

(Legislative Supplement No. 18)

LEGAL NOTICE NO. 48

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 39 (2) of the Fisheries Management and Development Act, the Director-General of the Kenya Fisheries Service, in consultation with relevant county governments prescribes the measures set out in the Schedule hereto with respect to the marine aquarium fishery.

SCHEDULE

THE MARINE AQUARIUM FISHERY MANAGEMENT PLAN, 2025

1. This Management Plan shall be cited as the Marine Aquarium Fishery Management Plan, 2025. Citation.

2. In this Management Plan, unless the context otherwise requires— Interpretation.

“Act” means the Fisheries Management and Development Act;

“aquarium fish dealer” means an individual or establishment involved in collecting, transporting, holding, buying and selling aquarium fish for the purpose of trade; Cap. 378.

“aquarium fish” means any fish including brood, fry or ova thereof which are or may be intended for capture by or sale to any person for the purpose of display for recreation but not as food;

“aquarium” means an artificial pond or tank used for keeping or displaying live fish aquatic plants as pets or for decorative, ornamental or entertainment purposes;

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

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for fisheries;

“catch per unit effort” means the amount of the catch that is taken per unit effort where the unit of effort can be measured in terms of number of fishers, vessels, engine power, fishing gears and time;

“closed area” means a specified area where collection of marine aquarium fish is prohibited for a particular period of time as provided for by the relevant laws or regulations;

“closed season” means a specified period where collection of marine aquarium fish is prohibited as provided for by the relevant laws or regulations;

“coral” means calcareous skeleton secreted by polypoid coelenterates of the class Anthozoa or Hydrozoa;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for fisheries in a County;

“Director-General” means the person appointed as such under section 15 of the Act;

“ecosystem approach to fisheries” means an integrated framework for managing fisheries that balances ecological considerations for maintaining healthy resilient resources with human components and their interaction;

“fishing ground” means marine fishery waters open for collection of aquarium fish;

“harvest strategy” means a framework that specifies pre-determined management actions including monitoring, assessment, decision rules and triggers in a fishery for a defined species;

“hookah” means a breathing apparatus which supplies air from the surface using a hose pipe used for diving purposes;

“invertebrates” means animals that do not possess or develop a vertebral column and includes crabs, lobsters, snails, clams, octopuses, starfish, sea urchins, anemones and worms;

“Service” means the Kenya Fisheries Service established under section 7 of the Act;

“precautionary approach” means a strategy of addressing possible risks in a situation where scientific information is unavailable or limited;

“scuba” means self-contained underwater breathing apparatus;

“target species” means those species that are sought by the fisher and are the subject of directed fishing effort;

“the fishery” means the marine aquarium fishery; and

“total allowable catch” means a scientifically determined catch recommended to be taken from a resource in a specified period, usually a year, as defined in the Management Plan.

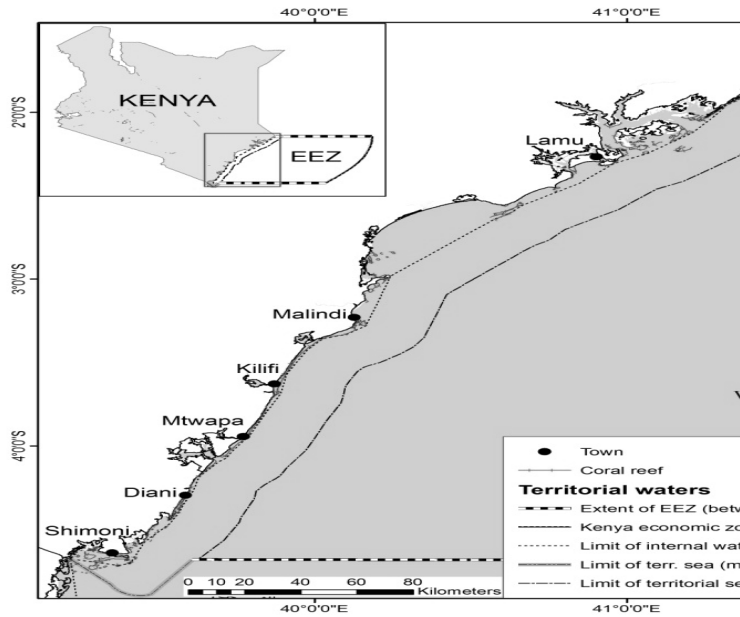
3. The objective of this Management Plan shall be to—

