, handling, manufacture, processing, storage, packaging, transport or distribution and marketing of fish, fish products and fish feed for human and animal consumption are undertaken;

"fish product" has the same meaning as assigned under the Act;

"freezer vessel" means any vessel in which freezing of fish and fish products is carried out on board and where appropriate, wrapping or packaging is done;

"frozen product" means any fish and fish product which has undergone a freezing process to reach a core temperature not exceeding minus eighteen degrees centigrade after temperature stabilization;

"hazard" means any agent or condition with the potential to have an adverse effect on human, animal or plant health, animal welfare or the environment;

"hazard analysis critical control point" means a system which identifies, evaluates and controls hazards which are significant for food safety;

"internal control system" means all those actions undertaken by a fishery enterprise aimed at ensuring and demonstrating that a fish product satisfies the requirements of product safety as provided in these Regulations;

"marine biotoxins" means poisonous substances accumulated by fish and bivalve molluscs in particular as a result of feeding on plankton containing toxins;

"official control" means activities performed by the competent authority to verify compliance by fishery enterprise with these Regulations;

"official control activities" means activities performed by the competent authority in granting approvals;

"packaging" means the procedure of protecting fish and fish products by a wrapper, a container or any other suitable material or device;

"placing on the market" means the holding, displaying or offering of fish or fish products for the purpose of sale locally and for export or any other form of transfer undertaken as provided under these Regulations;

"potable water" means water suitable for human consumption and safe to use in any fishery enterprise for the manufacture, processing, preservation or marketing of products or substances intended for human consumption;

"processed products" means any fish and fish products which have undergone the processing;

“public health officer” means a public health officer within the meaning of the Public Health Act; Cap. 242.

“relaying” means moving bivalve molluscs from polluted waters to areas approved by the competent authority;

“risk” means a function of the probability of an adverse effect on human, animal or plant health, animal welfare or the environment and the severity of that effect, consequential to a hazard;

“risk assessment” means a scientifically based process consisting of four steps: hazard identification and characterization, exposure assessment and risk characterization;

“traceability” means the ability to trace and follow fish, fish product, fish feed, materials in direct contact with fish product or any other substance intended, or expected to be incorporated into a fish product or fish feed, through all stages of production, processing and distribution;

“Technical Committee” means the Technical Committee on Fish Quality and Safety established pursuant to section 58 (2) of the Act;

“verification” means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled;

“veterinary drug” means any substance applied or administered to any food producing animal whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological function or behaviour;

“veterinary officer” means a veterinary officer within the meaning of the Animal Diseases Act; and Cap. 364.

“withdrawal period” means the duration of time between the last dose given to the fish and the time when the level of residues in the tissues or products falls below the maximum allowable residue levels.

3. These Regulations shall apply to the control of the safety and quality of fish, fish products and fish feeds in order to safeguard human and animal health. Scope of application.

#### PART II—OFFICIAL CONTROL ENTITIES

4. (1) Where the competent authority is assessing compliance to official control and official control activities, the assessment procedure for fish, fish products and fish feeds shall be— Assessment by the competent authority.

- (a) based on food safety risks assessment or on other appropriate measures where circumstances and nature do not allow risk assessment;
- (b) effective, equitable and proportionate to the risk; and
- (c) scientifically conducted in an independent, objective and transparent manner.

(2) Where upon assessment, any fish, fish products or fish feeds present a risk to human or animal health, the competent authority shall take appropriate steps to—

- (a) inform the general public of the nature of the risk to health;
- (b) identify as far as possible the fish, fish product or fish feed;
- (c) identify the risk that such fish, fish product or fish feed may present; and
- (d) identify the measures to be taken to prevent, reduce or eliminate that risk.

(3) In safeguarding public health in accordance with sub-regulation (2), any information obtained by the competent authority in the performance of its functions under these Regulations may be disclosed without the written consent of the fishery enterprise.

5. (1) Each county government shall prepare an annual inspection report containing the following information—

County report on official control.

- (a) number and type of inspections carried out in the county;
- (b) the number and type of infringements identified;
- (c) actions taken in cases of non-compliance; and
- (d) any other relevant matter.

(2) One month after the end of each calendar year, every county shall submit an annual inspection report on official control activities within the county to the competent authority in the Form set out in the First Schedule.

6. (1) At the end of every calendar year, the competent authority shall prepare an annual report on official control activities specifying—

Annual report on official control.

- (a) the number and type of inspections carried out;
- (b) the number and type of infringements identified;
- (c) actions taken in cases of non-compliance and;
- (d) any other relevant matter.

(2) The inspection report prepared by the competent authority shall form part of the annual report on official control prepared under this regulation.

7. (1) Pursuant to section 58(2) of the Act, the Technical Committee on Fish Quality and Safety shall consist of—

Technical committee on fish quality and safety.

- (a) the Director-General of the Service, who shall be the Chairperson;
- (b) one person with knowledge and experience in matters relating to fish safety and quality assurance, nominated by the Council of Governors and appointed by the Cabinet Secretary;
- (c) the Head of Fish Safety and Quality Assurance, who shall be the Secretary; and



- (d) not more than four persons, appointed in writing by the Cabinet Secretary, with skills in fish safety and quality assurance.
- (2) The persons appointed under sub regulation (1)(d) shall represent the following—
- (i) fish exporters;
  - (ii) fish processors;
  - (iii) fisheries inspectors' associations; and
  - (iv) academia and research.
8. The functions of the Technical Committee shall be as set out in section 58 (3) of the Act. Functions of the Technical Committee.
9. The conduct of business and affairs of the Technical Committee shall be as provided for in the Second Schedule. Conduct of business and affairs.
10. (1) A fisheries inspector appointed under the Act or county legislation shall— Functions of a fisheries inspector.
- (a) inspect and audit approved fishery enterprises to assess the implementation of internal checks with respect to—
    - (i) hazard analysis critical control point system;
    - (ii) good hygiene practices;
    - (iii) traceability;
    - (iv) training in hygiene and in work procedures;
    - (v) water quality; and
    - (vi) good manufacturing practices;
  - (b) collect samples for official control and submit to accredited laboratories to verify the effectiveness of implementation of quality and safety assurance systems by the fishery enterprises;
  - (c) report to the respective appointing authorities in accordance with these Regulations;
  - (d) certify upon a request in writing, the health conditions relating to any batch of fish products;
  - (e) conduct the detailed health controls and monitoring of production conditions in accordance with the Third Schedule;
  - (f) grant approval of trucks for issuance of the fish movement permits; and
  - (g) perform such other functions as may be assigned from time to time.
- (2) Without prejudice to the provisions of section 84 (4) of the Act, a fisheries inspector shall be responsible to the competent authority for the performance of their functions.



11. (1) In the performance of their functions, a fisheries inspector shall have all the powers conferred on an authorized officer under the Act.

Powers of fisheries inspectors.

(2) Without prejudice to sub-regulation (1), a fisheries inspector may—

- (a) enter and search, at any reasonable hour, any premises wherein fish, fish products or fish feed are likely to be produced, handled, processed, packaged and stored or kept, to determine the existence, nature and extent of any trade or business in fish, fish products or fish feed;
- (b) examine any fish, fish product, aquaculture product or fish feed in any fishery enterprise;
- (c) take samples of any fish, fish product or fish feed in the course of undertaking inspections under these regulations;
- (d) examine anything used or capable of being used for the preparation of any fish, fish product or fish feed in any fishery enterprise;
- (e) stop, search or detain any carrier likely to contain any fish, fish product, or fish feed;
- (f) open and examine any container, package or any other area likely to contain any fish, fish product, or fish feed and examine the products and take samples thereof;
- (g) examine and take copies of any book, document, equipment or tools or any other record in any form likely to contain any information relevant to the enforcement of these Regulations;
- (h) seize, condemn or destroy any fish, fish product or fish feed that is unfit for human consumption, diseased or otherwise contaminated; and
- (i) temporarily withdraw an approval number allocated to a fishery enterprise in the register pursuant to section 58(3)(g), until they comply with requirements of these Regulations.

12. (1) In the exercise of powers or in the performance of the functions specified under these Regulations, a fisheries inspector shall produce a certificate of identification.

Identification of fisheries inspectors.

(2) The certificate of identification of a fisheries inspector shall be issued by the Director-General in Form KeFS/PS/A1 set out in the Fourth Schedule.

13. (1) A fisheries inspector shall report to the respective appointing authority on—

Records and reports by a fisheries inspector.

- (a) status of any approved fishery enterprise, landing stations or carriers;
- (b) any temporary or permanent closure of any fishery enterprise that contravenes these Regulations; and

(c) any matter necessary for the implementation of these Regulations.

(2) Any record made under these Regulations by a fisheries inspector shall be preserved by the competent authority for a period of thirty-six months.

### PART III—OFFICIAL CONTROL OF ESTABLISHMENT AND OPERATIONS

14. (1) No person shall establish or use a fishery enterprise for the production, aquaculture, keeping, processing, storage, packaging, transporting or placing on the market of fish or fish products intended for human or animal consumption without approval from the competent authority and a licence from the County Executive Committee Member.

Approval for establishment and use of a fishery enterprise.

(2) The approval under this regulation shall be granted subject to the conditions specified under these Regulations or such other conditions as the competent authority may determine.

(3) The approval for the establishment of the fishery enterprise shall be granted upon compliance with the application and health requirements.

(4) An approval issued under this regulation in respect of any means of transport for fish, fish products and fish feed shall have the same effect as a fish movement permit.

15. (1) The competent authority may refuse to issue the approval under regulation 14 where it is satisfied that—

Refusal to grant approval.

(a) the raw material available is not adequate to support such fishery enterprise;

(b) such fishery enterprise shall have an adverse effect on the fisheries resources, biodiversity, health, hygiene and the environment; or

(c) the fish has been legally caught and reported.

(2) The competent authority may issue conditional approval to a fishery enterprise which meets some of the infrastructure and equipment requirements.

(3) A conditional approval under this regulation shall be issued to a fishery enterprise for a period of not less than three months and not exceeding six months.

(4) A conditional approval under this regulation shall be construed to be a fish processing licence issued under section 87 (4) of the Act and the fishery enterprise shall pay the fish processing licence fee set out in the Sixth Schedule.

16. (1) No person shall construct or refurbish a fishery enterprise without approval by the Director-General.

Construction or refurbishing of fishery enterprise.

(2) An application for an approval under sub-regulation (1) shall be made to the Director-General in Form KeFS/FS/A2 set out in the Fourth Schedule.

(3) The approval shall be granted upon compliance with the application requirements.

(4) During the construction or refurbishing of the fishery enterprise, the applicant shall comply with the health conditions specified in Part I and Part II of the Fifth Schedule.

(5) Upon completion of the relevant works for which an approval is sought under this regulation, the Director-General shall undertake a site inspection to inform issuance of a fish processing licence.

17. (1) No person shall operate an export oriented fishery enterprise without a valid certificate of compliance.

Export fishery enterprises.

(2) The certificate of compliance under sub-regulation (1), shall be issued—

(a) upon application to the Director-General in Form KeFS/FS/A3 set out in the Fourth Schedule;

(b) by the Director-General in respect of each export product line in the fishery enterprise; and

(c) upon payment of the fees set out in the Sixth Schedule.

(3) Where the application under sub regulation (2) is not approved—

(a) the Director-General shall furnish the applicant with reasons for the decision within thirty days of receipt of the application; and

(b) the applicant may reapply upon fulfilling the requirements stated by the Director-General under paragraph (a).

(4) A certificate of compliance issued under this regulation shall be renewed annually after inspection and approval by the competent authority.

(5) The renewal procedure for a certificate of compliance shall be made in accordance with the procedure in sub regulation (2) and (3).

(6) The competent authority may revoke a certificate of compliance where—

(a) the owner or operator of the fishery enterprise carries out activities other than those for which the enterprise is established; or

(b) investigations by the Director-General reveal non-compliance with the provisions of these Regulations or any other written law.

(7) Where a certificate of compliance is revoked under sub-regulation (5), all operations in the fishery enterprise to which it relates shall cease forthwith.

(8) Where a certificate is revoked or replaced, the applicant shall meet the cost of revocation or replacement.

18. (1) The competent authority shall ensure that the management of approved fishery enterprises implement quality management

Internal controls.

programs as provided in the respective Manuals relating to manufacturing practice, aquaculture practice, sanitation standard operating manuals and hazard analysis critical control point manuals as set out in the following schedules—

- (i) Fifth Schedule;
- (ii) Seventh Schedule;
- (iii) Eighth Schedule;
- (iv) Ninth Schedule;
- (v) Tenth Schedule;
- (vi) Eleventh Schedule;
- (vii) Twelfth Schedule; and
- (viii) Thirteenth Schedule.

(2) The management of an approved fishery enterprises shall—

- (a) have at least one person competent in food production and safety to be in charge of fish safety and quality;
- (b) ensure that all employees responsible for internal checks receive adequate training for effective implementation of the quality management program;
- (c) construct an in-house laboratory or secure the services of an accredited laboratory, approved by the competent authority, to verify the effectiveness of the quality and safety system; and
- (d) collect samples in accordance with the Seventh Schedule to analyze and verify the quality and safety of fish, fish products and fish feed.

(3) A fishery enterprise of fish, fish products and aquaculture business shall implement the system of internal controls set out in the Seventh Schedule.

19. (1) Any approval granted under this Part may be suspended, withdrawn or cancelled by a written order of the competent authority where—

- (a) the operations of a fishery enterprise are in conflict with the conditions set out in the approval or in these Regulations;
- (b) such action is deemed necessary or expedient for the purpose of protecting human and animal health; or
- (c) there is an imminent risk to public health.

(2) Where the competent authority suspends an approval under this Part, the competent authority shall notify the entity of the suspension and give notice of revocation of the approval unless the entity fulfils such conditions as may be specified in the notice, within such period as may be specified.

Suspension,  
withdrawal and  
cancellation of  
approval.



(3) The competent authority may confirm, vary or cancel an approval granted to a fishery enterprise under these Regulations, upon expiry of the period specified under sub-regulation (2).

(4) Where there is an imminent risk to public health, a fisheries inspector may, by a written order and without notice, suspend any approval granted under this Part and the suspension shall be communicated to the competent authority within twenty-four hours of the suspension:

Provided that a suspension which is not reported in accordance with this sub-regulation shall be void.

(5) Upon receipt of the communication of suspension under sub-regulation (4), the competent authority shall, within seven days of receipt of the communication, formally confirm or rescind the decision of the fisheries inspector and indicate the reasons thereof.

20. The competent authority may temporarily or permanently close a fishery enterprise that contravenes these Regulations.

Closure of fishery enterprise.

21. (1) No person shall establish or operate an ice plant or a cold store for fish or fish products without the approval of the competent authority.

Establishment of an ice plant or a cold store.

(2) Any person intending to establish an ice plant or a cold store for fish or fish products shall meet the requirements set out in Part II paragraph D of the Fifth Schedule.

#### PART IV — OFFICIAL CONTROL OF LANDING, MOVEMENT AND HANDLING

22. (1) Fish shall be hygienically handled from the vessel, landed and weighed at designated fish landing stations.

Landing station.

(2) The control of activities at the landing stations shall be—

- (a) the role of designated persons; and
- (b) undertaken in accordance with the health requirement set out in the Third Schedule.

23. (1) No person shall transport, cause to be transported any fish unless such a person holds a valid permit to transport fish.

Movement permit.

(2) The movement permit shall be in Form KefS/FS/A4 set out in the Fourth Schedule and shall be issued at the county of origin.

(3) The holder of a movement permit shall operate in accordance with the provisions of the Eighth Schedule and in particular shall ensure that the carrier or container is—

- (a) durable, easy to clean and sanitize, with food grade internal lining, and proper sealing to protect fish products from contamination, sunlight and physical damage; and
- (b) regularly inspected by a fisheries inspector to ensure that the approval conditions of approval are maintained.



(4) Prior to transportation of fish and fish products from a landing station, a person shall obtain a local fish health certificate.

(5) The local fish health certificate obtained under sub-regulation (3) shall—

- (a) be issued in Form KeFS/FS/A6 set out in the Fourth Schedule;
- (b) be certified by a local fisheries inspector prior to transportation from the landing station;
- (c) accompany the consignment to the point of destination; and
- (d) facilitate traceability of fish from the source to the market, fishery enterprise and point of destination.

(6) Any 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. Any person intending to move live fish to place on the market for consumption shall—

Live fish movement.

- (a) obtain a live fish movement permit issued in Form KeFS/FS/A5 set out in the Fourth Schedule; and
- (b) transport live fish in clean, sanitized and adequately aerated containers.

25. Any fish maws or fish by-products shall be handled and processed—

Handling of fish maws and fish by-products.

- (a) at authorized fishery enterprises;
- (b) hygienically to ensure the quality of product; and
- (c) in compliance with relevant environmental and public health requirements and these Regulations.

26. Any fish declared unfit for human consumption that cannot be used for animal feed shall be incinerated or buried.

Handling of fish unfit for human consumption.

27. An operator of a fish enterprise shall keep and maintain traceability data from capture and aquaculture at every step of handling fish and fish products in the manner set out in the Ninth Schedule.

Traceability.

#### PART V – INSPECTION

28. (1) A fisheries inspector shall conduct an inspection for official control of fish, fish products and fish feed—

Inspection of a fishery enterprise.

- (a) regularly and according to priorities determined by risk assessment carried out by the competent authority;
- (b) where there is reasonable suspicion of non-compliance; and
- (c) when required for the purpose of official certification.

(2) An inspection under this regulation shall cover—

- (a) all stages of production, fish farming, handling, manufacturing processing, packaging, storage, transportation, distribution, retailing and wholesale trade; and
- (b) the export and import of fish, fish products and fish feed from and into Kenya.

(3) The frequency of inspection shall be informed by the level of the rating of the fishery enterprise and conducted in accordance with these Regulations as set out in Part 1 of the Third Schedule.

29. (1) An inspection of a fishery enterprise shall examine the following—

Areas to be inspected.

- (a) the state and use of the site intended or occupied by a fishery enterprise, offices, plant surroundings, means of transport, machinery and equipment, fish and fishery enterprise dealing in fish products and fish feed;
- (b) the raw materials, ingredients, technological aids and other products used for the preparation and production of fish products and fish feed;
- (c) semi-finished fish products;
- (d) finished fish products and fish feed;
- (e) the materials, surfaces and items intended to come into contact with fish, fish products and fish feed;
- (f) the products and processes used for cleaning and maintenance,
- (g) pesticides used for pest control;
- (h) the processes used for the manufacture and processing of fish, fish products and fish feed;
- (i) labelling and presentation of fish, fish products and fish feed;
- (j) preservation methods; and
- (k) transportation of fish, fish products and fish feed.

(2) The inspection under sub-regulation (1) may be supplemented by—

- (a) interviews with persons dealing in fish, fish products and fish feed, and their employees;
- (b) the reading of values recorded by calibrated measuring instruments installed in the fishery enterprise;
- (c) measurements carried out by the competent authority, with its institutional calibrated instruments; and
- (d) information contained in manual and electronic materials held by the fishery enterprise.

30. (1) Where a fishery enterprise is in a state of construction, disrepair or in a location that may expose fish, fish products and fish feed to contamination or deterioration, the management of the fishery enterprise may be served with a written notice from the Director-General or the County Executive Committee Member requiring the enterprise—

Notification of non-compliance.

- (a) to implement corrective action within an agreed specified time; or
- (b) to cease operations in the fishery enterprise until the non-compliance issues are addressed to the satisfaction of a fisheries inspector.

31. An inspection of any consignment of fish, fish products, or fish feed shall be undertaken to determine the following—

Inspection of a consignment.

- (a) whether the conditions in which the batch was produced, processed, stored, packed, transported or placed on the market are proper;
- (b) whether the batch or consignment satisfies the standards set out under these Regulations; and
- (c) the fitness of that batch for the purpose for which it is intended.

32. (1) No person shall place on the market or export a consignment of fish, fish product, fish feed or aquaculture products without a valid health certificate.

Health certificate.

(2) A health certificate shall be issued—

- (a) upon inspection of the consignment in accordance with regulation 31;
- (b) as a local fish health certificate or an export health certificate in Form KeFS/PS/A6 or KeFS/PS/A7 set out in the Fourth Schedule; and
- (c) upon payment of the fee set out in the Sixth Schedule.

(3) A health certificate under this regulation shall not be issued where—

- (a) the consignment is contaminated with any biological or chemical agent, foreign matter or other substances which may compromise food safety or suitability;
- (b) the contamination level in the consignment is beyond the acceptable levels;
- (c) the consignment does not comply with packaging and labelling requirements;
- (d) the fishery enterprise does not adhere to its internal control system; and

(c) fish safety requirements under these Regulations have not been complied with.

(4) The competent authority shall communicate to the applicant the reasons for refusal to issue a certificate within fourteen days from the date of the decision.

(5) A health certificate issued under this regulation may be withdrawn or replaced.

(6) Where a certificate is withdrawn or replaced, the applicant shall meet the cost of withdrawal or replacement.

