

LEGAL NOTICE NO. 124

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

*Regulation*

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## THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

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

THE FISHERIES MANAGEMENT AND DEVELOPMENT  
(GENERAL) REGULATIONS, 2024

## PART I – PRELIMINARY

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

Citation.

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

Interpretation.

“Act” means the Fisheries Management and Development Act;

Cap. 378.

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

“Cabinet Secretary” has meaning assigned to it under the Act;

and

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

## PART II —LICENSING AND AUTHORIZATION

3. (1) An application for a licence, permit, authorization or certificate of registration shall be made in accordance with sections 84 and 89 of the Act and the respective Regulations relating to the type of licence, permit, authorization or registration.

Application, grant and denial.

(2) An application for licence, permit, authorization or registration certificate may be denied in accordance with sections 86 and 88 of the Act.

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

Power to impose conditions.

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

(a) the stock, size, sex, weight and quantities of fish to be harvested or any matter relating thereto; or

(b) the methods used for the fishing and disposal of fish or particular species of fish and the use of any equipment, appliance, instrument, net and fishing weir.

(3) The County Executive Committee Member may, subject to section 84(2)(a) and (b), impose conditions as to—

(a) the methods used in disposal of fish;

(b) conditions for fresh fish movement, storage and marketing;

- (c) general hygiene conditions of fish landing stations, auction, wholesale and retail markets;
- (d) general health conditions for fish processing facilities;
- (e) conditions for handling fish and fish products on-shore;
- (f) conditions for culture and placing on the market of fish culture products; or
- (g) recreational fishing vessels.

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

Power to modify.

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

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

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

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

Power to suspend or cancel.

- (a) such a suspension, cancellation or revocation is necessary or expedient for the proper management of trade, or fishing industry for such a period as he deems fit in the whole or in specified parts of the country; or
- (b) the licences, permit, authorization or certificate of registration has been used in contravention of any regulation or any conditions therein.

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

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

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

Grounds for denial of a licence.

### PART III—GENERAL PROVISIONS

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

Revocation and conditions for validity.

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

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

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

Appeals.

- (a) the refusal of the Director-General or County Executive Committee Member to issue a licence, permit, authorization or certificate of registration to him;
- (b) the suspension, cancellation or revocation of a licence, permit, authorization or certificate of registration by the Director-General or County Executive Committee Member; or
- (c) any condition or restriction attached or imposed on a licence, permit, authorization or certificate of registration,

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

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

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

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

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

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

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

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

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

Fish landing.

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

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

## SCHEDULE

(r. 11)

## DESIGNATED FISH LANDING STATIONS

## 1. Lake Victoria

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

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

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

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

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

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

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

Made on the 10th July, 2024.

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