- (a) ensure long-term biological sustainability and ecological integrity of the marine aquarium fishery;
- (b) maximize social and economic benefits from marine aquarium fishery to the local community, County and National governments; and
- (c) improve governance of the marine aquarium fishery

Objectives of this Management Plan.

4. (1) The geographical area covered by this Management Plan shall be the delineations provided for under the Kenya Maritime Zones Act.

Geographical area.
Cap. 371.



Map of the geographical extent of the marine aquarium fishing grounds.

(2) For the purposes of this Management Plan, the reference points for measuring distances from the shoreline shall, be as specified under the Maritime Zones Act. Cap.371.

5. This Management Plan applies to live fish and invertebrates traded for display in tanks and public aquaria including wrasses, damselfishes, anthiases, blennids, scorpionfishes, angelfishes, surgeon fishes, gobies, butterflyfishes, dartfishes, pufferfishes, soft corals, shrimps, molluscs, crabs, lobsters, feather worms, anemones and starfishes. Target Species.

6. This Management Plan shall apply the following fishing methods— Fishing methods.

- (a) snorkeling and diving using underwater breathing apparatus including scuba and hookah;
- (b) associated gears such as barrier nets of varying mesh sizes;
- (c) hand-held scoop nets that are used to trap and collect fish and invertebrates;
- (d) temporary storage in plastic buckets while in the water; and
- (e) transportation in oxygenated plastic bags to holding facilities.

7. The fishing grounds shall be within the coral reef areas such as reef flats, lagoon and seaward reefs, and reef slopes, in depths of up to about thirty metres, and shall be spread from Shimoni to Lamu. Fishing grounds.

8. This Management Plan complies with the national, regional and international fisheries management principles and best practices and shall— Management approach.

- (a) apply the precautionary approach based on the best available scientific information;
- (b) apply an adaptive approach in response to the existing level of uncertainty with respect to the status of target and non-target species; and
- (c) complement existing measures and programmes instituted for the management of fisheries resources.

9. The Director-General shall, in implementing this Management Plan, apply the harvest strategy set out in the Annex 1. Harvest strategy.

10. (1) The Director-General shall apply the following management measures under this Management Plan— Management measures

- (a) subject to the provisions of the Act, introduce an aquarium fishing licence;
 - (b) introduce total allowable catch of pieces of aquarium fin-fish and invertebrates per annum in accordance with Annex 2, guided by the harvest strategy set out in Annex 1;
 - (c) implement guidelines to administer the total allowable catch in a participatory manner;
 - (d) regulate wild collection of anemone-fishes and angelfishes;
 - (e) prohibit the capture of non-target species;
 - (f) establish maximum catch and minimum size limits for vulnerable target species;
 - (g) marine aquarium fishing shall be ring-fenced for Kenyans;
 - (h) protect key-stone target species, species with essential ecological roles and vulnerable target species;
 - (i) promote artisanal fishing gear technologies that reduce the capture of target marine aquarium species;
 - (j) prohibit collection and trade in wild-harvested live rock; and
 - (k) promote and regulate culturing of live rock.
- (2) The Director-General shall—
- (a) cause to be kept an up to date register of marine aquarium fishers and dealers in the supply chain;
 - (b) designate marine aquarium fishing zones;
 - (c) prohibit marine aquarium fishing in marine reserves and community closed areas;
 - (d) introduce closed areas and seasons;
 - (e) specify appropriate fishing gears for marine aquarium fishing and the optimum dimensions;
 - (f) regulate the use of the hookah in aquarium fishing;
 - (g) implement regulations and guidelines for new aquarium fishing technologies;
 - (h) establish an inspection and observer programme for the marine aquarium fishery supply chain;

- (i) implement a traceability system for the marine aquarium fishery along the supply chain;
- (j) implement a standardized data collection and reporting protocols along the supply chain;
- (k) require mandatory reporting of aquarium fisheries data in the prescribed format; and
- (l) require the timely provision of catch data.