33. The Director-General may recall any batch or consignment of fish, fish products or fish feed which fails to meet the requirements under these Regulations.

Consignment recall.

34. Pursuant to section 93(3) of the Act, the Director-General or the County Executive Committee Member shall charge the licence holders fees for inspection and any other service rendered.

Inspection fees.

35. Any owner, occupier, person in-charge or employee of a fishery enterprise who obstructs a fisheries inspector in the performance of an inspection commits an offence and shall be liable, on conviction, to the penalty provided under section 156 of the Act.

Obstruction during inspection.

#### PART VI—HEALTH CONDITIONS FOR PRODUCTION AND PLACING ON THE MARKET

36. (1) Any fish or fish products intended to be placed on the market shall be—

Placing on the market of fish and fish products.

- (a) inspected and sampled to verify the quality and safety in accordance with the Third Schedule;
- (b) hygienically handled, prepared, processed and stored and transported at appropriate temperatures in accordance with the Eighth Schedule;
- (c) chilled with ice and transported from the landing station at the temperature of melting ice;
- (d) transported under sanitary conditions in approved transport carriers or containers in accordance with these Regulations;
- (e) transported upon obtaining a movement permit in accordance with these Regulations;
- (f) packaged in accordance with the Tenth Schedule; and
- (g) labelled in accordance with the Eleventh Schedule.

(2) Any person who contravenes the provisions of this regulation shall be liable, on conviction, to the penalty provided under section 60 (2) of the Act.

37. (1) No person shall harvest bivalve molluscs and shellfish for human and animal consumption from any area other than those specified by the competent authority, and which meet the conditions set out in the Twelfth Schedule.

Prohibited harvest areas for bivalve molluscs.



(2) Any 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.

38. (1) No person shall possess, consign or transfer any batch or consignment of bivalve molluscs to another person unless the consignment is accompanied by a certificate of origin.

Certificates of origin for bivalve molluscs.

(2) The certificate of origin shall

(a) be issued by the competent authority upon payment of the fees set out in the Sixth Schedule; and

(b) accompany the consignment of bivalve molluscs during distribution, transportation and placing on the market.

(3) The fisher and any person receiving a batch or consignment of bivalve molluscs shall keep an original copy of the certificate of origin for a period of twelve months from the date of issue or transfer thereof.

(4) Any 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.

39. (1) No person shall place on the market—

Prohibition on placing on the market of certain species.

(a) fish species of the families *Tetradontidae*, *Molidae*, *Diodontidae*, *Canthigasteridae*, *Gempylidae*; with the exception of Escolar and Oilfish (*Ruvettus pretiosus*) in the family *Gempylidae* which can be placed on the market with strict labelling instructions; and

(b) fish products commonly containing biotoxins of marine origin.

(2) Any poisonous fish shall be—

(a) identified immediately upon landing of harvest; and

(b) immediately returned to the sea upon being identified.

(3) Any poisonous fish identified at the landing station shall be disposed of by burying or incineration.

(4) The Director-General or the County Executive Committee Member shall be informed of all cases of poisonous fish identified under this regulation.

40. (1) Any aquaculture facility, fishery enterprise or any person intending to place on the market any aquaculture products shall—

Placing on the market of fish and fish products from aquaculture.

(a) observe the requirements for placing on the market fish and fish products provided in the Thirteenth Schedule;



- (b) register with the competent authority; and
- (c) source aquaculture fish and fish products from an aquaculture production facility that has implemented the internal system to control safety hazards in the farmed fish and guarantees the traceability of fish during harvesting, transportation and storage.

(2) every entity in sub regulation(1) shall ensure that all aquaculture fish that is ready for harvesting shall not show any clinical signs of disease.

(3) Any harvesting, introduction into a dispatch centre or purification centre, further processing or any other related operations involved in the preparation of aquaculture products for entry into the food chain shall be carried out under conditions that prevent the spread of pathogens responsible for causing disease.

(4) Every dispatch centre, purification centre and other similar businesses shall be equipped with effluent treatment facilities capable of inactivating disease-causing pathogens and reducing the risk of transmission of the disease to natural water bodies to acceptable levels.

(5) In addition to the requirements under sub-regulation (1), commercial aquaculture facilities intending to place on the market fish and fish products shall put in place the following measures—

- (a) use a bio-security plan that is adaptable, addresses local disease threats, prevents environmental degradation and prevents the introduction of any infectious organism by controlling infectious diseases within the facility;
- (b) engage a qualified veterinarian or fish pathologist to undertake diagnostics, treatment and relevant monitoring in accordance with these Regulations;
- (c) keep records of monitoring the production process for the purposes of preventing misuse and detection of residues and contaminants in accordance with section 70 of the Act;
- (d) not use any drug, pharmaceutical antibiotic or other chemical without the written approval of the Director-General; and
- (e) maintain proper records of its activities which shall be—
  - (i) availed to the Director-General or the County Executive Committee Member on request or inspection; and
  - (ii) retained for a period of at least three years.

(6) Any person intending to transfer aquaculture fish to a fisher enterprise shall obtain an aquaculture movement permit in Form KefS/FS/A8 set out in the Fourth Schedule.

(7) The competent authority shall authorize the fishery enterprise slaughtering aquaculture products for disease control purposes.

(8) Any person who contravenes the provisions of this regulation commits an offence and shall be liable to the penalty prescribed under section 70(2) of the Act.

41. (1) Where any drug, pharmaceuticals, antibiotics or other chemicals are administered on any aquaculture fish and fish products in accordance with section 70 of the Act, a withdrawal period of thirty days after administering the pharmaceuticals antibiotics or other chemicals shall be observed before placing the aquaculture fish or fish products in the market.

Use of  
pharmaceuticals,  
drugs, antibiotics,  
etc in aquaculture.

(2) The concentration of any drug, pharmaceutical antibiotics or other chemicals residue in the harvested fish shall not exceeded the maximum residue limit specified in any applicable law.

(3) Any aquaculture fish and fish products shall be accompanied by a declaration stating whether drug, pharmaceuticals, antibiotics or other chemicals have been used in the farming of fish and whether the withdrawal period has been observed.

(4) Where contaminated products or prohibited substances are identified in an aquaculture facility or fishery enterprise handling aquaculture products, the management of the facility shall cooperate with the competent authority to safely dispose the contaminant or the substance.

42. (1) Any fishery enterprise intending to place on the market fish feed for commercial aquaculture shall register with the Director-General or the County Executive Committee Member.

Placing on the  
market of  
aquaculture feeds.

(2) The management of the fishery enterprise shall—

- (a) use safe and quality feeds;
- (b) submit samples of fish feed to an accredited laboratory for analysis to determine the safety and quality as required; and
- (c) keep proper records of all fish feeds produced or used by the fishery enterprise.

(3) Any fish feed ingredients containing toxins and contaminants shall not be used in aquaculture.

(4) Fish feed treated with veterinary medicinal supplements including hormones and antibiotics shall not be used unless approved under the terms of the Veterinary Surgeons and Veterinary Paraprofessionals Act and the Veterinary Surgeons and Veterinary Paraprofessionals (Veterinary Medicine Directorate) Regulations.

Cap. 366  
L.N. 209 of 2015.

(5) Fish feeds shall be used before the expiry date and expired feeds shall be disposed of under the supervision of the Director-General or the County Executive Committee Member, as the case may be.

(6) Medicated feed shall be used in aquaculture in accordance with instructions of an authorised veterinary surgeon or veterinary paraprofessional.

(7) Fish feed shall be stored in properly constructed and well-ventilated facilities with protection from pests and vermins.

PART VII—EXPORT AND IMPORT OF FISH, FISH PRODUCTS  
AND FISH FEED

43. (1) Fish, fish products and fish feed shall meet conditions for export and import specified by the Director-General with regards to— *General conditions.*
- (a) safety and having met the conditions stated in sub regulation (2);
  - (b) the actual health conditions during production, storage and dispatch of fish products intended for export and import; and
  - (c) the assurance on the compliance with the standards laid down in the Fifth Schedule.
- (2) The export and import conditions referred to under sub-regulation (1) include—
- (a) possession of a health certificate which shall accompany the consignment of fish or fish products to the importing country; and
  - (b) labelling of the fish and fish products, with the reference number of the fishery enterprise of origin, including imported fish and fish products, for further processing and accompanied by the certificate referred to in paragraph (a) from the country of origin.
44. (1) No person shall import a batch or consignment of fish or fish product, without a fish import permit and a fish sanitary or health certificate issued by the competent authority of the exporting country in respect of the batch or consignment. *Imports.*
- (2) Any applications for a fish import permit shall be—
- (a) made to the Director-General in Form KEFS/FS/A12 set out in the Fourth Schedule or any other approved electronic format; and
  - (b) in the case of live fish imports, accompanied by a letter of notification from the authorized person responsible for fisheries in the country of origin.
- (3) All imported live fish shall be placed under quarantine for a period of forty days and thereafter confirmatory laboratory diagnosis tests to confirm that they are free from diseases and parasites.
45. All foreign vessels or reefer vessels shall be subjected to import inspection and issued with a foreign vessel import inspection certificate in Form KEFS/FS/A9 set out in the Fourth Schedule. *Import inspection.*
46. (1) No person shall export a batch or consignment of fish, fish products or fish feed without the following approval documents in respect of the batch or consignment—
- (a) an export permit; *Exports.*
  - (b) a fish processing licence;

- (c) a certificate of registration of local fishing vessel in the case of fishing vessels;
- (d) a certificate of compliance with Kenyan standards for fish handling and processing; and
- (e) a valid sanitary health certificate.

(2) Any applications for an export permit shall be made to the Director-General in Form KeFS/FS/A12 set out in the Fourth Schedule.

(3) An export permit shall be valid for a period of—

- (a) fourteen days for fresh fish and fish products; and
- (b) twenty-one days for other fish, fish products and fish feeds.

47. Any person intending to import marine fish for raw materials for further processing shall make an import declaration in Form KEFS/FS/A10 set out in the Fourth Schedule.

Export and import from marine waters.

(2) Fish and Fish products from marine waters and intended for export or import shall be accompanied by a catch certificate issued in Form KeFS/FS/A11 set out in the Fourth Schedule.

#### PART VIII—LABORATORIES

48. The Director-General shall maintain a list of accredited laboratories specifying the particular test or group of tests that may be undertaken in the specified laboratory.

Accredited laboratories.

49. The laboratories referred to in regulation 48 shall—

Standards for accredited laboratories.

- (a) comply with the requirements of the International Organization for Standardization Standard Number 17025 or such other standards as the Director-General may specify from time to time;
- (b) participate in appropriate proficiency testing programmes; and
- (c) use methods of analysis and performance criteria specified by the Director-General from time to time.

50. (1) For each test required for the purposes of official control of fish, fish products or fish feed, the Director-General shall select one laboratory from the list under regulation 48 for each type of test required for purposes of official control.

Selection of a laboratory.

(2) A laboratory selected under this regulation shall be responsible for—

- (a) advising the Director-General on the designation and nomination of official laboratories to conduct analysis for the purpose of official control;
- (b) co-ordinating and supporting the activities of official laboratories in respect of the technical standards and methodologies of the testing services for which they are appointed;



- (c) offering training to technical personnel of the official testing laboratories;
- (d) organizing and participating in comparative tests of standardized samples, on a national and international basis, with a view to monitoring the proficiency of official laboratories;
- (e) ensuring that all official laboratories maintain internal systems of quality assurance including method validation, record keeping, reagent storage, safety, and routine calibration of equipment;
- (f) disseminating information from the reference laboratories to the Director-General and other laboratories carrying out the testing of fish, fish products and fish feed, whether or not for the purposes of official control; and
- (g) providing scientific and technical assistance to the Director-General in the implementation of co-ordinated control plans.

#### PART IX—LICENCES, PERMITS AND CERTIFICATES

51. (1) Unless otherwise provided, a person who requires a licence, permit or certificate under these Regulations shall make an application in the appropriate Form set out in the Twelfth Schedule or in such other form as the Director-General or County Executive Committee Member shall specify.

Issuance of licence, permit or certificate.

(2) The Director-General or County Executive Committee Member may attach any necessary conditions to any licence, permit, or certificate issued under these Regulations which are necessary for carrying into effect the objects and purpose of the Act and these Regulations.

52. (1) The Director-General or County Executive Committee Member may refuse to issue any licence, permit or certificate required under these Regulations.

Power to refuse a licence, permit or certificate.

(2) Any person aggrieved by the decision to refuse licence, permit or certificate may appeal in accordance with the provisions of regulation 60.

53. (1) The Director-General or the County Executive Committee Member may modify a licence, permit or certificate issued under these Regulations.

Power to modify.

(2) Where a licence, permit or certificate is modified, the licensee shall be notified of the modification and surrender the licence, permit or certificate to the licensing officer for endorsement within seventy-two hours of a written notice on modification.

(3) Where a licence, permit, or certificate is not surrendered under sub-regulation (2), such licence, permit or certificate shall be considered withdrawn and invalid.

54. (1) The Director-General or the County Executive Committee Member may suspend a licence, permit or certificate issued under these Regulations where—

Power to suspend.



- (a) it is necessary or expedient for proper management of the fishing industry; and
- (b) the licence has been used in contravention of any regulation or any conditions therein.

(2) Where a licence, permit or certificate is suspended, under these Regulations, the Director-General or the County Executive Committee Member shall repossess the licence, permit or certificate.

(3) Where the licence is repossessed under sub-regulation (2), the Director-General or the County Executive Committee Member if satisfied that the circumstances which resulted in the suspension no longer apply, may authorize that the licence, permit or certificate be returned to the licensee.

55. (1) A licence, permit or certificate issued under these Regulations, shall be valid up to the date stated therein or, where no such date is specified, up to the 31<sup>st</sup> December in each year in which it is issued.

Validity.

(2) Notwithstanding sub-regulation (1), the validity of an export permit shall be for a period of fourteen days for fresh fish and fish products and twenty-one days for other fish, fish products and fish feeds and can be extended as appropriate.

56. A licence, permit or certificate issued under these Regulations shall not be transferable.

Transferability.

57. (1) Where any licence, permit or certificate issued under these Regulations is lost, defaced or mutilated, a licensee may be issued with a duplicate copy of the licence, permit, or certificate upon payment of the fee set out in the Sixth Schedule.

Replacement.

(2) Where a duplicate copy of a licence, permit or certificate has been issued pursuant to this regulation, the original shall cease to be valid.

58. The Director-General or County Executive Committee Member shall cause to be kept and maintained, a separate register for each type of licence, permit or certificate issued under these Regulations.

Register.

59. (1) The conviction of the holder of a licence, permit, or certificate for any offence under the Act shall, unless the Director-General or County Executive Committee Member in writing otherwise directs, result in—

Effect of a conviction.

- (a) a cancellation of the licence, permit or certificate from the moment of conviction; and
- (b) a disqualification of the holder from holding a licence, permit, or certificate related to the provisions under which he has been convicted, for a period of two years from the date of conviction.

(2) The holder of any licence, permit or certificate which is cancelled pursuant to sub-regulation (1), shall, within fourteen days

from the date of conviction, surrender the licence, permit or certificate or any document evidencing permission or authority to engage in business for which authority is required under the Act or these Regulations to the Director-General or the County Executive Committee Member.

(3) Pursuant to section 81 of the Act, the surrender of the licence, permit or certificate shall be recorded in the appropriate register.

(4) A person who contravenes this regulation commits an offence and shall be liable to the penalty provided in section 94(6) of the Act.

60. A person aggrieved by the action of the Director-General or the County Executive Committee Member to— *Appeals.*

- (a) refuse to approve or issue a licence, permit or certificate;
- (b) suspend or withdraw a licence, permit or certificate;
- (c) refuse to grant a conditional approval; or
- (d) attach conditions to a licence, permit or certificate,

may, in writing, appeal to the Board and further to the Cabinet Secretary in accordance with section 97 of the Act.

61. The fees applicable in respect of any licence, permit or certificates issued under these Regulations shall be as set out in the Sixth Schedule. *Fees.*

#### PART X—FINAL PROVISIONS

62. (1) The Director-General or the County Executive Committee Member shall design and implement annual monitoring programmes for fish, fish products and fish feed with the objective of assessing the nature and extent of the safety hazards associated with these products. *Monitoring.*

(2) Without prejudice to the generality of the provisions of sub regulation (1), the Director-General shall design and implement a monitoring programme for the harvest areas of bivalve molluscs in accordance with the conditions provided in the Twelfth Schedule.

(3) The monitoring programmes undertaken under sub regulation (1) shall consider the hazards and criteria provided in the Third and Seventh Schedules and shall include monitoring the presence of the following hazards in the fish, fish products and fish feed and production areas—

- (a) heavy metals;
- (b) residues of drugs, pharmaceuticals, antibiotics or other chemicals permitted in aquaculture under the terms of the Veterinary Surgeons and Veterinary Paraprofessionals Act; *Cap. 366.*
- (c) residues of substances banned in aquaculture under the terms of the Veterinary Surgeons and Veterinary Paraprofessionals Act; *Cap. 366.*

- (d) pesticides residues;
- (e) parasites in fish of significance to public health; and
- (f) other hazards in fish, fish products and fish feed.

(4) The monitoring programmes shall specify the sampling plan, the methods of analysis to be used and, where applicable, the performance criteria.

(5) The Technical Committee shall prepare a report on annual monitoring programmes undertaken under this regulation and submit it to the competent authority.

63. A person who commits an offence under these Regulations where no penalty is prescribed is liable, on conviction, to the penalty under section 60 (2) of the Act.

Offences.

64. The Fisheries (Safety of Fish, Fishery Products and Fish Feeds) Regulations, 2007 are revoked.

Revocation.  
L. N. 170 of  
2007.

65. Notwithstanding the provisions of regulation 64—

Savings and  
Transition.

- (a) any proceedings taken by the standing committee and the technical committee in the performance of their functions under the Fisheries (Safety of Fish, Fishery Products and Fish Feeds) Regulations, 2007 shall be deemed to be proceedings under these Regulations;
- (b) a licence, certificate or permit issued under the Fisheries (Safety of Fish, Fishery Products and Fish Feeds) Regulations, 2007 shall be deemed to be a licence, certificate or permit under these Regulations;
- (c) any administrative direction, investigation or inquiry instituted in terms of the Fisheries (Safety of Fish, Fishery Products and Fish Feeds) Regulations, 2007 which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations;
- (d) all disciplinary proceedings which immediately before the commencement of these Regulations were pending shall be continued or concluded as if instituted under these Regulations;
- (e) all appeal processes, which immediately before the commencement of these Regulations were pending, shall proceed as if instituted under these Regulations; and
- (f) any proceeding taken in exercise of any of the powers under the Fisheries (Safety of Fish, Fishery Products and Fish Feeds) Regulations, 2007 shall be deemed to be proceedings under these Regulations.

L. N. 170 of  
2007.

L. N. 170 of  
2007.

L. N. 170 of  
2007.

L. N. 170 of  
2007.

FIRST SCHEDULE  
INSPECTION REPORT

(r. 5(2))

REPUBLIC OF KENYA



MINISTRY/INSTITUTION  
INSPECTION REPORT

- 1.0 Fishery enterprise Name:
- 2.0 Location:
  - Physical Location:
  - Postal Address:
  - E-Mail Address:
- 3.0 Fishery enterprise Representatives :
- 4.0 Official Inspectors:
- 5.0 Inspection code:
- 6.0 Date of Inspection:
- 7.0 Scope:
- 8.0 Objectives:
- 9.0 Criteria:
- 10.0 Findings:
  - 10.1 Approval documents:
  - 10.2 Layout of the fishery enterprise:
  - 10.3 Schematic Flow Chart of Product:
  - 10.4 Water:
    - 10.4.1 Sources of water and treatment and storage:
    - 10.4.2 Water distribution/reticulation map:
    - 10.4.3 Free Residual Chlorine:
    - 10.4.4 Alarm System:
    - 10.4.5 Bacteriological examination of water:
    - 10.4.6 Physico-chemical analysis of water:
  - 10.5 Internal checks:
    - 10.5.1 Hazard Analysis Critical Control Point (HACCP) Policy:

- 10.5.2 HACCP Team:
- 10.5.3 Product Description:
- 10.5.4 Process Flow diagram:
- 10.5.5 Hazard Analysis:
- 10.5.6 Identification of Critical Control Points:
- 10.5.7 Critical Limits:
- 10.5.8 Monitoring Procedures:
- 10.5.9 Corrective Actions:
- 10.5.10 Verification of HACCP System:
- 10.5.11 Record Keeping:
- 10.6 Cleaning and sanitation programme:
- 10.6.1 Cleaning Programme and Schedule:
- 10.6.2 Visual Checks:
- 10.6.3 Laboratory Analysis of Swabs:
- 10.7 Personnel Hygiene and Health Checks:
- 10.8 Pest Control Programme:
- 10.9 Temperature Registration:
- 10.10 Products Entry and Exit:
- 11.0 Processing and Facilities:
- 11.1 Cold Room:
- 11.2 Plate Freezer:
- 11.3 Blast Freezer:
- 11.4 Ice plant:
- 11.5 Utensils washing and storage area:
- 11.6 Processing area:
- 11.7 Packaging Material Store:
- 11.8 Vehicle Washing Bay:
- 11.9 By- Products area:
- 11.10 Amenities:
- 12. General Environment:
- 13. Recommendations:



## SECOND SCHEDULE

(r. 9)

## CONDUCT OF BUSINESS AND AFFAIRS OF THE TECHNICAL COMMITTEE

## 1. Tenure of office

The chairperson or a member of the Technical Committee, other than an *ex officio* member, shall hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for a further term of three years.