11. (1) The Director-General shall—

Education and
capacity building.

- (a) promote education, capacity building and awareness for sustainable marine aquarium fisheries;
- (b) upscale and implement breeding and mariculture technologies of key target species; and
- (c) enforce minimum requirements for life-saving skills and equipment for marine aquarium fishing.

(2) The County Executive Committee Member shall, in consultation with other key players—

- (a) facilitate savings and credit;
- (b) implement a marketing information sharing system and benefit sharing mechanisms; and
- (c) facilitate aquarium fishers to form associations

(3) The Director-General shall, in collaboration with the County Executive Committee Member, operationalize an inter-agency network and information sharing framework.

12. The Director General and the County Executive Committee Members, in collaboration with the Kenya Marine and Fisheries Research Institute, the Authority and other relevant institutions, shall implement a monitoring and research plan and mobilize funds to—

Research.

- (a) regularly monitor changes in catch, effort and catch per unit effort by species and area;
- (b) assess fisheries independence to monitor changes in distribution, abundance and population structure of target species and habitat characteristics in key fishing grounds;
- (c) collect biological data for key aquarium target species;
- (d) determine and monitor sustainable harvest rates and catch limits;
- (e) implement a sustainable aquarium fishing and culture technologies;
- (f) market study and economic valuation of the marine aquarium industry; and
- (g) assess the socio economic including the impacts of HIV/AIDS and drug abuse on aquarium fishers.

13. The National Government shall—

Monitoring and
Evaluation.

- (a) implement a monitoring and evaluation framework;

- (b) disseminate the monitoring and evaluation information for feedback purposes in collaboration with the implementation committees, beach management units, aquarium industry and other stakeholders; and
- (c) establish a system for external review and audit of the implementation of the Management Plan.

14. The County Executive Committee member shall, in consultation with the Director-General, facilitate the vulnerable, the marginalised, the women and youth to invest in marine aquarium fishery.

Special considerations.

15. (1) The Director-General shall, in consultation with the County Executive Committee Member, constitute a Committee comprising of the County Governments and key marine aquarium fishery stakeholders to oversee the implementation of the Management Plan.

Institutional and financing.

(2) The Director General shall consider all policies and legal issues concerning the implementation of the Management Plan based on recommendations of the Implementation Committee.

(3) The Government shall ensure that mechanisms are in place to provide adequate finances for the implementation, monitoring and evaluation of the Management Plan.

16. (1) This Management Plan shall be implemented by the Director General and the respective County Executive Committee Members, assisted by the Technical Committee, the Implementation Committee, the Implementation Sub-committees, the beach management units, industry, and other resource users.

Implementation and Structure.

(2) The Director General shall, in consultation with the County Executive Committee Members responsible for fisheries, constitute the Implementation Committee within twenty-one days from the date of gazettelement of the Management Plan and provide its operational guidelines.

(3) The Director General in consultation with the County Executive Committee Members shall appoint a Chairperson to the implementation committee within fourteen days after its constitution.

(4) The Committee shall hold office for a term of three years.

(5) Each County Executive Committee Member responsible for fisheries shall constitute the Implementation Sub-committees comprising of relevant marine aquarium fishery stakeholders.

(6) Each County Executive Committee Member shall appoint a county implementation sub-committee Chairman within fourteen days of its constitution.

(7) Membership to the sub-committees shall reflect membership of the Implementation Committee but this may vary based on each county's stakeholder base.