## 2. Meetings of the Technical Committee

(1) The Technical Committee shall meet at least once in every four months to conduct the business of the Technical Committee.

(2) The chairperson of the Technical Committee shall preside at every meeting of the Technical Committee at which the chairperson is present but in the absence of the chairperson, the members of the Technical Committee present shall appoint a member from among their number to preside at that meeting.

(3) The chairperson may, at any time and on requisition in writing by at least four members, convene a special meeting for the transaction of the business of the Technical Committee.

## 3. Notice of meeting

Unless five members of the Technical Committee otherwise agree, at notice of meeting, least seven days' written notice of every meeting shall be given to every member of the Technical Committee.

## 3. Quorum

The quorum for the conduct of the business of the Technical Committee shall be five members including the chairperson or the person presiding.

## 4. Decisions of the Technical Committee

The matters of the Technical Committee shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

## 6. Vacancy of office of chairperson or members

The office of the Chairperson or member shall become vacant if the holder—

- (a) dies;
- (b) by notice in writing addressed to the Cabinet Secretary, resigns from office; and
- (c) is removed from office under any of the circumstances specified in paragraph 7 of this Schedule.

## 7. Removal of Chairperson and members

The chairperson or member (other than an *ex officio* member), may be removed from the membership of the Technical Committee on any of the following grounds—

- (a) is absent from three consecutive meetings of the Technical Committee, without reasonable cause;

- (b) fails to disclose any interest in any contract or matter before the Technical Committee;
- (c) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
- (d) is incapacitated by prolonged physical or mental illness;
- (e) is declared bankrupt; or
- (f) is otherwise unable or unfit to discharge his function.

#### 8. Procedure

Subject to the provisions of this Schedule, the Technical Committee may determine its own procedure.

## THIRD SCHEDULE

*(r. 10(1)(e), r. 22 (2)(b), r. 38(3), r. 38(a), r. 62(3))*

## HEALTH CONTROL AND MONITORING OF PRODUCTION CONDITIONS

## PART 1—GENERAL MONITORING

1. Audits and inspections shall be undertaken by the Director-General or the director responsible for fisheries at county level as appropriate to establish whether the requirements laid down in this regulation are complied with.
2. During the audits and inspections, the following will be assessed—
  - (a) conditions at landing stations and first sale;
  - (b) conditions at fish auctions and wholesale markets;
  - (c) inspection at regular intervals of fishery enterprises, to establish—
    - (i) whether the conditions for approval are complied with;
    - (ii) whether fish and fish products are handled in accordance with the requirements of these Regulations;
    - (iii) the cleanliness of the premises, facilities and instruments and personnel hygiene;
    - (iv) whether identification marks are affixed correctly; and
    - (v) periodical sampling and testing of products during production or after placing on the market.
3. The identification of checks to be undertaken and sampling rate to be applied shall be scientifically justified and shall depend on the nature of the hazards involved and risk of their occurrence.

## PART 2—ORGANOLEPTIC CHECKS

1. Fish and fish products shall be inspected at the time of landing or before first sale to establish fitness for placing on the market for human consumption.
2. Samples shall be collected for organoleptic checks and any other checks deemed necessary by the fisheries inspector which may include chemical or microbiological analyses as defined in part 4, 5 and 7 below.
3. If the organoleptic examination reveals that the fish and fishery are not fit for human consumption, the fisheries inspector shall withdraw them from the market.

## PART 3—PARASITE CHECKS

1. Fish and fish products for human consumption shall be subjected to visual inspection, to detect any visible parasites.
2. The abdominal cavity of eviscerated fish, liver and roe intended for human consumption will be inspected. Candling may be used for flat fish and fillets.
3. Whole fish shall be visually inspected on the surface, gills, skin, mouth and fins.
4. The abdominal cavity of eviscerated fish, liver and roe intended for human consumption will be inspected. Candling may be used for flat fish and fillets.

5. Fish or parts of fish which are obviously infested with parasites which cannot be readily removed, shall not be placed on the market for human consumption.

6. On the demand of a fisheries inspector samples from any batch of fish and fish products may be subjected to laboratory analysis for measurement of any scientifically established indicator of the degree of deterioration of the fish and fish products.

#### PART 4—TVB

1. When organoleptic examination gives cause to suspect the presence of other conditions which may affect human health, appropriate samples will be taken for verification.

2. If the freshness of the fish and fish products is suspect, samples shall be subjected to laboratory analysis to determine the levels of total volatile basic nitrogen (TVB-N) and trimethylamine nitrogen (TMA-N).

#### PART 5—HISTAMINE

1. Samples of fish from any batch of fish products of the following species will be subjected to laboratory analysis for the measurement of histamine.

(a) Fish of the family Scombridae.

(b) Fish of the family Clupeidae.

(c) Fish of the families Engraulidae, Coryfenidae, Pomatomidae, Scombrosidae.

2. Where such samples are taken, nine samples shall be taken from each batch submitted for analysis.

3. Examinations shall be carried out in accordance with the high – performance liquid chromatography (HPLC) or any other reliable, scientifically recognized methods.

4. The results of the analysis shall fulfill the following requirements—

(i) The mean value shall not exceed 100ppm.

(ii) Two samples may have a value of more than 100 ppm but less than 200 ppm.

(iii) No samples may have a value exceeding 200 ppm.

5. Fish belonging to the above families which have undergone enzyme-ripening treatment in brine are permitted higher histamine levels, but not more than twice the above values.

#### PART 6—CONTAMINANTS PRESENTS IN THE AQUATIC ENVIRONMENT

1. On the demand by a fisheries inspector samples from any batch of fish and fish product may be taken and subjected to laboratory analysis for the measurement of contaminants which may be present in the aquatic environment.

2. The Maximum Residual Levels for chemical contaminants in fish and fish products from capture fisheries are specified in the table below:



Table 8. Maximum limits for heavy metals in fish and fish products from capture fisheries

Parameters	Max levels mg/ Kg wet weight
<i>Lead</i>	
Muscle meat of fish	0.3
Crustacean	0.5
Bivalve molluscs	1.5
Cephalopods	1
<i>Cadmium</i>	
Muscle meat of fish	0.05
Muscle meat of anchovy, Bonito, Sardine and Tuna	0.1
Muscle meat of swordfish	0.3
Crustacean	0.5
Bivalve molluscs	1
Cephalopods	1
<i>Mercury</i>	
Fish products and muscle meat of fish	0.5
Muscle meat of Bonito, sail fish, rays	1.0
Sword fish Tuna	1.0

Source: EU Regulation 1881/2006

Parameter	Sample type	Maximum levels
Sum of Dioxins	Muscle meat of fish	4.0 pg/g
Sum of Dioxins and Dioxin like PCBs	Muscle meat of fish	8.0 pg/g

#### PART 7 – MICROBIOLOGICAL CHECKS

1. On the demand of an inspector, samples from any batch of fish and fish products may be taken and subjected to laboratory analysis for the measurement of levels of microbiological contaminants therein, including protozoan and helminthic parasites, bacterial and viral pathogens.

2. The sampling plan and microbiological limits for pathogens and indicator organisms in Fish and fish products are specified in the tables 9, 10, 11 below:



Table 9 Sampling plans and limits for pathogens

Type of Organism	Standard
<i>Salmonella spp.</i>	Absent in 25 g n = 5 c = 0
<i>Vibrio cholera</i>	Absent in 25 g n = 5 c = 0
<i>Vibrio parahaemolyticus</i>	Absent in 25 g n = 5 c = 0

Table 10 Sampling plans and limits for indicator micro-organisms

Type of Organisms	Standard (per g)
<i>Coliforms</i>	m = 10 <sup>3</sup> M = 10 <sup>4</sup> n = 5 c = 2
<i>E. Coli</i>	m = 10 M = 10 <sup>2</sup> n = 5 c = 2
<i>Staphylococcus aureus</i>	m = 100 M = 1000 n = 5 c = 2
Mesophilic Aerobic bacteria (30° C) in whole products	m = 10 <sup>4</sup> M = 10 <sup>5</sup> n = 5 c = 2
Mesophilic Aerobic bacteria (30° C) in Crab meat	m = 10 <sup>3</sup> M = 10 <sup>6</sup> n = 5 c = 2

Where Parameters n, m, M and c are defined as follows—

- n = number of units comprising the sample. (lot or batch ;).
- c = Maximum number of the above units that may contain microorganisms for the Batch / lot to be accepted and if above this the batch / lot will be rejected; (bacterial counts between m and M).

$m$  = the maximum number of micro-organisms per gram that must be contained in not more than  $C$  of the  $n$  sample units.

$M$  = the maximum number of micro-organisms per gram that any of  $n$ -units may not exceed for the entire lot not to be rejected.

3. Batches of cooked crustacean which do not meet the following criteria shall be considered to be unfit for human consumption.

Table 11

Type of bacteria	Standards
<i>Salmonella</i>	absent in 25g $n=5$ $c=0$
<i>Staphylococcus aureus</i>	$m=100$ $M=100$ $N=5$ $C=2$
<i>E. coli</i> (on solid Medium)	$m=10$ $M=100$ $n=5$ $c=1$

Where—

$m$  = limit below which all results are considered satisfactory.

$M$  = acceptability limit beyond which the results are considered unsatisfactory.

$n$  = no. of units comprising the samples.

$c$  = number of sample units giving bacterial counts between  $m$  and  $M$ .

**PART 8 – CHECKS ON VETERINARY MEDICINES AND CONTAMINANTS IN AQUACULTURE FISH AND FISH PRODUCTS**

1. On the demand by a fisheries inspector samples from any batch of fish products from an aquaculture facility may be taken and subjected to laboratory analysis for the measurement of levels of residues of veterinary medicines therein.

2. This monitoring will establish compliance with—

(a) limits on the maximum residue levels of veterinary medicines permitted for use in aquaculture, in accordance with Veterinary Surgeons and Veterinary Paraprofessionals Act No. 29 of 2011 (The Veterinary Medicine Directorate Regulations, 2015).

(b) prohibition of use of certain substances as veterinary medicines in aquaculture.

*Table 12 Parameters to be monitored in the Residue Monitoring Plan (RMP) for aquaculture*

GROUP OF SUBSTANCES TO BE MONITORED		COMPOUND or MARKER RESIDUE	MATRIX ANALYSED	LEVEL OF ACTION (i.e. concentration above which a result is deemed non-compliant) [ $\mu\text{g}/\text{Kg}$ ]
GROUP A: SUBSTANCES HAVING ANBOLIC EFFECTS AND UNAUTHORIZED SUBSTANCES				
A1	STILBENES	Diethylstilbestrol	Muscle	Any confirmed
A3	STEROIDS (WITH ANDROGENIC, ESTROGENIC OR PROGESTAGENIC ACTIVITY)	Methyl testosterone	Muscle	Any confirmed
		Norethandrolone	Muscle	Any confirmed
		Medroxyprogesterone	Muscle	Any confirmed
		Trenbolone	Muscle	Any confirmed
A6	Chloramphenicol + Nitrofurans+ Nitroimidazoles			
	CHLORAMPHENICOL	Chloramphenicol	Muscle	0.3*
	NITROFURANS			
	Nitrofurantoin metabolite	AOZ	Muscle	1*
	Furaltadone metabolite	AMAZ	Muscle	1*
	Furazolidone metabolite	AHD	Muscle	1*

	Nitrofurazone metabolite	SEM	Muscle	1*
	NITROIMIDAZOLES	Metronidazole	Muscle	Presence
<b>GROUP B: DRUGS, PHARMACEUTICALS, ANTIBIOTICS OR OTHER CHEMICALS AND CONTAMINANTS</b>				
B1	ANTIBACTERIAL SUBSTANCES	Oxytetracycline	Muscle	100
		Norfloxacin	Muscle	Any confirmed
		Sulphamethoxazole	Muscle	100
		Trimethoprim	Muscle	50
		Amoxicillin	Muscle	50
		Tylosin	Muscle	100
		Oxolinic acid	Muscle	100
B2a	ANTHELMINTICS	Albendazole	Muscle	Any confirmed
		Ivermectin	Muscle	Any confirmed
B2f	Other pharmacologically active substances			
Sum of B3a + B3c + B3d + B3e				
B3a	ORGANOCHLORINE COMPOUNDS INCLUDING PCBS	Aldrin	Muscle	Various 2-100
		Chlordan-Alpha-Cis	Muscle	Various 2-100
		Chlordan-Gamma-Trans	Muscle	Various 2-100
		DDE, pp'-	Muscle	Various 2-100
		DDT, op'-	Muscle	Various 2-100
		DDT, pp'-	Muscle	Various 2-100
		Dieldrin	Muscle	Various 2-100
		Endosulfan-Alpha	Muscle	Various 2-100
		Endosulfan-Beta	Muscle	Various 2-100
		Endosulfansulfat	Muscle	Various 2-100
		HCH-Alpha	Muscle	Various 2-100
		HCH-Beta	Muscle	Various 2-100

		HCH-Gamma (lindane)	Muscle	Various 2-100
		Heptachlor	Muscle	Various 2-100
		Heptachlorepoxyd-Cis-Trans	Muscle	Various 2-100
		Oxychlorane	Muscle	Various 2-100
		PCB 101	Muscle	Various 2-100
		PCB 118	Muscle	Various 2-100
		PCB 138	Muscle	Various 2-100
		PCB 153	Muscle	Various 2-100
		PCB 180	Muscle	Various 2-100
		PCB 28	Muscle	Various 2-100
		PCB 52	Muscle	Various 2-100
B3c	CHEMICAL ELEMENTS	Cadmium	Muscle	50
		Lead	Muscle	200
		Mercury	Muscle	500
B3d	MYCOTOXINS	Aflatoxin B1	Muscle	Any confirmed
		Aflatoxin B2	Muscle	Any confirmed
		Aflatoxin G1	Muscle	Any confirmed
		Aflatoxin G2	Muscle	Any confirmed
B3e	DYES e.g. Malachite Green (+ leucomalachite green), crystal violet etc	Malachite Green	Muscle	2*
		Leucomalachite green	Muscle	2*
		Crystal violet	Muscle	Any confirmed

## PART 9 – CHECKS ON ADDITIVES

1. Samples of fish and fish products shall be taken and subjected to laboratory analyses for control of additives in edible parts of fish and fish products for the purposes of protecting public health.

2. Batches of fish and fish products which do not meet the following criteria shall be considered to be unfit for human consumption.



Table 13

Type of fish and fish products	Maximum level (mg/kg or mg/l as appropriate) expressed as SO <sub>2</sub>
Crustaceans and cephalopods; Fresh, frozen and deep frozen	150
Crustaceans 1111111111 [pv b, <i>panacidae</i> <i>solenceridae</i>	
<i>Aristeidae</i> family	150
- Up to 80 units	200
- Between 80 and 120	300
- Over 120 units	
Cooked	50

**Note**

1. Maximum levels are expressed as SO<sub>2</sub> in mg/kg or mg/l as appropriate and relate to the total quantity available from all sources.
2. An SO<sub>2</sub> content of not more than 10 mg/kg or 10mg/l is not considered to be present.

**PART 10 — MICROBIOLOGICAL AND PHYSICAL CHECKS OF POTABLE WATER**

The Director-General shall prescribe microbiological and physical chemical criteria including sampling plans methods of analysis for potable water in fishery enterprises for the purpose of protecting public health.

FOURTH SCHEDULE  
FORMS

FORM KeFs/PS/A1:

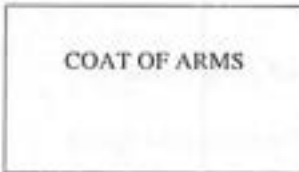
(r.12(2))

CERTIFICATE OF IDENTIFICATION

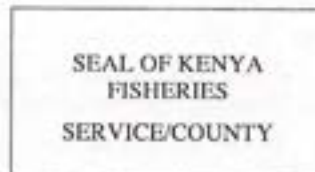
PHOTO



KENYA FISHERIES SERVICE /COUNTY



COAT OF ARMS



SEAL OF KENYA  
FISHERIES  
SERVICE/COUNTY

NAME .....

FISHERIES INSPECTOR .....

EST. NO. ....

*Signature of Director-General/County Executive Committee Member*

.....

S/NO. ....

Dated the .....

.....  
*Minister for Agriculture, Livestock and Fisheries /County Executive Committee Member*

FORM KeFS/ FS/A2

(r.16(2))

APPLICATION FOR PERMIT TO ESTABLISH, CONSTRUCT OR REFURBISH A FISHERY ENTERPRISE

(To be filled by applicant)

1. I/We hereby apply for a permit to establish/construct/refurbish a Fishery Enterprise under the Fisheries Management and Development Act No. 35 of 2016 and the Fish, Fish products and Fish Feed Regulations hereunder—
  
2. Name of applicant.....  
  
Nationality: ..... (ii)Passport No: / ID/No: .....  
  
Mailing Address..... Telephone No.....
  
3. Business Location: Name of Building/Place.....  
  
L.R. No. .... Street/Road..... Town ..... County .....
  
4. Name and contact addresses of Shareholders/Directors.....  
.....
  
5. Other than the business for which this application is made, are you involved in any other activity in the fishing/fisheries industry? YES/NO.....
  
6. If the answer to above is yes, specify nature or type of business(es).....  
.....
  
7. Fishery enterprise approval number (if applicable) .....
  
8. Number of employees:.....
  
9. Ice plant capacity .....
  
10. Refrigeration and freezing capacity .....
  
11. Cold Storage capacity.....
  
12. Intended activity:.....

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

Name (of signatory): ..... Position (in business): .....

**FOR OFFICIAL USE ONLY**

*Approved/Not approved* \_\_\_\_\_ *Date* \_\_\_\_\_

Reasons for not approving: \_\_\_\_\_

---

*Director-General*

FORM KeFS/FS/A3

(r. 17(2)(a))

APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH FISHERIES  
CONSERVATION AND MANAGEMENT (SAFETY AND QUALITY)  
REGULATIONS, 2024

1. I/We hereby apply for a certificate of compliance with Kenya Standards for handling and processing of fish and fish products.
2. (a) Name of applicant.....
- (b) Mailing address .....
- (c) Location L.R. No. .... Street.....
- (d) Town..... District.....
- (e) (i) Description of premises and details of processing.....
- .....
- (ii) Capacity of the factory / vessel .....
- (ii) Previous certificate of compliance No.....
3. (a) Other than processing fish for which this application is made, are you involved in any other processing of fish and products?  
Yes/No.....
- (b) If answer to (a) above is yes, please specify the nature and type of processing  
.....
- (c) Do you intend to process fish for local or export market?  
Yes/No .....
- (d) If the answer above to (c) is export, please specify the countries you wish to export to .....
4. Details to be supplied by corporate body applicants
  - (a) (i) Name of Company .....
  - (ii) Number of Certificate of Incorporation of company .....

(Please attach copy)

  - (b) State:
    - (i) Nominal shares of the company.....
    - (ii) Issued shares .....



## (c) Details of Directors:

	<i>Name</i>	<i>No. of Shares</i>	<i>Nationality/ Citizenship</i>	<i>ID No /Passport No.</i>

## (5) Details for mode of transport of fish and fish products.

(a) Specify the form of transport to be used.....

(b) If mode of transport is own vehicle state:

(i) Make .....

(ii) Registration mark and No.....

(iii) Load capacity.....

(c) If fish processing is vessel, state:

(i) Name of vessel .....

(ii) Type of vessel.....

(iii) Type of hull ..... Overall length .....

(iv) Registration No..... District of Registration .....

Registration tonnage.....

(v) Prime mover .....

(vi) Engine type..... Make.....

(vii) Hp.....

(viii) Intended processing..... Target fish species .....

(ix) Intended processing.....

(x) Number of processing equipment including other details.....

(d) Details of crew (Attached crew list showing nationality).....

(6) I/We declare that the particulars and information as supplied by me/us herein 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 business).....

---

OFFICIAL USE ONLY

Application approved/Not approved.....  
Reasons /Conditions.....  
*Director-General / Authorized Fisheries Inspector*

FORM KePS/A4

(r. 23(2))

FISH AND FISH PRODUCTS MOVEMENT PERMIT

PERMIT No.....

Name: .....

Address.....

Nationality: ..... ID. No. /Passport No.:.....

is hereby authorized to Transport:-.....

From:..... To:.....

Type and capacity of carrier/container:.....

Refrigeration/insulation capacity where applicable:.....

Reasons for transport .....

Name of Authorized officer :.....

*County Executive Committee Member*

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

Official Stamp:.....

FORM KeFS/FS/A5  
MOVEMENT PERMIT FOR LIVE FISH

(r. 24(a))

PERMIT No. ....

1. *Wild fish*

Name.....

Address.....

Nationality:..... ID. No. /Passport No:.....

is hereby authorized to move fish species named below:

<i>Zoological name</i>		<i>Common name</i>
(a)		
(b)		
FROM		TO
County (Name).....		County (Name)..... Physical Location of Recipient .....
(a)		
(b)		

Reasons for movement/transfer of live fish

.....

.....

Contingent to the conditions specified here under:

.....

.....

2. *Farmed fish*

SOURCE: <i>Fish farmer/ Hatchery/ nursery operator/owner</i>	RECIPIENT ( <i>Fry/Fingerlings/Post-Larvae/Brood-Stock</i> )
Name: .....	Name: .....
Full Address.....	Full Address.....
Farm Address.....	Farm Address.....
County.....	County.....

Licence Registration No.....	Licence Registration No.....
Common Name.....	Common Name.....
Scientific Name.....	Scientific Name
Quality of species transported.....	Quantity Received..... Date received:.....
Date of harvest.....	Quantity/species of dead fish.....
Signature.....	Reason.....
	Signature.....

Reasons for movement/transfer of live fish

.....

Contingent to the conditions specified here under:

.....

.....

Border Inspection Post: .....

Name of Authorised Officer: .....

*Director-General/County Executive Committee Member*

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

Official Stamp: .....





Reference No.....

**HEALTH CERTIFICATE FOR WHOLE FISH AT THE LANDING STATIONS**

**I. Compiled History Record**

Name/Code of Landing Beach.....

County..... Sub-County.....

<i>Date</i>	<i>Name of supplier</i>	<i>Boat reg. No.</i>	<i>Origin of fish</i>	<i>Quantity supplied</i>

**II. Details identifying the fish and Destination**

<i>Owner of the Vehicle:</i>	<i>Vehicle Registration Number:</i>
<i>Quantity of fish (Number):</i>	<i>Approximate weight:</i>
	<i>Approximate ratio of fish: ice:</i>
<i>Number of fish Inspected:</i>	<i>Species:</i>
	<i>Buyer:</i>
	<i>Destination:</i>

**III. Health Attestation**

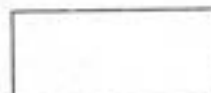
The undersigned official fisheries inspector hereby certifies that

- (a) That the fish specified above has been inspected and found organoleptically wholesome. The fish is therefore acceptable for processing;
- (b) That the fish compartment of the transporting Vehicle is in good state of repair and cleanliness;
- (c) That the ice used had previously been packed in gunny bags or any other appropriate packages.

Done at (Place) ..... on (Date).....

Name of Fisheries Inspector..... Designation.....

Signature .....



*Original to the owner of the Vehicle*

*Duplicate to the Director of Fisheries*

*Triplicate to the Regional Assistant Director of Fisheries*

*Quadruplicate to remain in the book*

FORM KeFS/FS/A7

(r.32(2)(b))

## FISH AND FISH PRODUCTS EXPORT HEALTH CERTIFICATE

REPUBLIC OF KENYA  
HEALTH CERTIFICATE

KH-HE

For exports of fishery products intended for human consumption

Part I: Details of inspected consignments	1.1. Consignor Name _____ Address _____ Postal code _____ Tel. No. _____		1.2. Certificate reference number		1.2.a	
			1.3. National Competent Authority			
			1.4. County Competent Authority			
	1.5. Consignee Name _____ Address _____ Postal code _____ Tel. No. _____		1.6.			
	1.7. Country of origin	ISO Code	1.8. Region of origin	Code	1.9. Country of destination	ISO Code
	1.10.		1.11. Place of origin Name _____ Approval number _____ Address _____		1.12.	
	1.13. Place of Loading		1.14. Date of departure			
	1.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Modification: _____ Documentary references: _____		1.16. Entry BIP in EU		1.17.	
	1.18. Description of commodity		1.19. Commodity code (HS code)			
	1.20. Quantity		1.21. Temperature of product Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>		1.22. Number of packages	
	1.23. Identification of container/lot number		1.24. Type of packaging			
	1.25. Commodities certified for Human consumption <input type="checkbox"/>		1.26.		1.27. For export or admission into EU <input type="checkbox"/>	
	1.28. Identification of the commodities		Approval number of establishments			
Species (Scientific name)	Nature of commodity	Treatment type	Manufacturing plant	Number of packages	Net weight	
_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	

B. Health attestation	B.a. Certificate reference number	B.b.
<b>Part 11: Certification</b>	<b>(*) Public health attestation</b>	
	<p>I, the undersigned, declare that I am aware of the relevant provisions of the Fish, Fishery Products and Fish Feed Safety and Quality Regulations, 2019 and certify that the fishery products described above were produced in accordance with those requirements, in particular that they:</p> <ul style="list-style-type: none"> <li>- come from (an) establishment(s) implementing a programme based on the HACCP principles;</li> <li>- have been caught and handled on board vessels, landed, handled and where appropriate prepared, processed, frozen and stored hygienically in compliance with the requirements laid down in Part V and the Second Schedule of the Regulations;</li> <li>- satisfy the health standards laid down in Part III, Pt. V, VI, IX and the Fourth and Fifth Schedules of the Regulations;</li> <li>- have been packaged, stored and transported in compliance with Part V, VI and the Sixth and Seventh Schedules of the Regulations;</li> <li>- have been marked in accordance with Part VI, V and the Eighth and Tenth Schedules of the Regulations;</li> <li>- The guarantees covering live animals and products thereof, of their aquaculture origin, provided by the residue plans submitted in accordance with Part IV, VI, IX and the Fourth Schedule of the Regulations are fulfilled; and</li> <li>- Have satisfactorily undergone the official controls laid down in Part V, IX and the Ninth Schedule of the Regulations.</li> </ul>	
<b>11.1. (*) (Animal health attestation for fish and crustaceans of aquaculture origin)</b>	<p><b>11.1.1 (*) (Requirements for susceptible species to Epizootic haematopoietic necrosis (EHN), Yersinia enterocolitica and Yellowhead disease)</b></p> <p>I, the undersigned, official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate:</p> <p>(*) originate from a country/territory, zone or compartment declared free from (a) (EHN) (a) (EHN) (a) (Yersinia enterocolitica) (a) (Yellowhead disease) in accordance with the relevant OIE Standard by the competent authority of my country;</p> <p>(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant diseases must be immediately investigated by the official services;</p> <p>(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease; and</p> <p>(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases.</p>	
<b>11.1.2 (*) (Requirements for species susceptible to Viral haemorrhagic septicaemia (VHS), Infectious salmon anaemia (ISA), Red Sea Sea Star (RSS) and White spot disease (WSD) for Country, zone or compartment declared disease free or subject to a surveillance or eradication programme for the relevant disease)</b>	<p>I, the undersigned, official inspector, hereby certify that the aquaculture animals or products thereof referred to in Part I of this certificate:</p> <p>(*) originate from a country/territory, zone or compartment declared free from (a) (VHS) (a) (ISA) (a) (RSS) (a) (WSD) in accordance with the relevant OIE Standard by the competent authority of my country;</p> <p>(i) where the relevant diseases are notifiable to the competent authority and reports of suspicion of infection of the relevant diseases must be immediately investigated by the competent authority;</p> <p>(ii) all introduction of species susceptible to the relevant diseases come from an area declared free of the disease; and</p> <p>(iii) species susceptible to the relevant diseases are not vaccinated against the relevant diseases.</p>	
<b>11.2.3 Transport and labelling requirements</b>	<p>I, the undersigned official inspector hereby certify that:</p> <p><b>11.2.3.1</b> the aquaculture animals referred to above are placed under conditions, including with a water quality, that do not alter their health status;</p> <p><b>11.2.3.2</b> the transport container or well boat prior to loading is clean and disinfected or previously unused; and</p> <p><b>11.2.3.3</b> the consignment is identified by a legible label on the exterior of the container, or when transported by well boat, in the ship's manifest, with the relevant information referred to in boxes 1.7 to 1.11 of Part I of this certificate, and the following statement:</p> <p>"(*) (Fish) (Crustaceans) intended for human consumption"</p>	



FORM KeFS/ FS/A8

(r. 40(6))

AQUACULTURE FISH DELIVERY PERMIT TO FISH PROCESSING FISHERY  
ENTERPRISE/ MARKET

PERMIT NO. ....

PART A (To be kept by the fish supplier)

Permission is hereby granted to.....

(Name of fish supplier) to transport fish and fish products namely (common/ scientific  
name) ..... Batch code number .....

Quantity/Number of pieces ..... type of species .....

Temperature of fish .....

TREATMENT HISTORY

Name of Drug.....

TREATMENT SCHEDULE

Start Date ..... Completion Date.....

Withdrawal period .....

Prescribed by (Name of Veterinarian) .....

Administered by (Name of personnel) .....

From ..... (source) to..... (destination)

Means of transport used .....

Vehicle/Vessel Registration No. .... Business Licence No. ....

Full name of driver/vessel operator .....

(Postal address) .....

Signature of driver/vessel operator ..... Date.....

Expected date of dispatch .....

Signature of fish supplier ..... Date.....

Full name of Authorized Officer (at point of dispatch) .....

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

Office stamp.....

This permit is validity until .....20.....



**PART B**

*For official use only*

(To be kept by the Authorized Officer at point of destination)

This is to confirm that the fish or fish products (type) .....  
described in part A above weighing / number of pieces .....  
have been unloaded/verified for the destined fishery enterprise (name) .....  
at (time) .....

Name of Authorized Officer/Fisheries Officer at point of destination

.....

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

Official stamp.....

Conditions attached to the Permit:

*This permit shall be accompanied by the respective fish consignment and shall be presented to an Authorized Officer, as it may deem necessary.*

## FORM KeFS/FS/A9

(r. 45)

## FOREIGN FISHING VESSELS IMPORT CERTIFICATE

A. Vessel details	
Name .....	Type .....
Registration No. .....	Identification Mark .....
Permanent Ref No.: .....	
Vessels owners Name & Address ..... .....	
Port of registration .....	
Flag .....	
Date of Present arrival .....	Date previous arrival.....
B. Product details	
Species .....	Quantity .....
Where fished .....	
Storage conditions: .....	
C. Certification	
I certify that the vessel has satisfied requirements as provided for in the Fish, Fishery Products and Fish Feed Safety and Quality Regulations, 2024 and that the vessel appears on the list drawn by the Competent Authority of Kenya (or by the Competent Authority of another country).	
Inspectors Name: .....	Signature .....
	Date .....

## FORM KeFS/FS/A10

(r. 47(1))

RAW MATERIAL IMPORT DECLARATION FORM					
This form should be filled using BLOCK letters.				Reference No.	
Fishery enterprise Details					
Name of the fishery enterprise		Address of the fishery enterprise			
SECTION A			SECTION B		
<i>Vessel Identification</i>			<i>Information on Reefer Containers</i>		
Vessel Name		Name of Merchant Vessel			
Vessel Type		Date and ETA at Port			
Flag		Country of Origin			
Home Port		Number and Sizes of Reefer Containers			
Registration No.		Species Names			
International Radio Call Sign		Total Quantity (Kg)			
International Maritime Organization Number		Fish Preservation State			
<i>Arrival Information</i>			<i>Individual Container Details</i>		
Date and Expected Time of Arrival at Port		S/N o.	Container Number	Catch Certificate No.	Health Certificate No.
		1			
Common Name and Species		2			

Name of Fishing Vessel(s) and Catch Certificate Number(s)	Species Names	Quantity (Kg)	Fish Preservation State	3			
				4			
				5			
				6			
Inspector's Name:- .....							
Signature and Stamp: .....							

FORM KeFS/FS/A11

(r. 47(2))

## CATCH CERTIFICATE

REPUBLIC OF KENYA					
CATCH CERTIFICATE					
Document Number .....		Validating Authority (Name, Address, Tel., Email address)			
1. Description of Product		2. References to Applicable Conservation and Management Measures			
Species		Product Code		Verified Weight Landed (Kg)	
3. List of vessels which have provided catches and the quantities by each vessel, (Name, Registration No, etc. annexed):					
4. Name, Address, Tel. and Email address of Exporter		Signature	Date	Stamp	
5. Flag State Authority Validation					
Name/Title		Signature	Date	Stamp	
6. Transport Details					
7. Importer Declaration					
Name and Address of Importer		Signature	Date	Stamp	Product CN Code
8. Import Control: Authority		Place	Importation Authorized (*)	Importation Suspended (*)	Verification Requested - Date
Customs Declaration		Number	Date	Place	

(\*) Tick as appropriate



FORM KeFS/FS/A12 (r 44(2)(a), r 46(2))  
**APPLICATION FOR FISH AND FISH PRODUCTS**  
**IMPORT/EXPORT PERMIT**

Inspector's remark.....

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

Ref. No.....

1. I/We hereby apply for ..... Import /Export permit.....

2. Name of applicant.....

Nationality: ..... (ii) Passport No: /ID/No: .....

Mailing Address..... Telephone No.....

3. Business Location: Name of Building/Place.....

L.R. No. .... Street/Road..... Town ..... County .....

4. Other than the business for which this application is made, are you involved in any other trade in the fishing industry? YES/NO.....

If the answer to above is yes, specify nature or type of business(es).....

Specify any other gainful occupation(s) you are engaged in.....

5. (a) FISH AND FISH PRODUCTS

<i>Fish/Fish Products</i>	<i>Quantity</i>
Value	
.....	.....
.....	.....
.....	.....
.....	.....

(b) LIVE FISH

<i>Species</i>	<i>Common Name</i>	<i>Number</i>
Value		
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

5. Name and address of Consignee/supplier

.....

6. I /We declare that the particulars and information supplied by me/us herein are true, accurate and correct in every respect. I/We understand clearly that discovery of any false information provided by me/us render this application invalid.

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

Name (of signatory): ..... Position (in business) : .....

FOR OFFICIAL USE ONLY

Recommended/Not Recommended \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
*Director-General*

FIFTH SCHEDULE  
HEALTH CONDITIONS FOR FISHERY ENTERPRISES

(r. 16(4), 18(1), r. 21(2), r. 43(1)(c))

PART I-GENERAL HYGIENE CONDITIONS

A—General

1. Effective measures shall be taken to protect fishing vessels from infestation by rodents, insects and other pests.
2. Dogs, cats and other animals are not permitted on board fishing vessels.
3. Fishing baits shall be kept in exclusive containers in a separate area from fish for human consumption.
4. Only potable water or clean water shall be used for washing fish and surfaces which come into contact with fish the fish and fish products.
5. Potable water shall be used in cleaning and hosing operations while the vessel is in port.
6. Ice which comes into contact with fish shall be made from potable water or clean water (lake and Sea).
7. The vessel shall be provided with a first aid box, which shall contain as a minimum, sufficient quantity of impermeable dressings, antiseptic cream, cotton wool and adhesive tape and a suitable wound disinfectant.

B—Hygiene Conditions for Personnel

1. Persons who handle fish or materials which come into contact with fish or who enter rooms or areas in which fish is handled shall maintain a high level of personal hygiene.
2. Fish handlers shall be prohibited from—
  - (a) using any form of tobacco;
  - (b) spitting;
  - (c) blowing or picking the nose; or
  - (d) eating or drinking in the fish handling area.
3. Before commencing the handling of fish, all crew shall wash their hands with soap or detergent and water and shall be provided with protective wear and headgear which completely covers the hair.
4. All personnel shall wash and sanitize their hands after going to the toilet.
5. Any member of the crew who suffers from or shows symptoms of any of the following conditions shall report to the master, and shall not handle fish or any materials which come into contact with fish—
  - (a) food poisoning;
  - (b) diarrhoea and vomiting;
  - (c) dysentery;

- (d) intestinal parasites;
- (e) infected wounds;
- (f) throat infection;
- (g) contagious skin conditions; or
- (h) coughing.

6. All crew shall take reasonable precautions to prevent cross contamination between fish and fish products, by—

(a) conducting themselves responsibly with respect to the product and equipment to ensure compliance with the provisions of this Schedule; and

(b) informing the master of any failure in hygienic practices or the existence of any risk of contamination.

#### C—Deck Preparation

1. Fish handling areas shall be used exclusively for the purpose, maintained clean and cleared of unnecessary equipment.

2. After the catch is sorted and stowed, decks, boards and all deck equipment which come into contact with the fish shall be cleaned with detergent and disinfectant.

#### D—Landing Sorting and Stowing of fish

1. Line caught fish should, wherever practicable, be stunned and bled.

2. Large fish shall be landed by hooking under the gills or lifting by the tail.

3. The catch shall be handled rapidly and sorted as soon as possible.

4. Fish on board shall be protected against physical damage, exposure to high temperatures and the drying effects of the wind and sun.

5. The fish shall, as quickly as possible, be cleaned and chilled down to the temperature of melting ice (0°C). If not frozen it shall be maintained at this temperature until landing.

6. Any spoiled or diseased fish shall be discarded.

7. Cod ends of trawl nets shall be completely emptied of all fish and debris before the net is returned for the next haul.

#### E.—Gutting

1. Where the fish is to be gutted or gilled, this shall commence as soon as the catch is brought to the deck.

2. Gutting and gilling shall be carried out with care to avoid contaminating the fish with gut contents.

3. Fish guts shall be disposed of immediately to avoid contamination of fish, the deck and other equipment.

4. Immediately after gutting, fish shall be thoroughly washed with clean water or potable before chilling.

5. Harbor water shall never be used for washing fish; if fish is gutted in harbor it shall be washed with potable water.

6. After washing the fish, further handling shall be carried out without delay.

**F—Chilling and icing of fish**

7. During stowage and icing of the catch, deck entrances shall not be left open longer than necessary.

8. Fish from different days' catches shall not be mixed together.

9. Fish shall be maintained at a temperature as near as possible to 0°C at all times until either discharged or loaded into a freezer.

10. Fish shall be rapidly and hygienically chilled with finely crushed block ice, flake ice or by immersion in clean refrigerated or chilled sea or lake water.

11. Iced fish shall be surrounded by adequate quantities of ice, sufficient not only to cool the fish but also to maintain it in a chilled condition until discharge. Icing should be heaviest against the vessel sides and bulkheads.

12. If block ice is used it shall be finely crushed in hygienic conditions to ensure a good chilling effect and avoid physical damage to the fish.

13. Fish chilled with ice shall be stowed either in containers or, if in pounds, in shallow layers separated by pound boards.

14. At the end of each fishing trip, all used ice shall be discarded.

**F.- Discharge of the catch**

1. The catch shall be unloaded from the fishing vessel rapidly and carefully.

2. The use of hooks, forks and other such implements for unloading is not permitted.

3. During discharge, fish shall be handled carefully to avoid damage and contamination from contact surfaces.

4. Fish shall not be exposed to direct sunlight.

5. Care shall be taken that fish are not damaged or contaminated during sorting, weighing and transfer. The catch shall be unloaded from the fishing vessel rapidly and carefully.

**G. —Cleaning and Sanitation**

1. All parts of the vessel and equipment which come into contact with fish and where fish is handled, processed or stored shall be maintained cleaned and sanitized.

2. Such parts of the vessel and equipment shall be thoroughly cleaned.

3. Disinfected at least before and after each fishing trip.

4. Each freezer vessel shall possess a specific, written cleaning and sanitation plan covering the disassembly, cleaning and disinfection of all equipment, tables, fish boxes, tools, fish hold, deck and other materials and areas which come into contact with fish.

5. The plan shall specify methodology and frequency of cleaning and identify the individuals responsible for each component.

6. Check lists which reflect the plan shall be maintained by the vessel master to ensure that the cleaning schedule is adhered to.



**PART II- HEALTH CONDITIONS FOR FISH PROCESSING ENTERPRISES****A—General conditions for constructing or refurbishing a fishery enterprise**

1. The following information shall be submitted to the Director-General or County Executive Committee Member as the case may apply:

- (a) full name and address of the fisher enterprise;
- (b) copy of certificate of incorporation;
- (c) activities to be carried out by the enterprise;
- (d) description and composition of finished product;
- (e) number of employees;
- (f) production and storage capacities;
- (g) source of water;
- (h) approved architectural plan minimum size 1:200 detailing:
  - (i) facilities and utilization, clear separation between clean and dirty areas;
  - (ii) the flow of products, by products and waste
  - (iii) movement and flow of personnel, utensils and ice;
  - (iv) equipment lay-out and utilization;
  - (v) refrigeration and freezing equipment and capacity;
  - (vi) sanitary facilities, shower rooms, hand wash basins, changing rooms and toilets;
  - (vii) water reticulation map including water outlets or taps, serially numbered, storage tanks, treatment.
  - (viii) The flow of waste water and solid waste; and
  - (ix) air and moisture exhaust systems.