(8) The Director-General shall constitute a technical committee whose membership shall consist of representatives from the Kenya Marine and Fisheries Research Institute, the Authority, the Kenya Wildlife Service, the universities, the Service, the County Fisheries Directorates and non-State actors to engage in marine fisheries research, to provide overall scientific advice on the effectiveness of the Management Plan and make recommendations thereof.

(9) The funding for the committee under sub-paragraph (8) shall be provided in accordance with the provisions of the Act.

17. The members of the Implementation Committee shall comprise of key marine aquarium fishery stakeholders with a membership of at least fifteen representatives from the following institutions, and where necessary co-opt other relevant stakeholders—

Implementation committee.

- (a) a representative of the Service;
- (b) three representatives from the County Governments;
- (c) a representative from the Kenya Marine and Fisheries Research Institute;
- (d) a representative from the Authority;
- (e) a representative from the Kenya Wildlife Service;
- (f) five representatives from the beach management units;
- (g) a representative from the universities;
- (h) a representative from the Industry; and
- (i) a representative from the Non-Governmental Organizations.

18. (1) The Implementation Committee shall be responsible for the co-ordination, implementation and review of this Management Plan.

Role of the committees.

(2) The Implementation Committee shall meet within three months from the date of its constitution, and submit a work plan and budget to the County Executive Committee Member and the Director-General for approval.

(3) The Implementation Sub-committee shall submit quarterly progress reports to the Implementation Committee for deliberation after which the recommendations shall be forwarded to the County Executive Committee Members and the Director General.

(4) The Technical Committee shall identify information gaps, coordinate focused scientific research and provide policy recommendations based on the findings, to the Director General and the respective County Executive Committee Members.

19. (1) In line with the Constitution and Vision 2030, the Director-General and County Executive Committee Member shall in collaboration with key stakeholders, identify and promote opportunities to operationalize a sustainable small purse seine fishery.

Special considerations.

(2) The County Executive Committee member in consultation with the Director General shall encourage and empower the vulnerable and marginalised and, the women and youth to invest in marine aquarium fishery through public-private partnerships and ensure equitable distribution of benefits accruing from the fishery.

20. (1) The Director-General shall ensure that the implementation of the Management Plan is in compliance with relevant provisions under the Food and Agriculture Organization Code of Conduct for Responsible Fisheries, 1995, the International Conservation, Management and Development Measures, the Environment Management and Co-ordination Act, the Kenya Maritime Zones Act, the Wildlife Management and Conservation Act, the Merchant Shipping Act and any other relevant laws.

Linkages.

Cap. 387.
Cap. 371.
Cap. 376.
Cap. 389.

(2) The Director General and the County Executive Committee Member shall ensure that the implementation of the Management Plan is consistent with the National Oceans and Fisheries Policy 2008, Vision 2030, the Sustainable Development Goals and any other relevant policy.

21. (1) The Director General shall approve and cause this Management Plan to be *gazetted* and any subsequent amendments thereto as may become necessary from time to time.

Reviews and amendments.

(2) The Director General shall cause the Management Plan to be reviewed every five years or as may become necessary upon advice by the Technical Committee.

(3) The review shall at all times maintain the Ecosystem Approach to Fisheries management and consider the use of the precautionary approach.

(4) The review process for the Management Plan shall be consultative and participatory.

22. (1) The Director-General shall, in consultation with the County Executive Committee Member and stakeholders, prepare an implementation strategy for this Management Plan in accordance with section 39 (3)(k) of the Act.

Implementation strategy.

(2) The implementation strategy shall contain details on activities, responsibilities, time lines, objectively measurable and verifiable indicators, expected outcomes and the cost implications among other details.

23. The Director-General shall, in consultation with the County Executive Committee Member and stakeholders, prepare a communication strategy for overall communication and feedback with stakeholders on the Management plan.

Communication and feedback.

24. Any person who contravenes any of the provisions of this Management Plan commits an offence and shall, on conviction, be liable to the penalties set out in section 39 (9) and (10) of the Act

Offence.