2. Pest control system.

3. Waste water and solid waste disposal system prepared in accordance with Environmental Management and Co-Ordination (Waste Management) Regulations 2006, (Legal Notice No. 121 of 2006).

4. Good Manufacturing Practice (GMP) manual, Hazard Analysis Critical Control Point Manual, Sanitation Standard Operating Procedures Manual.

5. Environmental Impact Assessment Report approved by the relevant authority in accordance with Environmental Management and Coordination Act, 1999

**B—General conditions relating to premises and equipment**

1. Each fishery enterprise shall provide working areas which are of adequate size and space for work to be carried out under adequate hygienic conditions. The location, design and layout shall be such as to preclude contamination of the products and to separate the clean parts of the building from the contaminated areas.

2. In areas where products are handled, prepared and processed there shall be—

- (a) water-proof non-slip flooring which is easy to clean and disinfect and adequate drainage of water;
  - (b) walls which have smooth surfaces and easy to clean, durable and impermeable;
  - (c) ceilings which are easy to clean and designed to avoid the accumulation of dust;
  - (d) adequate natural or artificial lighting;
  - (e) doors made of durable materials which are easy to clean;
  - (f) adequate ventilation and, where necessary, proper vapour extraction facilities;
  - (g) an adequate number of hand wash with taps that are not hand-operable and an adequate supply of single use towels or appliances for drying the hands;
  - (h) facilities for cleaning and disinfecting tools, equipment and fittings.
3. Appropriate facilities shall be provided for protection against the entry of pests.
4. Instruments and working equipment such as cutting boards, work-tables, containers, conveyor belts and knives shall be made of corrosion-resistant materials which are easy to clean and disinfect.
5. Special water-tight, corrosion-resistant containers shall be provided for fish products not intended for human consumption. Separate premises shall be provided for the storage of such containers if they are not emptied at the end of each working day.
6. Facilities shall be provided to ensure adequate supplies of potable water or clean water, with adequate pressure and in sufficient quantities for processing and cleaning operations.
7. Where non-potable water supply is provided for the production of steam, firefighting or the cooling of refrigeration equipment, the pipes installed for the purpose shall preclude the use of such water for any other purpose and present no risk of contamination of the products. Water pipes for non-potable water shall be clearly distinguished from those used for potable water or clean water.
8. There shall be an adequate hygienic waste water disposal system.
9. There shall be adequate facilities in a separate room for personnel to change their clothes. This room shall have smooth, waterproof, washable walls and floors.
10. The fishery enterprise shall have an adequate number of flush toilets, the latter not opening directly onto areas where fish products are prepared, processed or stored. There shall be an adequate number of wash basins, and an adequate supply of single use towels or appliances for drying the hands. The wash basin taps shall not be hand operable.
11. There shall be adequate facilities for cleaning and disinfecting the means of transport delivering raw material to or taking final products from the fishery enterprise.
- C— General Conditions for live fish handling fishery enterprise
12. A fishery enterprise handling live fish shall meet the following requirements—
- (a) The construction and design of holding units shall be smooth, and non-corrosive to prevent injury to the live fish.

- (b) Adequate supply of quality clean water shall be provided to prevent the transfer of harmful organisms or substances to the fish.
- (c) The fishery enterprise shall have an adequate supply of clean water which shall be free of pollutants.
- (d) The fishery enterprise shall be equipped with a water purification system that is supplied with good water aeration system.
- (e) The water shall be monitored regularly and records kept.
- (f) Chemicals shall not be used to treat the water; the water shall be changed regularly and spent water shall either be treated or drained back to the sea or be disposed off in septic tanks.
- (g) The surroundings of the holding premises shall be clean and protected from vermin and vectors.
- (h) Fish will be handled in a manner that prevents injury.
- (i) If fish are to be marked, it shall be done in a manner that causes minimum damage to fish.
- (j) Injured fish shall be separated from the rest of the stock.
- (k) holding facilities shall be provided.
- (l) Fish shall not be held in holding tanks for more than 3 days; if it happens, the fish shall be placed in cages and put in the sea/Lake water until the appropriate time for packaging and dispatch.
- (m) The fish shall not be given supplementary feed in the holding tanks.

D— Ice Plants and Cold Storage facilities

The following information shall be provided by the applicant to construct and operationalize an ice plant and/or a Cold storage facility—

- (a) Full name and address of the fishery enterprise
- (b) Copy of certificate of incorporation.
- (c) Activities to be carried out by the enterprise.
- (d) Number of employees.
- (e) Capacities of equipment for ice production and cold storage capacity and description of products to be stored.
- (f) Source of water and treatment.
- (g) Source of water and treatment.
- (h) type of ice to be produced.
- (i) Ice distribution and handling procedure.
- (j) product handling procedure.
- (k) The ice plant and /or cold storage facility layout plan, minimum scale 1:200 indicating:
  - (i) the facilities and respective utilization;

- (ii) refrigeration equipment;
  - (iii) sanitary facilities;
  - (iv) water reticulation map; and
  - (v) waste water disposal system.
- (l) Pest control system.
  - (m) Sanitation standard operating procedures.
  - (n) Good hygiene practice and good manufacturing practice manuals.
  - (o) An environmental Impact Assessment report where applicable.
  - (p) Number of employees.

**E—General conditions of hygiene**

1. Floors, walls and partitions, ceilings and roof linings, equipment and instruments used for handling fish and fish products shall be kept in a satisfactory state of cleanliness and repair to prevent contamination.
2. Pest and rodent control measures shall be implemented.
3. Equipment used in the processing areas shall only be used for handling fish and fish products.
4. Potable water or clean seawater shall be used for cleaning purposes.
5. Detergents, disinfectants and similar substances used in the fishery enterprise shall be approved by the competent authority and shall not have adverse effects on the machinery, equipment and fish and fish products.
6. Rodenticides, insecticides, disinfectants and any other potentially toxic substances shall be stored under lock and key to eliminate the risk of contamination of the products.

**F—Personnel hygiene**

1. A high standard of cleanliness is required of personnel working in processing areas. In particular—
  - (a) personnel shall wear suitable working clothes, and headgear which completely covers the hair.
  - (b) personnel assigned to the handling and preparation of fish and fish products shall wash their hands at least each time work is resumed;
  - (c) wounds shall be covered by waterproof dressing; and
  - (d) smoking, spitting, eating, nose blowing and picking, and drinking in work areas and storage premises of fish products shall be prohibited.
2. Employers shall take all the necessary measures to prevent persons liable to contaminate fish products from handling and working on such products until there is evidence that such persons can do so without risk.



## SIXTH SCHEDULE

*(r.15(4), r.17(2)(c), 32(2)(c), (38)(2)(a), (57(1), r.61)*

## FEES

<i>Particulars of fees</i>	<i>Amount (KShs)</i>
Certification of compliance (export)	35,000
Certificate of compliance following withdrawal (export)	70,000
Certification of origin for bivalve mollusks	100,000
Fish and fish products Export Health Certificate	1,500
Fish export fees	0.5% ad valorem the value of fish
Fish import fees	5% ad valorem the value of fish
Replacement of licence, permit or certificate	20% of the application fee
Fish Processing licence	200
Live fish movement permit	100
Shell collectors Licence	100
<i>Local health certificate for whole fish at landing sites</i>	
Fish of less or equal to 1000 kilograms	100
Fish of more than 1000 kilograms	1,000



SEVENTH SCHEDULE  
INTERNAL SYSTEM TO CONTROL FISH AND FISH PRODUCT SAFETY  
HAZARDS

*(r.18, r.62(3))*

PART 1: GENERAL REQUIREMENTS

1. Fish, fish products and aquaculture fishery enterprise operator shall implement a system of internal controls (an own-checks system).
2. The internal controls shall be based on the following principles:
  - (a) identification of safety hazards associated with the products and processes, and identification of critical points on the basis of the manufacturing processes;
  - (b) establishing and implementing methods for monitoring critical points, and for corrective actions to prevent or minimize the risk of hazards;
  - (c) taking samples for analysis for the purpose of verifying the effectiveness of cleaning and disinfection methods and for the purpose of checking compliance with fish and fish product safety requirements in the regulations;
  - (d) keeping a written record or a record registered with indelible ink of the preceding points with a view to making them available to the relevant Competent Authority. The results of the different checks and tests shall be preserved for a period of at least two years.
3. The management of the fishery enterprise shall make provision for a sampling programme which, allows—
  - (a) validation of the system of internal controls when first set up;
  - (b) if necessary, revalidation of the system in case of a change in the characteristics of the product or the manufacturing process;
  - (c) confirmation, at specified intervals, that all provisions are still appropriate and properly applied.
4. If the results of the internal controls reveal the existence of a significantly elevated risk to the health of consumers in respect of a batch of fish or fish products, the products concerned shall be deemed to be in non-compliant with requirements.
5. The persons responsible for the fishery enterprise shall document all information relating to the implementation of internal control system and verification shall keep written records or records registered in indelible ink, as referred to paragraph 1 (d) of this schedule.
6. The documentation referred to in paragraph 1 above shall include the following two types of information to be kept for submission to the Director-General on request—
  - (a) a detailed and comprehensive document detailing—
    - (i) a description of the product;
    - (ii) description of the manufacturing process and critical points;
    - (iii) for each critical point, identified hazards, assessment of risks and control measures;

- (iv) procedures for monitoring each critical point, and critical limits for parameters that need to be controlled and the corrective action to be taken in case of deviation; and
- (v) procedures for verification and review.

(b) records of the observations or measurements referred to in paragraph 1 (b), of this schedule, results of the verification activities referred to in paragraph 3, and reports and written accounts of decisions relating to corrective action when taken. An appropriate document management system facilitates retrieval of all documents relating to an identified production batch.

#### PART 2: SPECIFIC REQUIREMENTS FOR THE INTERNAL CONTROL SYSTEM

1. The internal control system shall be developed and implemented by persons within the fishery enterprise to which it relates.
2. As part of the internal approach referred to in paragraph 1, a fishery enterprise may use guides of good manufacturing practice drawn up by appropriate professional organizations and acceptable to the competent authority.
3. The management of the fishery enterprise shall ensure that all personnel concerned with internal controls are adequately trained to effectively participate in the implementation.
4. In the design of any system for internal control the following general approach shall be adopted—
  - (a) identification of hazards, analysis of risks and determination of measures to control the hazards;
  - (b) identification of critical points;
  - (c) fishery enterprise critical limits for each critical point;
  - (d) fishery enterprise monitoring and checking procedures;
  - (e) fishery enterprise corrective action to be taken when necessary;
  - (f) fishery enterprise verification procedures;
  - (g) validation of the system; and
  - (h) documentation of the system and maintaining records of results.
5. This general approach shall be used with flexibility appropriate to each situation.

#### PART 3: IDENTIFICATION OF CRITICAL POINTS

##### A — General principles

1. "Critical points" means any point, step or procedure at which control applied and a food safety hazard can be prevented, eliminated or reduced to acceptable levels.
2. Critical points shall first be identified by a detailed review of the process, based on knowledge and with reference to existing codes of practice.
3. The information generated under paragraph 2 (1) shall be used as the basis of the requirements of the process, including those specified in any relevant code of practice.
4. The critical points shall be specific to each fishery enterprise, depending on the raw material, manufacturing processes, structure and equipment, end products and marketing system.

5. The sequential steps described below may be followed in order to identify and characterize the critical points in the process.

**B – Assembly of a multidisciplinary team**

2. A multi-disciplinary team shall be drawn from all departments of the fishery enterprise concerned with the products and shall include a wide range of specific knowledge and expertise appropriate to the product under consideration, the production process, viz manufacture, storage, and distribution, consumption and the associated potential hazards.

3. The team may consist of one or more of—

- (a) a quality control specialist with an understanding of the biological, chemical or physical hazards associated with a particular product group;
- (b) a production specialist with responsibility for, or who is involved with the technical process of manufacturing the products under review;
- (c) a technician who is knowledgeable in the hygiene and operation of the fishery enterprise's equipment; or
- (d) any other person with specialist knowledge of microbiology, hygiene or food technology.

4. Where necessary, the team may be assisted by external experts with technical knowledge in areas not adequately covered by the fishery enterprise's own personnel.

**C – Description of the product**

1. The end product shall be described in terms of—

- (a) the composition viz, species raw materials ingredients, and additives;
- (b) the structure and physio-chemical characteristics (e.g. whole, portion, Aw, PH);
- (c) the nature and extent of processing viz. heating, freezing, drying, salting, smoking and respective process conditions;
- (d) the packaging (viz, hermetic, vacuum, or modified atmosphere);
- (e) the storage and distribution conditions (temperature control);
- (f) the required shelf-life viz: sell by date and best before date;
- (g) the instructions for use;
- (h) any microbiological or chemical criteria applicable thereto; and
- (i) the normal or expected use of the product by the targeted consumer, including classes of consumers with special needs.

**D— Description of manufacturing process**

1. The fishery enterprise shall develop and maintain a detailed description of the premises and all steps involved in the manufacturing process, from the raw material to the finished product; including but not limited to—

- (a) the layout and characteristics of the premises and the equipment;



- (b) the sequence of all steps in the manufacturing process, including the incorporation of raw materials;
- (c) the ingredients or additives and delays during or between steps in the process;
- (d) technical parameters in particular time and temperature, and concentrations of solutions;
- (e) the flow of products, potential cross-contamination;
- (f) the segregation of clean and dirty areas;
- (g) the cleaning and disinfection procedures;
- (h) the hygienic environment of the fishery enterprise;
- (i) the personnel routes and hygiene practices; and
- (j) product storage and distribution conditions.

2. The description may be amended at any time when there is a change in the manufacturing process.

E— Listing of hazards and multidisciplinary control measures

1. The multidisciplinary team shall make a list of all potential health hazards relating to the storage, processing and packaging of fish and fish products.

2. A list prepared under paragraph 1 may include hazards which are likely to lead to—

- (a) unacceptable contamination (or recontamination) of a biological, chemical or physical nature of raw materials, intermediate products or final products;
- (b) unacceptable survival or multiplication of pathogenic microorganisms and unacceptable generation of chemicals in intermediate products, final products, production line or environment;
- (c) unacceptable production or persistence of toxins or other undesirable products of microbial metabolism.

3. The identified hazards must be those that their elimination or reduction to acceptable levels is essential to the production of safe fish products.

4. The multidisciplinary team shall—

- (a) list all potential biological, chemical or physical hazards that are expected to occur at each step of processing (including those resulting from acquisition and storage of raw materials, ingredients, delays during processing and any other foreseeable eventuality).
- (b) consider and describe control measures, which can be applied to eliminate or reduce each hazard.

5. In identifying the critical point for the control of the hazard, take the following steps—

- (a) ensure that appropriate control measures are effectively designed and implemented. In particular, if a hazard has been identified at a step where control is necessary for product safety and no control measure exists at that step or at any other, then the product or process shall be modified at that step, or at an earlier or later stage, to include a control measure.

- (b) establish and implement a monitoring and checking system at each critical point.

#### F— MONITORING AND CHECKING OF CRITICAL POINTS

##### General Principles

1. The following steps shall be taken as the framework for the design of a suitable system for monitoring and checking critical points—

##### Establishing Critical limits

- (a) Each control measure associated with a critical point shall give rise to the specification of critical limits.
- (b) The critical limits shall correspond to the extreme values acceptable with regard to product safety. Critical points are determined for observable or measurable parameters including temperature, moisture level, additive, preservative or salt level, which can readily demonstrate whether the critical point is under control; they shall be based on substantiated evidence that the chosen values will result in elimination of the hazard.
- (c) To reduce the risk of exceeding a critical limit due to naturally occurring process variations, it may be necessary to specify more stringent target levels than are necessary to eliminate the hazard, to ensure that process variable remain within the critical limits in a reasonable majority of cases.
- (d) Critical limits may be derived from a variety of sources. They may be defined by regulatory standards or from existing and validated guides of good manufacturing practices. In all cases the team shall ascertain their validity relative to the control of the identified hazards at the critical points.

##### Establishing a monitoring and checking system

1. An essential part of internal control system is a programmed of observations or measurements performed at each critical point to ensure compliance with specified critical limits, which describes the methods of measurement, the frequency of observations or measurements and the recording procedures to be followed.

2. Observations or measurement must be able to detect loss of control at critical points and provide information in sufficient time for corrective action to be taken.

3. It is necessary to establish a frequency of observation or measurements (in terms of a defined sampling plan) which provides information which can be validly used for extrapolation of the resulting measurement data to the behavior of critical variables between observations.

4. Any decision on the periods between observations of critical variables at critical points shall be based on a detailed knowledge of the behavior of those variables (and in particular their rate of change under all foreseeable circumstances).

5. A written programme of observations or measurements shall properly identify for each critical point-

- (a) the person monitoring and checking;
- (b) the time when monitoring and checking is performed; and



- (c) how monitoring and checking is performed.
- 6. Observations or measurements may indicate—
  - (a) that the parameter monitored is tending towards, although not exceeding its specified critical limits, indicating a trend towards loss of control. Appropriate corrective action to maintain control must be taken before the occurrence of a hazard; and
  - (b) that the parameter monitored has exceeded its specified critical limits, indicating a loss of control and decide on an appropriate action with respect to the products subject to the process conditions exceeding the critical limits.
- 7. Corrective action must be planned and documented in advance by the multidisciplinary team, for each critical point and for each of the above cases, so that the necessary action may be taken without hesitation when the event is observed.
- 8. The corrective action plan shall include—
  - (a) proper identification of the person(s) responsible for the implementation of the corrective action;
  - (b) description of means and action required to correct the observed deviation;
  - (c) action to be taken with regard to products that have been manufactured during the period when the process was out of control; and
  - (d) written records of measures taken.
- 9. Although sampling for laboratory analysis may be included in the monitoring and checking of critical points, this specifically does not include verifying that the end product conforms with any standards or set of products criteria either externally determined.
- 10. If the system of monitoring and control of critical control points is substantially dependent on sampling and laboratory analysis, then a system of internal control must be applied within the laboratory to ensure that the results generated are valid and reliable, including, *inter alia*
  - (a) the preparation of a written and defined programme of instrument calibration;
  - (b) checking of reagent activity and concentrations; and
  - (c) verification that written laboratory methods are followed.

#### G — VERIFICATION

##### General principles

1. Verification refers to those actions taken for the routine confirmation that the provisions laid down for the operation of the internal control system are being properly applied.
2. Verification is necessary to ensure that the internal control system in routine operation is executed in the manner specified by the multi-disciplinary team. The multi-disciplinary team shall specify the methods and procedures to be used for the verification of the own-checks system.
3. The person responsible for the fishery enterprise shall implement the verification programme at specified intervals. Government inspectors may also undertake a routine verification as part of any accreditation scheme.

4. On the basic level verification will entail an audit of the own-checks system and records. This may include random sampling and analysis to confirm that own checks are being made, and that sampling, measurement and recording of results are being carried out correctly.

5. Verification procedures may also include—

- (a) inspection of operations;
- (b) review of deviations and corrective action and measures taken; and
- (c) additional confirmatory sampling and measurement.

#### H- VALIDATION

##### PART I- GENERAL PRINCIPLES

1. "Validation" refers to those actions taken to ensure that the system has correctly identified—

- (a) the hazards;
- (b) the critical points at which they arise;
- (c) the critical limits to key variable which give rise to the hazard;
- (d) the sampling and measurement methods which detect whether critical limits have been exceeded; and
- (e) corrective action in such cases which will eliminate the hazard or reduce it to acceptable levels.

2. When an internal control system is first introduced the operator of the fishery enterprise shall make provision for a programme of sampling and analysis intended to demonstrate the validity of the system following the methods and procedures specified.

3. The validation procedure may include:

- (a) a reinforced sampling and analysis (both more intensive and extensive than the systems established for the routine application of own-checks) of intermediate or final products;
- (b) surveys on actual conditions and product characteristics during storage, distribution and sale, and at the point of actual use of the product.

4. Changes in the system of internal control may arise as a result of-

- (a) change in raw material or in product, processing conditions (factory layout and environment, process equipment, the cleaning and disinfection programme);
- (b) change in packaging, storage or distribution conditions;
- (c) change in consumer use;
- (d) the receipt of any information on a new hazard associated with the product, or any new information on an old hazard.

5. Any change in the system of internal control shall be followed by a re-validation of the internal control system.

6. Any amendments to the internal control system shall be fully incorporated into the documentation and record-keeping system in order to ensure that accurate up-to-date information is available.

PART 2—DOCUMENTATION

1. The operator of a fishery enterprise shall keep a written record of the complete documentation relating to the design and operation of the system of internal control, which shall at all times be available for inspection.

2. The written record shall include—

(a) a description of the internal control system, including—

- (i) a detailed physical, chemical and microbiological description of the product;
- (ii) a detailed description of the process (including process flow diagrams);
- (iii) an identification and definition of hazards;
- (iv) an identification of critical points;
- (v) a definition of critical limits to key variables at critical points;
- (vi) a definition of sampling periods and frequency for measurement of key variables;
- (vii) a description of measurement methods and procedures for measurement of key variables;
- (viii) a description of corrective actions in case critical limits are exceeded;
- (ix) a definition of validation and verification procedures; and
- (x) the results of the validation activities.