ANNEX 1

(p. 9, 10)

MARINE AQUARIUM FISHERY HARVEST STRATEGY

	<i>Indicators</i>	<i>Reference Point</i>	<i>Decision Control rules and Management Measures</i>
Ensure long-term biological sustainability and ecological integrity of the marine aquarium fishery	Catch Composition	Number of key target species at key reference fishing sites Baseline catch levels of 280,000 pieces of fin fish and 100,000 pieces of invertebrates	If the catch composition of key target species declines by 30 % in key fishing grounds institute the following measures; (i) Initiate consultations with the industry to determine causes of the observed changes (ii) Establish closed areas (iii) Reduce fishing effort (iv) implement a restricted species list in consultation with stakeholders (v) Reduce the annual TAC in consultation with the industry (vi) Prohibit capture of target species
	Population structure	Species diversity, sex ratios, size composition and recruitment intensity	An observed change in species diversity, sex ratios, size composition and recruitment intensity, institute the following measures; (i) Undertake quantitative fishery independent surveys in collections areas versus protected areas (ii) Review the risk assessment to identify other vulnerable species (iii) Enhance monitoring of the fishery i.e. species and areas (iv) Establish maximum and minimum size limits for vulnerable target species (v) Establish closed areas
To maximize social and economic benefits from marine aquarium fishery to the local community, County and National governments	Catch Per Unit Effort	Average catch per fisher from key landing sites	A decline of the CPUE by 30%, institute the following effort reduction measures; (a) Limit entry into the fishery by revising the licensing/permit limits for aquarium fish dealers and fishers (b) Review gear number and specifications i.e. net lengths, mesh sizes, handle/shaft lengths and diameters (c) Introduce closed seasons

ANNEX 2

(p. 10)

LIST OF VULNERABLE SPECIES THAT SHALL BE MANAGED THROUGH ANNUAL CATCH LIMITS

Family	Species Name	Common Name	Average catch proportion % from 2009 – 2015	Catch limit based on average annual proportion with limit of 280,000 fish	Trigger levels (30%) of the catch limit
Pomacanthidae	<i>Pomacanthus maculosus</i>	Yellowbar angelfish	0.2	500	150
Pomacanthidae	<i>Pomacanthus chrysurus</i>	Goldtail angelfish	0.9	2500	750
Pomacentridae	<i>Amphiprion akallopisos</i>	Skunk clownfish	1	2800	840
Pomacentridae	<i>Amphiprion allardi</i>	Twobar anemonefish	4.2	11500	3450
Pomacanthidae	<i>Pomacanthus imperator</i>	Emperor angelfish	0.6	1600	480
Pomacanthidae	<i>Pygoplites diacanthus</i>	Regal angelfish	0.1	200	60
Labridae	<i>Coris aygula</i>	Clown coris	0.8	2200	660
Labaridae	<i>Labroides dimidiatus</i>	Cleaner wrasse	5.2	14500	4350
Acanthuridae	<i>Paracanthurus hepatus</i>	Palette surgeonfish	2.8	7800	2340
Labridae	<i>Halichoeres iridis</i>	Rainbow wrasse	2.9	8100	2430
Microdesmidae	<i>Nemateleotris magnifica</i>	Fire dartfish	2.7	7500	2250
Pomacanthidae	<i>Pomacanthus semicirculatus</i>	Semicircle angelfish	0.7	1900	570
Scorpaenidae	<i>Pterois miles</i>	Devil firefish	1.5	4200	1260
Serranidae	<i>Cephalopholis miniata</i>	Coral hind	0.01	20	6
Carangidae	<i>Gnathanodon speciosus</i>	Golden trevally	0.2	500	150

Acanthuridae	<i>Zebrasoma desjardini</i>	Desjardin's sailfin tang	0.6	1600	480
--------------	-----------------------------	--------------------------	-----	------	-----

Trigger levels have been set based on the average percent composition of each species using historical reported catch data (2009-2015)

Made on the 30th day of January, 2025.

DANIEL MUNGAI,
Director-General, Kenya Fisheries Service.