(b) The results of internal controls, including—

- (i) the results of all monitoring and checking actions;
- (ii) a written account of any decisions made relating to corrective action when critical limits have been exceeded; and
- (iii) the results of the verification activities.

3. The results of monitoring and checking actions shall be maintained for a period of at least two years.

4. The internal control data management system shall provide, in particular, for the easy retrieval of all documents relating to an identified production batch.

## EIGHTH SCHEDULE

*(r.18, r.23(3), r.36(1)(b))*

## STORAGE AND TRANSPORT

1. Fish and Fish products shall during storage and transport, be preserved at the prescribed temperature and, in particular—
  - (a) fresh or thawed fish products and cooked and chilled crustacean and molluscan shellfish products shall be preserved at the temperature of melting ice;
  - (b) frozen fish products with the exception of frozen fish in brine intended for the manufacture of canned foods, shall be kept at a temperature of minus eighteen degrees-centigrade or less in all parts of the product, allowing for the possibilities of brief upward fluctuations of not more than three degrees-centigrade during transport.
  - (c) processed products shall be kept at the temperature specified by the manufacturer.
2. Paragraph 1 (b) shall not apply where frozen fish products are transported from a cold storage facility to an approved fishery enterprise to be thawed on arrival for the purpose of preparation or processing and where the journey is shorter than two hours.
3. Live fish shall be transported under suitable conditions that minimize mortality
4. Fish and fish products will not be transported with other goods which may contaminate them or affect their quality, unless they are packaged in such a way as to provide adequate protection.
5. Carriers and containers used for transportation of fish and fish products shall be constructed and equipped to maintain prescribed temperatures throughout the period of transport. If ice is used to chill the fish, adequate drainage shall be provided to ensure that water from melted ice drains away.
6. The inside surfaces of the carrier or container shall be smooth and easy to clean and disinfect.



NINTH SCHEDULE

TRACEABILITY AND RECALL PROCEDURES (r.18, r.27)

1. The traceability of fish and fish products, and fish feed used in fish culture systems, and any other substance intended to be, or expected to be, incorporated into a fish or fish product or feed shall be established at all stages of production, processing and distribution.
2. An operator of a fishery enterprises shall be expected to be able to identify any person who supplies them with fish, fish products, fish feed, or any substance intended to be, or expected to be, incorporated into a fish, fish product or fish feed.
3. An operator of a fishery enterprises shall have in place systems and procedures allow for traceability information to be made available to the competent authority and the Director-General on demand.
4. An operator of a fishery enterprise shall have in place systems and procedures to identify businesses to which their products have been supplied. This information shall be made available to the competent authority and the Director-General on demand.
5. Fish and fish products or fish feed which are placed on the market or are likely to be placed on the market shall be labelled or identified through relevant documentation to ensure its traceability.
6. Each operator of a fishery enterprise shall prepare a written recall plan detailing the procedures to be followed when a batch of fish, fish product or fish feed which has left his possession shall be withdrawn before and after placing on the market.

## TENTH SCHEDULE

WRAPPING AND PACKAGING REQUIREMENTS FOR FISH AND  
FISH PRODUCTS*(r. 18, r.36(1)(f))*

1. Packaging of fish and fish products shall be carried out hygienically, to preclude contamination.
2. Packaging materials and products likely to come into contact with fish and fish products shall comply with all hygiene and sanitary requirements including
  - (a) they shall not impair the organoleptic characteristics of the fish products;
  - (b) they shall not transmit harmful substances to fish products intended for human and animal consumption;
  - (c) they shall be durable to protect the fish and fish products adequately.
3. Packaging materials shall not be re-used with the exception of containers made of smooth, impervious, and corrosion-resistant, durable material which may be re-used after cleaning and disinfection.
4. Packaging materials used for fresh fish and fish products chilled with ice shall be water resistant and designed to provide adequate drainage for melt ice water.
5. Unused packaging materials shall be stored in premises away from the production area and be protected from dust and contamination.

## ELEVENTH SCHEDULE

*(r.18, r.38(1)(g))*

## LABELLING AND IDENTIFICATION MARKS FOR FISH PRODUCTS

1. Where fish products are packaged and consigned for placing on the market by a fishery enterprise the following information shall be printed on the packaging—
  - (a) the country of origin;
  - (b) the name and official registration number of the fishery enterprise where the fish and fish products were processed or packaged;
  - (c) the description of the product, common and scientific name, of the fish or fish product and the state (fresh, chilled, frozen, cooked etc.);
  - (d) the date of production, use before date, expiry date;
  - (e) the date of consignment from the fishery enterprise;
  - (f) any special storage instructions required to maintain the safety and quality of the fish or fish product.

## TWELFTH SCHEDULE

HEALTH CONDITIONS FOR PRODUCTION AND PLACING ON THE MARKET OF  
BIVALVE MOLLUSCS

(r.18, r.37(1), r.51(1), r.62(2))

## PART 1-HARVEST AND RELAY AREAS

1. Bivalve molluscs for human consumption shall be harvested from areas designated by the Director-General.
2. Permitted harvest areas shall be classified according to the level of faecal contamination as determined by routine monitoring of the microbiological contamination of the product.
3. Any change in the demarcation of harvest areas or in the classification of harvest areas shall be immediately announced by the Director-General in the Kenya Gazette.
4. Harvest areas shall be classified according to the scheme specified in the first and second columns in table 3, and applied for the uses specified in the third column.

Table 3

<i>Classification</i>	<i>Bacteriological counts*</i> <i>(not more than ...)</i>	<i>Permitted use</i>
A	300 faecal coliforms/100g flesh or 230 E. coli/100g flesh Free of salmonella in 25g*	Direct human consumption; Cooking.
B	In 90% of samples tested – 6000 faecal coliforms/100g flesh or 4600 E. coli/100g flesh	Direct human consumption after purification or relaying until Class A is achieved; Cooking
C	60,000 faecal coliforms/100g Flesh 46,000 E. coli/100g flesh	Relaying for at least two months prior to retesting; Cooking

\*Based on a five tube three dilution mean probable number test or any other equivalent bacteriological procedure.

5. The harvesting of shellfish for human consumption shall be prohibited from any area in which the product is found to contain more than the maximum permitted number of coliforms bacteria for Class C.

6. The gathering of shellfish for human consumption shall be prohibited from any area in which product is found to contain marine biotoxins with levels greater than those indicated in table 4.

Table 4

Toxin	Testing method	Limit
Paralytic Shellfish Poison (PSP)	Mouse bioassay or HPLC Saxitoxin.	80 microgrammes/100g of Edible portion.
Diarrhetic Shellfish Poison DSP	Mouse	Not detected in 100g of edible portion.
Amnesic Shellfish Poison DSP	HPLC for domoic acid	20 microgrammes / gram of edible portion

**PART 2 – MONITORING OF HARVEST AREAS BY THE DIRECTOR-GENERAL**

1. Harvest areas and samples of fish products from these areas shall be monitored on a regular basis, according to a written sampling plan, and with respect to the parameters in table 5.

Table 5

Parameters to be measured in Water samples	Faecal coliforms <i>E. coli</i> <i>Salmonella spp</i> <i>Vibrio parahaemolyticus</i> Marine phytoplankton which produce the toxins which cause PSP (paralytic shellfish poisoning), DSP (diarrhetic shellfish poisoning) and ASP (amnesic shellfish poisoning). Chemical and physical parameters (temperature, pH, salinity).
Parameters to be measured in Product samples	Faecal coliforms <i>E. coli</i> <i>Salmonella spp</i> <i>Vibrio parahaemolyticus</i> Marine phytoplankton which produce the toxins which cause PSP (paralytic shellfish poisoning), DSP (diarrhetic shellfish poisoning) and ASP (amnesic shellfish poisoning). Heavy metals including lead cadmium and mercury.

2. Samples for measurement of the parameters listed in paragraph 1 above (table 5) shall be taken as frequently as necessary to identify the potential development of hazards in advance of the occurrence of any significant risk to human health.
3. The sampling frequency shall consider any features of the fishery concerned in relation to seasonal or irregular fishing.
4. The sampling plan shall define the sampling points within each defined harvest area.
5. Sufficient sample points shall be defined by considering—
  - (a) likely variations in the faecal contamination of the production of the production area; and
  - (b) possible variations in the development of marine algal blooms
6. Detection of potential problems shall be followed by more intensive sampling regimes, until the area is closed, or until the potential hazard recedes.
7. If the results of the sampling programme indicate that the placing on the market of products from the harvest area would constitute a hazard to human health, the competent authority shall close the area and put advertisements in the *Kenya Gazette*.
8. Areas which are subject to temporary closure shall be monitored as if the area was not closed unless they are to be closed permanently.

#### THIRTEENTH SCHEDULE

(r. 42(1)(a))

#### CONDITIONS FOR AQUACULTURE AND PLACING ON THE MARKET OF AQUACULTURE PRODUCTS

##### PART I—SITE LOCATION AND SELECTION

###### A—General

1. Commercial aquaculture shall be subjected to an Environmental Impact Assessment by relevant authorities in accordance with the Environmental Management and Coordination Act, 1999.
2. The management of aquaculture facility before constructing, reconstructing or adapting a new technology shall submit to the Director-General or County Executive Committee Member for approval, a plan of the fishery enterprise and a list of activities to be carried out.
3. Aquaculture operations shall be sited away from potential sources of pollution and contamination.

###### B—Biosecurity programme

The Biosecurity Programme shall incorporate:

- (a) Disease prevention,
- (b) Disease monitoring,
- (c) Management of disease outbreaks,



- (d) Cleaning and disinfection between production cycles and
- (e) General security precautions.

C—Aquaculture site facilities

1. Aquaculture facilities shall be inspected prior to approval to ensure compliance with requirements for—
  - (a) Site location and selection.
  - (b) Production system design.
  - (c) Facilities and equipment.
  - (d) Fish feed storage.
  - (e) Pond conditioning, fertilizer and feeds.
  - (f) Veterinary medicines, harvesting and withdrawal period.
  - (g) Hygiene and fish handling procedures.
  - (h) Exclusion of animals and pest control.
2. All aquaculture facilities must provide reasonably accessible sanitary facilities for use by the people working in the facility.
3. Sanitary facilities shall be located away from the place where fish are held to ensure that there is no risk of contamination of fishponds with human waste.
4. The minimum number of facilities shall depend on the number of personnel at the site, according to the following table—

Table 2.

<i>Number of employees (Counted according to gender)</i>	<i>Minimum number of toilets</i>
01-09	01
10-24	02
25-49	03
50-100	05
More than 100	for every 30 persons add 01 more toilet

C—Fish Feed storage

1. Fish feed shall be stored in a properly constructed well-ventilated facility, and protected from exposure to pests, vandals, heat, light and humidity.
2. Fish feeds shall be stored according to manufacturers' instructions and stock records maintained

PART 2 - POND CONDITIONING, FERTILIZER AND FEEDS

A—Pond preparation

1. Aquaculture ponds shall be free of weeds, rubbish and debris before filling with water.
2. Ponds shall be conditioned with lime and given a rest period of at least two weeks before filling and stocking.
3. At least once each year the pond shall be drained, allowed to dry out and reconditioned with lime.

B—Fertilizer

The following materials shall not be used as fertilizer:

1. Human waste;
2. Pig manure, except where it—
  - (a) is added with an equal weight of lime during pond conditioning;
  - (b) has been adequately composted to eliminate trematode eggs; or
  - (c) is derived from enclosed animals living adjacent to the pond as part of an integrated aquaculture system, and the animals are treated regularly with anthelmintic drugs and free from zoonotic diseases.

C—Feeds and feed materials

1. Slaughterhouse waste and offal from mammalian food animals may only be used as fish feed after proper treatment.
2. Compound feed shall not be used for feeding fish unless the user is informed of the composition, including any supplements added by the manufacturer.
3. Compound feeds shall be packaged in airtight and suitable weather resistant material with adequate tamper proof labels detailing composition, date of manufacture and expiry date, origin, contact address and batch numbers.
4. Fish feed treated with veterinary medical supplements (including hormones and antibiotics) shall be considered to be veterinary medicines and shall be approved for use under the terms of Veterinary Surgeons and Veterinary Paraprofessionals Act No. 29 of 2011 (The Veterinary Medicine Directorate Regulations, 2015).
5. Fish feeds shall be used before the expiry date and any remaining feed disposed of.

**PART 3-VETERINARY MEDICINES AND WITHDRAWAL PERIODS****A—Registration and Distribution of Drugs, pharmaceuticals, antibiotics or other chemicals**

No Veterinary therapeutic-products and medicinal premixes for inclusion in fish feeds shall be used unless they are approved under the terms of Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 and the Veterinary Surgeons and Veterinary Paraprofessionals (The Veterinary Medicine Directorate) Regulations, 2015.

**B—Handling and Administration of Drugs, pharmaceuticals, antibiotics or other chemicals**

1. Control of fish diseases in aquaculture facility using drugs shall be carried out only after diagnosis by a qualified fish disease specialist.

2. Veterinary medicines for treatment of fish diseases shall only be administered under the supervision of a qualified fish disease specialist.

3. Drugs, pharmaceuticals, antibiotics or other chemicals shall be used according to the manufacturer's instructions.

4. Each individual dose and administration of veterinary medicines (including compound feeds containing veterinary supplements) shall be recorded in a special book kept at the aquaculture facility, specifying date and nature of treatment, fish identity and duration of withdrawal period.

5. The entries in the register are to be signed by the fish disease specialist responsible for administering the drug.

6. Diseased fish shall be isolated for treatment and shall be easy to identify.

7. The health of fish shall be monitored regularly for symptoms of disease or parasitic/fungal infection.

**C—Harvesting and Withdrawal Period**

1. Withdrawal period shall be observed before harvesting and placing the fish on the market.

2. Supplier instructions on administration of drugs, pharmaceuticals or other chemicals in regard to Withdrawal periods under different conditions and specific fish species shall be recorded in the drug register at the aquaculture facility and observed.

3. The veterinary drug residue in the harvested fish shall not exceed maximum residue limit specified under the terms of the Veterinary Surgeons and Veterinary Paraprofessionals (Veterinary Medicine Directorate) Regulations, 2015.

4. When live fish that has been treated with veterinary medicine is sold for onward growth before the end of the withdrawal period, the seller must declare so in writing to the buyer.

**D—Requirements for marketing**

1. If the fish from an aquaculture facility is placed on the market for human consumption, the producer shall disclose to the processor in writing with a copy to the Director-General/director responsible for fisheries at county level that either—

- (a) no veterinary medicines have been used; or
- (b) that the withdrawal period(s) has/have been observed.

2. Persons receiving fish and fish products from aquaculture for subsequent placing on the market shall undertake internal controls in their facility in accordance with Ninth Schedule to ensure that—

- (a) they do not accept fish and fish products from aquaculture which are not accompanied by written declaration on treatment;
- (b) where veterinary medicines have been used, withdrawal periods have been observed and maximum residue limits are not exceeded; and
- (c) no prohibited substances are present.

3. When fish and fish products from aquaculture are delivered to a fishery enterprise, the supplier shall provide the following information

- (a) fish species;
- (b) date of harvest;
- (c) name of aquaculture facility/facilities of origin;
- (d) name of the recipient fishery enterprise;
- (a) quantity of fish harvested;
- (b) fish consignment batch number;
- (c) where applicable, treatment records.

#### Part 4—Harvesting equipment and materials

1. Harvesting areas and methods within the aquaculture facility shall be designed and constructed for easy, fast and hygienically acceptable operations.

2. All equipment used for harvesting, catching, sorting, grading, conveying and transportation of fish shall be designed for rapid and efficient handling of fish without causing mechanical damage thereto.

3. Equipment, containers and utensils coming into contact with fish shall be constructed with non-corrosive material which is smooth and easy to clean, disinfect and maintain or be designed for single use only.

4. If re-usable boxes are used to carry fish from the pond, suitable means of cleaning with clean water and detergent followed by disinfection shall be provided.

### PART 5—HYGIENE

#### A—Personal hygiene

1. Any person working at an aquaculture facility shall maintain reasonable standards of personal hygiene and shall take all necessary precautions to prevent contamination of fish.

2. Any cut or wounds shall immediately be covered with suitable water-proof dressing.

3. Persons suffering from infectious diseases, helminthic parasite infection, have infected wounds, boils or other skin infections, or who are suffering from diarrhoea, shall not be permitted to work in an aquaculture facility.

4. Personnel who work in an aquaculture facility shall, on their appointment and at six months intervals thereafter undertake a health examination to ensure that they do



not suffer from any of the above conditions. Health documents of every person shall be kept at the facility and shall be available to the competent authority on request.

5. Any person entering an aquaculture facility shall refrain from spitting or eating food, or relieving himself, except in areas designed for these purposes, which must be away from fish production areas.

**B—First aid box**

1. Each aquaculture facility shall possess a well-equipped first aid box.

**C—Exclusion of animals**

Except in an integrated aquaculture facility where food animals are deliberately introduced, domestic animals shall be excluded from the facility and areas adjacent to ponds.

**PART 6—CLEANING, DISINFECTION AND PEST CONTROL**

**A—Cleaning and Disinfection**

1. Areas around the ponds shall be kept clean.
2. A cleaning and disinfection schedule bearing the name of the responsible person shall be developed to ensure that all parts of the aquaculture facility and equipment therein are cleaned appropriately and regularly.
3. The schedule shall be made available to the inspector at all times.
4. Equipment and tools shall be dismantled for cleaning and disinfection.
5. The disinfectants used in an aquaculture facility shall be approved and applied in accordance to manufacturer's instructions.

**B—Pest Control**

1. A pest control schedule shall be developed.
2. The schedule shall be made available to the inspector at all times.

**PART 7—RECORD KEEPING AND BATCH IDENTIFICATION**

1. The following records shall be kept—
  - (a) date of construction;
  - (b) number of fingerlings stocked;
  - (c) stocking rate and time;
  - (d) anticipated harvest time;
  - (e) date of harvest and quantities harvested;
  - (f) each batch of fish cultured in each pond, including veterinary drug regimens;
  - (g) feeding methods and quantities;
  - (h) pond fertilization;
  - (i) results of water quality parameters.
2. The records shall be kept for a period of one year after harvest.



3. Each batch of fish leaving the aquaculture facility for placing on the market or for processing shall be allocated a batch number which traces it to the information in the records as described in paragraph 1 above.

4. Each batch of fish leaving the aquaculture facility for placing on the market shall be labelled as follows—

- (a) approval number of the aquaculture facility;
- (b) name and permanent, postal and physical address of the enterprise;
- (c) date of harvesting;
- (d) species; and
- (e) batch number.

5. The management of the aquaculture facility shall ensure that effective procedures are in place to facilitate traceability in accordance with Tenth Schedule, and rapid recall of any batch of fish from the market.

#### PART 8—MINIMUM MONITORING REQUIREMENTS FOR THE INTERNAL CONTROL SYSTEM

1. Monitoring programmes shall be developed to ensure that—

- (a) waste does not accumulate and is disposed of in a hygienic manner;
- (b) personal hygiene and health standards are maintained;
- (c) a pest control programme is implemented;
- (d) cleaning and disinfecting programmes are implemented;
- (e) the quality of water and ice are maintained; and
- (f) in fresh water aquaculture, the farm is free from trematode parasites.

2. The results of monitoring and of any corrective actions taken after monitoring shall be recorded.

Made on the 13th February, 2024.

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

## LEGAL NOTICE NO. 56

## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 74 (1) and (2) 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  
(AQUACULTURE) REGULATIONS, 2024

## PART I – PRELIMINARY

1. These Regulations may be cited as the Fisheries Management and Development (Aquaculture) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
- “Act” means the Fisheries Management and Development Act; Cap. 378.
- “agent” has the meaning assigned to it under the Act;
- “aquaculture” has the meaning assigned to it under the Act;
- “aquaculture activity” includes—
- (a) engaging in aquaculture, including the holding of brood stock and operating a hatchery;
  - (b) the operation of an aquaculture processing facility;
  - (c) the transportation of live aquaculture organisms;
  - (d) the collection of brood stock for aquaculture;
  - (e) the import of aquaculture products or aquaculture organisms;
  - (f) the import of formulated feed for use in aquaculture;
  - (g) the manufacturing of locally formulated feed for use in aquaculture;
  - (h) the export of aquaculture products; and
  - (i) seeding and harvesting for ranching purposes;
- “aquaculture development zone” means an area declared for dedicated aquaculture use in terms of Part III;
- “aquaculture disease zone” means an area declared by the designated officer as such;
- “aquaculture drug” means a substance or mixture of substances intended or offered to be used, or purporting to be suitable for use or manufactured or sold for use in connection with aquaculture organisms for the diagnosis, prevention, treatment or cure of any disease, infection or other unhealthy condition, or for the maintenance or improvement of health, growth or production, or for curing, correcting or modifying any somatic or organic function or for correcting or modifying behaviour;

"aquaculture establishment" has the meaning assigned to it under the Act;

"aquaculture equipment" means—

- (a) a farming structure;
- (b) equipment used to anchor or indicate the presence of farming structures;
- (c) a barge used to feed aquatic organisms;
- (d) equipment used to mark-off or indicate the boundaries of an aquaculture development zone; or
- (e) other equipment used for the purposes of aquaculture;

"aquaculture facility" means a purpose-built structure in a geographically defined area of water or land, whether or not submerged, used for aquaculture, and includes all buildings, structures and equipment within that area that are used for aquaculture;

"aquaculture feed" means any solid or liquid substance or product, whether processed, partially processed or unprocessed, which is intended to be used to feed aquaculture organisms;

"aquaculture foods" means any aquaculture product which is used or intended to be used for human consumption;

"aquaculture inspector" means a person designated as such by the competent authority;

"aquaculture licence" means a licence issued under section 122 of the Act;

"authorized officer" includes a fisheries officer, a disciplined officer of the service and any person appointed by the Board under section 18 of the Act;

"aquaculture operations" includes fishing, supply of provisions to fishing vessels, and the handling and processing of fish up to the time it is first landed;

"aquaculture organism" means any aquatic organism in or coming from an aquaculture facility or which has been captured in the wild and is intended for use in undertaking an aquaculture activity;

"aquaculture permit" means a permit issued under section 118 of the Act;

"aquaculture processing" means any process that adds value to or preserves aquaculture fish and includes the cutting up, dismembering, cleaning, sorting, icing, freezing, drying, chilling, salting, gutting, smoking, canning or any other action taken to alter the shape, appearance or form of aquaculture fish from that in which the fish is when first taken from its natural habitat;

"aquaculture processing establishment" means any place other than a licensed fishing vessel where aquaculture fish are canned, dried, gutted, salted, iced, chilled, frozen, smoked or otherwise processed or

stored but does not include a restaurant, eating place, hotel, or place where fish is prepared for immediate retail sale or consumption;

“aquaculture processing facility” means any location where an aquaculture product is produced from an aquaculture organism by any prescribed method;

“aquaculture product” means any product or part thereof (including oil) obtained by aquaculture processing, and intended for use as human food, animal feed or raw material ingredient in the manufacture of other commodities of commercial or ornamental value;

“aquaculture related activity” means any activity in support of, or in preparation for aquaculture including the —

- (a) transshipping of aquaculture products to or from any vessel;
- (b) landing, packaging, processing, handling or transporting of aquaculture products that have not been previously landed at port;
- (c) provision of personnel, fuel and other supplies at sea or performing other activities in support of aquaculture operations;
- (d) exporting aquaculture products from the country; and
- (e) attempting or preparing to do any of the above;

“aquaculture research” means a systematic investigation into the field of aquaculture for the advancement of existing information, to ascertain facts, seek solutions and benefit society as a whole;

“aquaculture research facility” means a facility dedicated to the undertaking of aquaculture research;

“aquaculture resources” means live fish and marine plants cultivated under aquaculture;

“aquaculture sector” means aquaculture and all of the associated activities in the aquaculture value chain, including feed manufacture and supply, stock supply, processing and marketing of aquaculture products, trade in aquaculture products and aquaculture research institutions;

“Board” means the Kenya Fisheries Service Board established under section 10 of the Act;

“Cabinet Secretary” means Cabinet Secretary for the time being responsible for aquaculture activities;

“commercial aquaculture” includes any aquaculture operation resulting or intending or appearing to result in the sale or trade of any fish which is a product of such aquaculture operation, including semi-commercial aquaculture;

“competent authority” in accordance with section 58 (1) of the Act, means the Ministry responsible for official control of the safety of fish, fish products and fish seed;



"dealing in aquaculture" includes collecting, transporting, storing, trans-shipping, buying or selling aquaculture products for purposes of trade;

"designated agency" means an institution mandated to carry out that function;

"designated officer" means an officer or employee responsible for fisheries management, research, development, conservation, veterinary services and policies regulation delegated to carry out specific functions as such;

"designated landing" means fishing port established under section 50(1) (b) of the Act;

"Director-General" means the chief executive officer of the Kenya Fisheries Service appointed as such by the Board;

"escape" means accidental or unintentional release or movement of live aquaculture products from an aquaculture facility so that they are no longer subject to the control of the owner or operator of that aquaculture facility;

"export" in relation to aquaculture products means to—

- (a) send or take out of Kenya; or
- (b) carry or transport anything out of the country;

"export facility" means any building or vessel or area in which aquaculture products are handled, prepared and stored for export purposes, including the surroundings under the control of the same management;

"fish farmer" means a person who does the breeding, cultivating and rearing of any such aquaculture product;

"farming of aquatic organisms" means an organised rearing process involving propagation, breeding, regular stocking, feeding or protection from predators and harvesting of cultured aquatic organisms and plants or other similar intervention in the organisms' natural life cycles;

"farming structures" means structures used for the farming of aquatic organisms and includes sea cages and racks, long lines and submerged lines used for aquaculture, together with their associated baskets, barrels, lanterns and other culture units;

"fish" means any marine or aquatic animal or plant, living or not and processed or not, and any of their parts and includes any shell, coral, reptile and marine mammal;

"fish processing" means any process that adds value to or preserves fish and includes the cutting up, dismembering, cleaning, sorting, icing, freezing, drying, chilling, salting, gutting, smoking, canning or any other action taken to alter the shape, appearance or form of fish from that in which the fish is when first taken from its natural habitat;



"fish landing station" means a point on the shore of any waters or coastline of which the Cabinet Secretary responsible has by notice in the gazette designated as a point to land fish

"fisheries officer" means the officer or any employee of the state department and its agencies, responsible for fisheries management, research, development, conservation and policies regulation;

"fishery" means one or more stocks of fish, or parts thereof existing in a delineated area, which can be treated as a unit for the purposes of conservation, development and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics;

"fishing" means —

- (a) searching for or taking of fish;
- (b) the attempted searching for or taking of fish;
- (c) engaging in any other activity which can reasonably be expected to result in the locating or taking of fish;
- (d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;
- (e) any operation on Kenya fishery water or on the high seas in support of or in preparation for any activity described in paragraphs (a), (b), (c) or (d) of the Act;

"genetic resource" includes germplasm of plants, animals or other organisms containing useful characters of actual or potential value;

"hatchery" means a facility for the artificial and controlled breeding, hatching and rearing of aquatic organisms through their early life stages;

"illegal aquaculture" includes activities carried out in violation of national laws or international laws or international obligations, including those undertaken by co-operating states to a relevant regional aquaculture management organization;

"import" means the bringing into Kenya or Kenya Fishery waters of any aquaculture product and aquatic flora and fauna from any place outside Kenya;

"international agreement" includes any treaty, convention, or other legally binding instrument, including bilateral, multilateral regional agreements or arrangements that Kenya is a party pursuant to the Treaty Making and Ratification Act, 2012;

"Kenya fishery waters" includes all maritime zones declared in the Maritime Zones Act, internal waters such as rivers, small water bodies, dams, ocean, Lakes, riverine systems and any other waters including intertidal, inland and riverine over which Kenya exercises or claims jurisdiction;

No. 45 of 2012.

Cap. 371.

"landing" means bringing any aquaculture products to the harbour, port or beach from within or outside the Kenya fishery waters and offloading;

"licensing period" means the period of time during which any licence or authorization issued in accordance with the Act is valid;

"management" means an integrated process of information gathering, analysis, planning, consultation, decision making, allocation of resources, formulation and implementation of rules and regulations which govern aquaculture activities in order to ensure the continued production of the resources and accomplishment of other aquaculture objectives;

"operator" means any person responsible for the operations of, directs or controls a vessel, including the owner, charterer and master of the vessel;

"OIE-listed", in relation to agents pathogenic to aquatic animals, means a disease or pathogen listed in the OIE Aquatic Animal Health Code for the purposes of preventing their transfer via international trade in aquatic animals and their products, while avoiding unjustified sanitary barriers to trade;

"person" means any natural person or business enterprise and includes a corporation, partnership, cooperative, association and any foreign government, its subdivisions or agents;

"pilot scale aquaculture" means a preliminary study conducted in order to evaluate the feasibility of a new aquaculture activity;

"pollution" shall have the meaning assigned to it under the Environmental Management and Co-ordination Act;

Cap. 387.

"ranching" means aquaculture activity in which a person intentionally releases aquatic organisms into an aquatic environment (marine, brackish or freshwater) in which the aquatic organisms, owned by the ranching licence holder, are not controlled or confined;

"recreational aquaculture" means non-commercial aquaculture by an individual for leisure or relaxation;

"release" in relation to live aquaculture organisms, means intentionally freeing the aquaculture organism from confinement in an aquaculture facility so that it can enter the external environment;

"responsible aquaculture development" means aquaculture development that—

- (a) protects the environment by avoiding significant adverse environmental impacts, including impacts on wild fish populations, or where these cannot be avoided, minimising and rectifying them;
- (b) allows access to land, water and other aquaculture resources on a fair basis;

- (c) does not negatively affect the livelihoods of local communities;
- (d) promotes the health and welfare of aquaculture animals during husbandry, including good practice regarding the types of substances, feeds and drugs used in aquaculture;
- (e) ensures the safety and quality of aquaculture products; and
- (f) promotes sound labour practices;

"sell" includes –

- (a) any method of disposition for consideration of anything which has value or which can be exchanged for cash or barter;
- (b) disposition to an agent for sale on consignment;
- (c) offering or attempting to dispose of for value or receiving or having in possession for disposal for value or displaying for disposal for value, or sending or delivering for disposal for value or causing or permitting to be sending or delivering for disposal for value, or causing or permitting to be disposed for value, offered or displayed for disposal for value; and
- (d) disposition by way of raffle, lottery, or other game of chance under the Betting Control and Licensing Act;

"Service" means the Kenya Fisheries Service established under section 7 of the Act;

"stakeholder" means any people, groups or organisations who are positively or negatively impacted by aquaculture activities;

"stock enhancement" means the release of aquatic organisms into the aquatic environment without the intention to benefit an exclusive user and with the aim of supplementing or sustaining the recruitment of one or more aquatic species and raising the total production or the production of selected elements of a fishery beyond a level which is sustainable through existing natural processes;

"subsistence aquaculture" means local or non-commercial aquaculture, oriented not primarily for recreation but for the procurement of aquaculture fish for consumption by the farmers, their families and community;

"surveillance" means checking and ensuring compliance with control measures imposed under the Act in aquaculture or aquaculture related activities;

"test aquaculture operation" means any aquaculture operation undertaken over a limited period of time with the approval of the designated officer for the purpose of testing the feasibility of commercial aquaculture operations with a view to establishing aquaculture operations, and not for commercial purposes;

"unregulated aquaculture" includes –

- (a) activities conducted by vessels without nationality, or by those flying the flag state not party to that organization, or by an aquaculture identity in a manner that is not consistent with the conservation and management measure; and
- (b) activities carried in areas or aquaculture stocks in relation to which there are no applicable conservation or management measures in where the aquaculture activity is conducted;

"unreported aquaculture" includes activities which the relevant authority has not been notified; and

"vehicle" means any car, truck, van, bus, trailer or other powered land conveyance;

3. These Regulations apply to any person engaged in any aquaculture activity, the sustainable-use, protection, conservation and management and development of inland, coastal and marine, lake and river basin aquaculture operations, whether occurring on private, public or community land, both natural and man-made.

Application.

4. The objectives of these Regulations shall be to—

Objective.

- (a) provide for participatory conservation of aquaculture resources in Kenya;
- (b) promote the integration of wise-use of aquaculture resources and operations in the local, county, and national management for ecological, aesthetic, cultural and socio-economic development;
- (c) ensure the protection of the diversity of aquaculture habitats, flora and fauna;
- (d) promote awareness creation, education, research, indigenous knowledge and partnerships with other relevant institutions in the management of aquaculture systems;
- (e) prepare and maintain an up-to-date inventory and database of aquaculture operations, for prioritization of relevant interventions; and
- (f) protect aquaculture operations on land, in river basins, lakes and coastal zones from pollution including siltation, agricultural and infrastructural developments, overexploitation, alien and invasive species, and other activities likely to degrade such ecosystems.

#### PART II – PROTECTION AND MANAGEMENT OF AQUACULTURE ACTIVITIES

5. (1) The aquaculture development plan shall, in addition to the requirements under section 62 of the Act, include the following—

Aquaculture  
development plan.

- (a) provide a national vision for the development and management of the aquaculture sector; and
- (b) provide for an integrated and coordinated approach to the development and management of the aquaculture sector by the National Government, Counties, representative non-



governmental organisations, the private sector, local communities, individuals and the youth.

(2) The Cabinet Secretary shall, within sixty days of the adoption of the national aquaculture development plan or of any substantial amendment to it give notice to the public—

- (a) of the adoption of the plan; and
- (b) that copies of, or extracts from, the plan is available for public inspection at specified places; and
- (c) publish a summary of the final development plan in the Gazette

(3) The aquaculture development plan shall take into account the following—

- (a) principles of the Constitution;
- (b) international standards and the international agreements to which Kenya is a party;
- (c) provide a national vision for the development and management of the aquaculture sector;
- (d) provide for an integrated and coordinated approach to the development and management of the aquaculture sector by the National Government, Counties, representative of non-governmental organisations, the private sector, local communities, individuals and the youth; and
- (e) a strategy for monitoring progress at least on an annual basis, and as appropriate an evaluation of the implementation of the aquaculture plan that preceded it.

6. (1) A County shall, within two years of the commencement of these Regulations and after consultation with the relevant stakeholders, develop and adopt a county aquaculture development plan for the County.

County  
aquaculture  
development plan.

(2) The County shall review the county aquaculture development plan at least once every three years and may, when necessary, amend the strategy.

(3) Before adopting or substantially amending a county aquaculture development plan contemplated in sub-regulation (1), the County shall invite members of the public to submit written or oral representations on, or objections to, the county aquaculture development plan.

(4) A County shall, within sixty days of the adoption of a county aquaculture development plan, implement the Plan according to the county implementation framework developed in accordance with these Regulations.

7. (1) The county aquaculture development plan envisaged by regulation 6 shall—

- (a) be informed by the development plans, programme or strategies of the County;

Contents of the  
county  
aquaculture  
development plan  
and Strategy



- (b) provide for an integrated, coordinated and uniform approach to the development and management of the aquaculture sector in the County;
  - (c) be represented by relevant national agencies and institutions relevant to the aquaculture sector; and
  - (d) be aligned with the national aquaculture development plan.
- (2) A County aquaculture development strategy shall contain—
- (a) a vision for the development of the aquaculture sector in the County, including the sustainable use of natural resources;
  - (b) goals for realizing the vision in the County; and
  - (c) an action plan for achieving the goals of the County aquaculture development strategy.
- (3) Alignment of aquaculture development plans and County development strategy with other legislation and planning frameworks.
- (4) The Aquaculture development plan and the County aquaculture development strategy envisaged herein shall comply with the provisions of—
- (a) the Physical and Land Use Planning Act;
  - (b) the Land Act; and Cap. 303.
  - (c) any other enactment relevant to land-use planning and water-use planning. Cap. 280.
8. The Director-General shall, in consultation with the designated agencies, develop a national aquatic animal health and welfare monitoring plan which shall—
- (a) guide the management, control and regulation of aquatic animal health, welfare and disease guide other national departments, county departments, research institutions and private sectors on matters related to aquatic animals;
  - (b) provide for health and disease management; and
  - (c) ensure that Kenya fulfils the commitments it has made in regional and international agreements relating to aquatic animal health and welfare to which it is a party. National aquatic animal health and welfare.
9. Subject to applicable regional and international law, the Director-General shall, through the Cabinet Secretary, initiate dialogue with other States to ensure that governments and aquaculture farmers in Kenya and neighboring States are obliged to protect transboundary aquatic ecosystems from—
- (a) escapement of aquaculture species into shared water bodies;
  - (b) waste from aquaculture activities;
  - (c) diseases that are likely to become or have reached epidemic proportions; and
  - (d) effluent that might affect transboundary aquatic ecosystems. Plan with neighboring States.

10. (1) There is established a national aquaculture information system pursuant to section 75(1) of the Act which shall facilitate the effective management and development of the aquaculture sector.

Aquaculture  
information  
system.

(2) The national aquaculture information system shall –

- (a) store, verify, analyse and evaluate data and information and its sources; and
- (b) provide information to—
  - (i) government for the development and implementation of the national aquaculture development strategy and County aquaculture development strategies and the implementation of this Act;
  - (ii) persons undertaking aquaculture activities; and
  - (iii) the public.

(3) The system shall be administered by the Director- General.

(4) The national aquaculture information system shall include an electronic and manual register of, and information related to—

- (a) the holders of aquaculture licences;
- (b) the holders of aquaculture permit;
- (c) aquaculture development zones and buffer zones;
- (d) relevant research findings and recommendations incorporated from recognized national institutions;
- (e) aquaculture production data and information;
- (f) registered aquaculture drugs registered in accordance with the Act or any other relevant law; and
- (g) registered aquaculture feeds registered in accordance with the Act and any other relevant law.

(5) The national aquaculture information system may include—

- (a) the results of aquaculture research undertaken using public funds;
- (b) the results of water quality monitoring undertaken by the recognized national institutions and other relevant organs of state;
- (c) information about disease notification, surveillance and control;
- (d) records regarding the use of aquaculture feeds and drugs;
- (e) movement control records of aquaculture activities for traceability purposes;
- (f) records of the movement of aquaculture organisms and aquaculture products within, into and out of the Republic;

- (g) information about trade in or marketing of aquaculture products;
  - (h) records regarding compliance with the Act; and
  - (i) any other information that the designated officer deems necessary for the effective administration of the Act.
- (6) The national aquaculture information system may be implemented progressively.

(7) The competent authority may require any person, Ministry or agency to provide, within a reasonable time or on a regular basis, any data, information, documents, samples or materials that are reasonably required for the purposes of the national aquaculture information system or for achieving the objects of the Act and these Regulations.

(8) The competent authority shall, subject to any other legislation relating to access to information and the protection of confidentiality, enable the public to access the information contained in the national aquaculture information system.

(9) The Director-General shall, in coordination with the County governments, put in place an Information Communication Technology infrastructure to host a national aquaculture data base to enhance information sharing and access pursuant to section 75(1) of the Act.

(10) Counties shall, pursuant to the provisions of sub-regulation (9), collaborate jointly with the national government in maintaining and updating the national aquaculture data base.

### PART III - LICENSING AND REGISTRATION OF AQUACULTURE OPERATIONS

11. A person engaged in aquaculture activities shall, in addition to meeting the conditions provided under section 122 of the Act, take all reasonably practical measures to avoid or minimise any harmful environmental impact caused by aquaculture, including—

- (a) harm to the environment by alien and invasive species;
- (b) contamination of the environment by genetically modified organisms; and
- (c) prevention of the escape of live aquaculture organisms into the aquatic environment of the Republic.

12. (1) A person who wishes to operate a commercial aquaculture establishment shall apply for an aquaculture licence to the Director-General in accordance with section 119 of the Act and in the Form set out in the First Schedule.

(2) When considering an application under sub-regulation (1), the Director-General shall, in addition to the standards of approval provided under section 120 of the Act, consider—

- (a) whether granting the licence is consistent with—
  - (i) the objects of the Act and these Regulations;

Conditions for  
aquaculture  
licences.

Application for a  
licence.

- (ii) responsible aquaculture development; and
  - (iii) any mandatory standards, guidelines or requirements that have been set in terms of the Act and these Regulations;
- (b) if the applicant is the holder of a pilot scale aquaculture licence, any reports on the activities conducted by the applicant under that licence;
- (c) the applicant's submissions;
- (d) any submissions received from a County and any interested and affected persons;
- (e) any relevant Guidelines, Code of Practice or other requirements published by the competent authority; and
- (f) whether the applicant meets the requirements of Chapter Six of the Constitution of Kenya.
- (3) Where the Director-General approves the application under sub-regulation (1), the Director-General shall either—
- (a) issue an aquaculture licence within thirty working days of the decision to approve the application in the Form set out in the Second Schedule; or
  - (b) reject the application.
- (4) Where the Director-General refuses the application for an aquaculture licence, Director-General shall inform the applicant with written reasons for the refusal and the applicant shall be given an opportunity to appeal within seven working days.
- (5) The Director-General shall constitute an evaluation committee within twenty-one days of receiving the appeal to review and submit recommendations on the appeal.
- (6) Upon receiving the recommendations, the Director-General shall within fourteen days of receiving the evaluation report inform the applicant of the decision to uphold the refusal within fourteen days.
- (7) Any person who contravenes the provisions of this section shall, on conviction, be liable to the penalties provided under section 116(2) of the Act—
13. (1) An application for renewal of a licence, shall —
- (a) be made in accordance with regulation 12;
  - (b) be accompanied by the fee specified in the Schedule which shall be reviewed from time to time in consultation with the Director-General and the County Executive Committee Member;
  - (c) be accompanied by a site suitability report sourced from designated agency depending on the type of an aquaculture system, describing the overall location of the proposed site and the specific deployment of facilities and structures;

Renewal of a licence.



- (d) include such other information as may be specified in the guidelines referred to in regulation 12(2)(e) depending on the type of an aquaculture system;
- (e) be accompanied by a no objection letter from the community management unit associated with the potential space or area for aquaculture operations as may be appropriate depending on the type of an aquaculture system;
- (f) be accompanied by a no objection or approval letter from the County Department responsible for aquaculture; and
- (g) a concession letter from the National Land Commission depending on the aquaculture system.

(2) The requirements referred to in sub regulation (1) shall demonstrate that the applicant is able to comply with all applicable regulatory requirements, including those contained in—

- (a) the Act and these Regulations;
- (b) any code of practice or standards applicable to the proposed aquaculture activities;
- (c) an environmental management plan indicating the Environmental and Social Impact Assessment finalized report pursuant to the Environmental Management and Coordination Act, in accordance with regulation 36; and
- (d) any other regulatory requirements applicable to the proposed aquaculture activities, arising under other enactments.

Cap. 387.

(3) Sub-regulations (1) and (2) shall apply to aquaculture establishments such as hatcheries, and any other aquaculture production facility provided for under the Act.

14. Unless otherwise provided, aquaculture organisms and aquaculture products—

- (a) specified in a licence, permit or exemption relating to commercial aquaculture are owned by the holder of that licence, permit or exemption;
- (b) farmed or produced by a person lawfully engaged in subsistence aquaculture, are owned by that person; and
- (c) farmed or produced by a person lawfully engaged in semi-commercial aquaculture for which a licence, permit or exemption is not required, are owned jointly by the persons undertaking that enterprise.

Ownership of aquaculture organisms and products.

15. (1) A person who wishes to harvest the products in an of an aquaculture establishment shall apply for an aquaculture permit to the Director-General in the Form set out in the Third Schedule.

Application for an aquaculture permit.

(2) Upon receipt of the application to the Director-General, and where a designated officer is satisfied with requirements in regulation 11, the applicant shall submit recommendations to the Director-General for inspection of the proposed site for issuance of an aquaculture permit in accordance with section 121 of the Act.



(3) The Director-General may require an authorized officer to inspect any site proposed by a permit applicant for the establishment of an aquaculture establishment to determine the suitability or otherwise of such site for use as an aquaculture establishment.

(4) After receipt of an application pursuant to sub-regulation (2) and (3), the Director-General shall ensure that any relevant environmental standards for the proposed aquaculture project are being met, including requirements for siting, emissions and other relevant matters under the Environment Management and Coordination Act, and may, in consultation with the relevant County, determine whether the applicant is required to submit an environmental assessment of the proposed aquaculture project;

Cap. 387.

(5) If the applicant is required to undertake an environmental impact assessment under the Environmental Management and Coordination Act, the application shall be accompanied by a copy of any environmental impact assessment report and the recommendations of any person responsible for reviewing the environmental impact assessment report.

Cap. 387.

(6) The applicant shall give notice of the application, in such manner as may be prescribed and at the applicant's expense, to such person or persons, including the public in general, as the designated officer may determine, and such notice shall invite all those to whom it is addressed to submit in writing to the designated officer, within thirty days from the date of the notice, any objections to or representations in connection with the application;

(7) The Director-General shall allow the applicant an opportunity to make representations on any objections to the application.

(8) The Director-General may by written notice require an applicant, at the applicant's cost, to obtain and provide within a specified period any other information reasonably required to make a decision on the application;

(9) If, before a permit is issued, there is any change in the particulars submitted under sub-regulation (2) or, where an environmental assessment is required, any change in the information on which the environmental assessment is based, the applicant shall immediately communicate such change or changes in writing to the Director-General;

(10) An aquaculture permit may authorise the undertaking of one or more aquaculture activities involving one or more species of aquaculture organism on a single site; or on more than one site provided that the sites are within the same aquaculture development zone or catchment;

(11) A person who contravenes any of these Regulations commits an offence and shall be liable the penalties provided under section 119 and 88 of the Act and section 58 of the Environment Management and Coordination Act, and any licence issued pursuant to this Act which is held by such person shall be revoked.

Cap. 387.

16. Subject to the Director-General approval, an aquaculture permit to undertake any of the following activities may be issued per consignment as shall be provided for in the permit of -

- (a) transporting live aquaculture organisms;
- (b) collection of brood-stock for aquaculture;
- (c) import of live aquaculture organisms or aquaculture products;
- (d) import of formulated feed for use in aquaculture; and
- (e) export of aquaculture organisms or aquaculture products.

Validity period of permits.

17. (1) Any person who establishes an aquaculture seed production facility, including the hatchery, fish management and fish husbandry, shall apply to the Director-General for a permit in the form set out in the Fourth Schedule.

Requirements for seed and feed production facility.

(2) The application in sub-regulation (1) shall be accompanied by proof of the following—

- (a) approved statutory documents as required by the competent authority;
- (b) approved layout plan of the production establishment as prescribed in the Physical and Land Use Planning Act;
- (c) good quality and adequate water supply all year round;
- (d) brood stock of known origins for traceability;
- (e) cemented methods to monitor and maintain good water quality;
- (f) qualified hatchery manager, fish management and fish husbandry competent staff and a management plan;
- (g) adequate technology and reliable production facilities;
- (h) use of only approved hormones and gonadotropins for sex reversal and propagation;
- (i) production and handling materials and equipment such as; aerators, graders, digital balances, fish handling nets, water quality meters, incubators, seine nets, hapa nets, packaging containers, oxygen facilities and trays;
- (j) adequate and safe storage facilities for biological and chemical agents;
- (k) equipment for handling fish seed that should be maintained clean and stored safely in designated areas;
- (l) designated areas for storage of general packaging material and for packing fish seed and feed;
- (m) experience in conditioning and transportation of live fish for high survival rates.

Cap. 303.

- (n) records of origin of inputs;
- (o) adequate biosecurity and biosafety measures in place;
- (p) appropriate personal protective gear for personnel and visitors;
- (q) a well-documented personal and visitor's hygiene procedure;
- (r) well-designed inlet and drainage system equipped to screen water into and out of the hatchery;
- (s) documented procedures for waste disposal and management;
- (t) documented standard operating procedures displayed at all designated areas;
- (u) arrangements in place for routine inspections and monitoring by the designated officers; and
- (v) an optional business plan to assist in profitability assessment.

(3) The Director-General shall, in consultation with other relevant agencies, operationalize the best management practices for quality brood stock in any production facility, including to a hatchery, fish management and fish husbandry, with the following components—

- (a) utilize brood-stock from known published authenticated sources in a manner prescribed by the competent authority;
- (b) keep different species and strains in secure and separate holding facilities while maintaining systematic records;
- (c) prevent any deliberate or accidental introduction of inferior fish species, which may crossbreed with the desired fish species; and
- (d) manage brood-stock properly to prevent disease outbreaks.

(4) The Director-General shall prescribe measures for compliance of packaging, labelling and traceability of fish seed from a production facility, including a hatchery, fish management and fish husbandry which may comprise—

- (a) fish handling in a manner that minimizes injury or stress;
- (b) packaging of fish seed in oxygenated/aerated and suitable weather-resistant material;
- (c) packaging materials consisting of aerated tanks inflated oxygenated bags and the packaging container to be clean and durable for transportation;
- (d) the number of fish seed in a package to be determined by the species of fish, the volume of oxygen, the average weight of the fish packed, the volume of the container, duration of transportation and the distance to be covered;
- (e) each package for fish seed to be of correct water temperature that favours survival of the fish; packaging materials to be

adequately labelled and contain the information of name of the product including species name; size, age and quantity of the fish seed; batch number; name and physical address of the hatchery, fish management and fish husbandry; instructions for handling; and name and address of the consignee.

(5) Every person who operates an aquaculture establishment, including a production facility, and not limited to a hatchery, fish management and fish husbandry, shall be required by the Director-General to maintain and furnish documentation that may not be limited to the following—

- (a) reporting of the feed safety incidents to the designated officer;
- (b) have approved Hazard Analysis of Critical Control Points manual and the Sanitary Standard Operation Procedures;
- (c) ensure compliance of any feed additives and veterinary drugs used;
- (d) have a protocol for customer complaints and redress;
- (e) undertake periodical external audit for compliance through inspection and control procedures;
- (f) allow for periodical sampling and testing of the facilities and records of such an activity kept for a period not exceeding three years;
- (g) have a documented recall procedure; and
- (h) undertake authentication procedures prescribed by the competent authority.

(6) Upon application to the Director-General, and where a designated officer is satisfied with the requirements in sub-regulation (2), shall submit recommendations to the Director-General for inspection of the proposed site for issuance of an aquaculture permit.

(7) The Director-General may require an authorized officer to inspect any site proposed by a permit applicant for the establishment of an aquaculture establishment to determine the suitability or otherwise of such site for use as an aquaculture establishment.

18. (1) The licence holder shall inform the Director-General in writing not less than thirty days prior to the planned cessation of aquaculture activities at an aquaculture facility.

Cessation of  
aquaculture  
operations.

(2) On receiving the notification, the Director-General shall—

- (a) respond to the application by specifying the date for decommissioning of the aquaculture facilities;
- (b) provide a record of documentation of the equipment, live specimen and quantities of materials to be removed from the site; and

- (c) supervise the decommissioning of the facilities.

#### PART IV - REGISTERS AND INFORMATION

19. The Director-General shall maintain a national register of all licences and permits issued under the Act and these Regulations in accordance with section 81 of the Act.

Register of permits.

20. Any person may access the register in accordance with section 81(8) of the Act during official working hours.

Inspection of register.

21. (1) A license holder shall maintain accurate records as set out in the Fifth Schedule with respect to the aquaculture facility relating to—

Maintenance of records by licensees.

- (a) the type and amount of food used in relation to the aquatic organisms at the site or aquaculture facility;
- (b) the type of any medication, including drugs, antibiotics or other chemicals used in relation to aquatic organisms, including the dosage and treatment date and the duration of any veterinarian treatments;
- (c) the source, number and specific location of all aquatic organisms;
- (d) a record of all disposals and sales of aquaculture products, including the date, number or weight and destination of each disposal and sale.

(2) Every person who operates an aquaculture establishment, including a production facility, a hatchery, fish management and fish husbandry, shall be required by the Director-General to maintain and furnish documentation containing the following—

- (a) reporting of the feed safety incidents to the designated officer;
- (b) have approved Hazard Analysis of Critical Control Points manual and the Sanitary Standard Operation
- (c) standard operating procedures;
- (d) ensure compliance of any feed additives and veterinary drugs used;
- (e) have a protocol for customer complaints and redress;
- (f) undertake periodical external audit for compliance through inspection and control procedures;
- (g) allow for periodical sampling and testing of the facilities and records of such an activity kept for a period not exceeding three years;
- (h) have a documented recall procedure; and
- (i) undertake authentication procedures prescribed by the competent authority.



## PART V - WATER QUALITY MANAGEMENT

22. Any person engaged in aquaculture activities who—

Management of water resources.

- (a) takes water from a water resource without a water abstraction permit;
- (b) alters the beds, banks or course or characteristics of a water course;
- (c) impedes or divert the flow of water in a water course without authorization; and
- (d) disposes of waste in a manner which may detrimentally impact on a water resources without a licence, permit or authorization as required under the Act, these Regulations or any other enactment.

commits an offence and shall be liable to a penalty under section 122 of the Act.

23. (1) Each person engaged in commercial aquaculture in Kenya shall—

Control of pollution and waste.

- (a) comply with the provisions of the Sixth Schedule of the Environment Management and Coordination Act; and
- (b) comply with the specific terms and conditions relating to control of pollution and waste set out in the commercial aquaculture licence and or permit as the case may be.

Cap. 387.

(2) Where any person fails or apparently fails to fulfil the conditions set out in sub-regulation (1), the Director-General may, in consultation with relevant agencies, notify such person in writing of the requirement to take measures to restore the applicable facility or area to such standard as the designated officer may specify, within a stated period of time, and may upon inspection require such person to redesign the applicable area;

(3) Each person who is notified by the Director-General to sub-regulation (2) shall promptly fulfil the requirements set out in the notification.

(4) A person who contravenes sub-regulations (1) to (3) commits an offence and shall be liable to a penalty under section 122 of the Act and in addition shall be responsible for compensation for the costs of restoring the applicable area as required.

(5) Subject to applicable regional and international law, the Director-General shall, in consultation with the Cabinet Secretary, initiate dialogue with other riparian States to ensure that governments and aquaculture farmers are obliged to protect transboundary aquatic ecosystems from—

- (a) waste from aquaculture activities; and
- (b) effluent that might affect transboundary aquatic ecosystems.



1.3 Existing / Previous approvals for the aquaculture installations				
Department of Environment	Yes	No	Permit #	Expiry Date
Water Permit				
Other Permits				

1.4. Location of aquaculture site & property ownership status: *(Please provide the following information)*

1.4.1 Location of site (town/village/community): \_\_\_\_\_ Street: \_\_\_\_\_

County: \_\_\_\_\_ Property Identification Number (PID) \_\_\_\_\_

Name of road/street that is used to access the aquaculture site: \_\_\_\_\_

1.4.2 Survey / Topographic map no.: \_\_\_\_\_

A copy of the applicable section of the topographic map (1:50 000) identifying the location of the site shall be included.

Are you the owner or lessee of the property where the proposed / existing aquaculture activity is / will be located? *(Please provide copies of ownership or lease/rental documents).*

(a) Please identify the nature of the use of the groundwater source of other users noted in (a) above.

(b) For operations processing to use a groundwater resource (a well), please identify other users of a ground water source within 250m

Stock identification: *(Please provide the following information)*

1.6.3 Are there any other users (including aquaculture facilities) within 1km of the water system you propose to use? If yes, identify the distance and the operator/use. If space provided is insufficient, please provide information as an attachment.

Downstream Distance \_\_\_\_\_ Operator/User \_\_\_\_\_

Use: \_\_\_\_\_

Upstream Distance \_\_\_\_\_ Operator/ User \_\_\_\_\_

Use: \_\_\_\_\_

1.7.1 Identify the species you wish to culture, including the development stage at the time of purchase and supplier.

1.7.2. What is the maximum number and average size of all your classes that will be held at the site?

1.7.3 What is the maximum daily amount of feed in kilograms: kg

1.8 Applicant's signature: <i>(Please sign your name in the space below)</i>	
Signature: _____	Dated: _____
Applicant	

For Official Use Only	
Aquaculture application fee received: _____	Receipt #: _____
	Dated: _____
Received by: _____	
Number	Size
<i>Example:</i> 2000	300 grams (3/4 lb)
Applications for aquaculture licenses should be submitted to the State Department of Fisheries & Blue Economy	
Application Fees	
Please enclose your KSh. xxx ( <i>discuss with stakeholders</i> ) application fee	

Species	Supplier(s) and Address(s)	Development stage
	XYZ Fish Hatchery Ltd. Sussex, NB	7.6 cm (3 ) feeding fry

SECOND SCHEDULE (r. 12(3)(a))  
AQUACULTURE LICENCE

Serial No: .....

Identification No: .....

LICENCE is hereby granted to.....

to carry on the following regulated Aquaculture activity:

.....  
.....

Designated area of business

.....  
on condition that the licensee shall—

- (a) adhere to the provisions of the Act and the Regulations.
- (b) Meet the conditions attached to this licence.
- (c) .....
- (d) .....

Fees Paid: .....

This Licence is valid up to .....

Date of issue: .....

.....

*Director General,  
Kenya Fisheries Service*

Signature/Seal stamp

THIRD SCHEDULE (r. 15(1))

APPLICATION FOR COMMERCIAL AQUACULTURE PERMIT

1. Name of applicant:
2. Name of group, co-operative, business, partnership or company associated with the application. In the case of a company, attach a statement of the shareholding of the company, the register of directors and the beneficial ownership of shares in such company.
3. Business address, telephone number, facsimile number and e-mail address:

Type of application: Check box relevant New application Renewal

Aquaculture licence

This application form is used for licence and renewals



## 4. Type of aquaculture – check relevant box:

Type	Brief Description (Pond; Pen; Cage; Other Systems)
Freshwater Land Land & Freshwater	
Lake	
Marine	
Hatchery	
Broodstock	

5. Approval from NEMA:
6. Trade licence where applicable:
7. KEBS certification:
8. Production technology used:
9. Aquatic species to be cultivated:
10. Characteristics of broodstock:
11. Seed production features:
12. Disease control mechanisms:
13. Packaging, labelling and traceability features:
14. Fish seed transportation features:
15. Location, size and description of the site at which it is proposed to undertake aquaculture:
16. Source of the stock of aquatic organisms for cultivation:
17. Maximum annual production intended, in quantity or weight per year:
18. Brief description of the type and size of aquaculture facilities to be used:
19. Source of water supply, indicating whether it is fresh water, and if appropriate, the flow rate:
20. Brief statement as to whether effluent is to be discharged to waters and, if so the annual quantity and composition of such discharge:
21. Other information, including such other information as the applicant considers relevant to this application (*use attachments if necessary*):

FOURTH SCHEDULE

(r. 17(1))

AQUACULTURE PERMIT

Serial No: .....

Identification No: .....

PERMIT is hereby granted to.....  
to harvest the following products in an aquaculture establishment:

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

on condition that the licensee shall—

- (a) adhere to the provisions of the Act and the Regulations.
- (b) Meet the conditions attached to this permit.
- (c) .....
- (d) .....

Fees Paid: .....

This permit is valid up to .....

Date of issue: .....

.....

*Director General,  
Kenya Fisheries Service*

Signature/Seal stamp

## FIFTH SCHEDULE

r. 21

## RECORDS TO BE MAINTAINED AND MADE AVAILABLE FOR INSPECTION

A licence holder shall enter in their books or registers the information concerning

- (1) the aquatic organisms cultivated, raised or kept in captivity
- (2) the feeding of the aquatic organisms
- (3) the health of the aquatic organisms
- (4) the non-prescription products used to treat the aquatic organisms
- (5) The water processing products and the cleaning products for the equipment and facilities in contact with the aquatic organisms

Information concerning the aquatic organisms cultivated, raised or kept in captivity shall be entered for each species according to number or weight and size or age category, and pertains to

- (1) all the supplies, stating for each of them: (a) the genetic line or strain; (b) the name and address of the supplier; (c) the date of receipt; and (d) the name and address of the carrier;
- (2) the production of seeds, eggs, spats, cuttings, rhizomes, stolons or tubers and the eggs or spats harvested or the number of collectors used for that purpose and the date on which they were put into or removed from the water;
- (3) the inventories of the aquatic organisms, including each inventory date;
- (4) in the case of an aquaculture licence, the sales, including their date and, for wholesale sales, the name and address of each purchaser, the shipping date and the intended purposes for which the aquatic organisms are to be used;
- (5) in the case of a fishing pond licence, the fish caught by fishers on each day of operation; and
- (6) Any massive loss of the aquatic organisms, including the date and cause of the event and the disposal method and site.

## A. Feeding

Information concerning the feeding of the aquatic organisms shall be entered by food type, whether as dry or semi-moist food, live products or fertilizers, and pertains to:

- (1) supplies, including the product name and quantity, the supplier's name and address and the date of receipt; and
- (2) In the case of food prepared by the licence holder information ON each ingredient used in the preparation.

## B. Health

Information concerning the health of the aquatic organisms pertains to:

- (1) consultations with veterinarians or specialists, including their name and professional address, the date and purpose of the consultation, the diagnostic and, where applicable, the proposed treatment and its duration;
- (2) the date of the various analyses and their results and the name and professional address of the persons who made them;

- (3) the purchase of prescription products such as drugs, vaccines or medicinal foods, including the product name and quantity, the supplier's name and address and the date of receipt; and
- (4) If a treatment is administered, the chemicals/drugs used, the dates on which it begins and ends, the method of administration and, if a waiting period is required, the daily water temperature of each cultivation or raising unit, or fishing pond basin, containing the treated aquatic organisms.

C. Non-prescription products

Information concerning non-prescription products used to treat aquatic organisms pertains to

- (1) supplies, including the product name and quantity, the supplier's name and address and the date of receipt; and
- (2) The use of the products, including the date and method of administration and the quantity or concentration used.

D. Water processing products and cleaning products

Information of relevance relates to the water processing products and the cleaning products for the equipment and facilities in contact with the aquatic organisms is to specify the name of the product used, the date and method of use, and the quantity or concentration used.

E. Documents that may be substituted for records kept by licensee

A licence holder's invoices, veterinary prescriptions, analysis reports and other supporting documents may stand in lieu of the books or registers if they contain the information required.

F. Duration

A licence holder shall keep in chronological order the invoices, veterinary prescriptions, analysis reports and other supporting documents throughout the duration of a production cycle, plus 3 years. The licence holder shall also keep, for the same duration as of the last entry, the books, registers and other documents used in the aquaculture activities.

Made on the 13th February, 2024.

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

