

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(*Cap. 378*)

IN EXERCISE of the powers conferred by section 39(3) of the Fisheries Management and Development Act, the Director-General of the Kenya Fisheries Service, in consultation with the relevant county governments prescribes the measures set out in the Schedule hereto with respect to the small purse seine fishery.

SCHEDULE

SMALL PURSE SEINE FISHERY MANAGEMENT PLAN

1. This Management Plan shall be cited as the Small-Scale Purse Seine Fishery Management Plan, 2025. Citation.

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

“Act” means the Fisheries Management and Development Act;

“Authority” has the meaning assigned to it in section 2 of the Act; Cap. 378.

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

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

“breeding area” means an area in Kenya fishery waters which the Cabinet Secretary has, by notice in the Gazette, established to be a fish breeding area and includes the nurseries for ova, fry, spawn, brood, spat and young of fish thereof;

“by-catch” means any species taken and any mortalities incidental to the target species;

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

“closed season” means a specified period of time closed to small purse seine fishery fishing;

“co-management” means a partnership arrangement in which government and the legitimate interested parties in a fishery share the responsibility and authority for the management of a fishery;

“conflict resolution committee” means a committee established by the beach management unit for conflict resolution;

“county governments” means the county governments whose areas of jurisdiction are riparian to the Indian Ocean;

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

“fishery” means the small and medium purse seine net fishery;

“fishing ground” means marine fishery waters open for small purse seine fishing;

“fish landing station” means a point on the shore of any waters or coastline of which the Cabinet Secretary has, by notice in the Gazette, designated as a point to land fish;

“fishing operations” includes fishing, supply of provisions to fishing vessels, and the handling and processing of fish up to the time it is first landed;

“juvenile fish” means any fish species that has not matured to reproduce and has not recruited into the fishery;

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

“monitoring, control and surveillance” means a set of activities undertaken by the fishery enforcement system to ensure compliance with fishery regulations and to support fisheries management;

“pelagic fish” means coastal and oceanic fish species that spend most of their life swimming near the surface of the water column;

“reference point” means an indicator of a particular state of a fishery or corresponding to a situation considered as desirable or target, undesirable or limit, or requiring immediate action or trigger;

“small scale purse seine net” means a long continuous stretch of netting of varied lengths of two hundred millimeters to three hundred millimeters, depths of twenty metres to thirty metres and mesh sizes of zero point five inches to two inches consisting of a float line and a bottom sink line fitted with small round metallic rings;

“small purse seine fishing” means the use of a small purse seine net to catch fish;

“purse seine fishing vessel” means any vessel used or equipped to conduct fishing using the small scale purse seine net;

“fish stock” means a group of individuals of a fish species or a group of fish species occupying a well-defined spatial range even though random dispersal and migrations due to seasonal or reproductive activity can occur;

“target species” means one or an assemblage of species that are primarily sought by the fishers in the small purse seine net fishery;

“County Executive Committee Member” means the County Executive Committee Member responsible for fisheries in a county; and

“total allowable catch” means the total catch allocated to the fishery during a specified fishing period as defined in the management plan.

3. The objectives for this Management Plan shall be to—

Objectives of the Management Plan.

- (a) provide a framework for the catch, fishing effort, fishing grounds and trade in small scale purse seine fishery;
- (b) minimize conflicts through capacity building of resource user organizations, benefits sharing strategies, licensing schemes and environmental management;
- (c) enhance research and monitoring to support the implementation of optimum harvest strategies;
- (d) improve the net income small scale purse seine fisher communities and national revenues through value chain development and improvement; and
- (e) comply with specified measures for sustainable ecosystem management.

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

Geographical area.
Cap. 371.

5. (1) This Management Plan shall apply to the harvesting of the following families of the pelagic fish species—

Species.

- (a) the Jacks and Trevallies also known as *Carangidae*;
- (b) the Tuna and Mackerels also known as *Scombridae*;
- (c) the Barracudas also known as *Sphyraenidae*;
- (d) the Halfbeaks also known as *Hemiramphidae*; and
- (e) the Dolphinfishes also known as *Coryphaenidae*.

(2) This Management Plan shall not apply to small pelagic fish species such as sardines.

6. The fishing method applied in this Management Plan shall be the small purse seine.

Fishing method.

7. (1) This Management Plan shall comply with national, regional and international fisheries management principles.

Management approach.

(2) In the absence of adequate scientific information on the status of fish stocks associated with small scale purse seining, this Management Plan shall apply a precautionary approach in response to the existing level of uncertainty with respect to target and non-target species.

(3) This Management Plan shall apply—

- (a) an ecosystem approach to fisheries in considering socioeconomic and ecological impacts of the small-scale purse seine fishery; and
- (b) an adaptive approach in adopting plans as necessary based on research findings.

8. The Director-General shall—

Management measures.

- (a) limit the number of licensed small purse seine fishing vessels subject to scientific research;
- (b) limit the size of small-scale purse seine fishing vessels to a minimum of twelve metres;
- (c) limit the size of a small-scale purse seine net to a minimum length of two-hundred metres, and a minimum stretched width of twenty metres;
- (d) limit the number of nets used during a fishing operation to one net per vessel, and restrict the use of any other types of fishing gears during fishing operations; and
- (e) restrict small scale purse seine fishing operation time from 6 a.m. to 6 p.m.

9. (1) The Director-General shall—

Catch limits.

- (a) specify the total allowable catch for the small scale purse seine fishing operations; and
- (b) make provisions and implement guidelines for allocating catch quotas based on the best available scientific evidence.

(2) The Director-General shall, on matters related to juvenile fish, endangered species and marine habitats—

- (a) introduce a minimum mesh size for small scale purse seine nets as pursuant to scientific research;
- (b) introduce capture size limits for key target species based on the best available science;
- (c) enforce regulations on handling and trading of juvenile fish;
- (d) enforce regulations on capture of endangered species;
- (e) enforce a precautionary closed season from 1st of April to 31st of August each year; and
- (f) limit fishing activities to 1 nm from coral reef areas and designated fish breeding areas.

- (3) The Director-General shall, for the purposes of regulating access to fishing grounds for the purse seine fishing operations—
- (a) zone critical fish habitats including nearshore coral reef areas, fish spawning and breeding areas where the fishery shall be restricted, as set out in Figure 1;

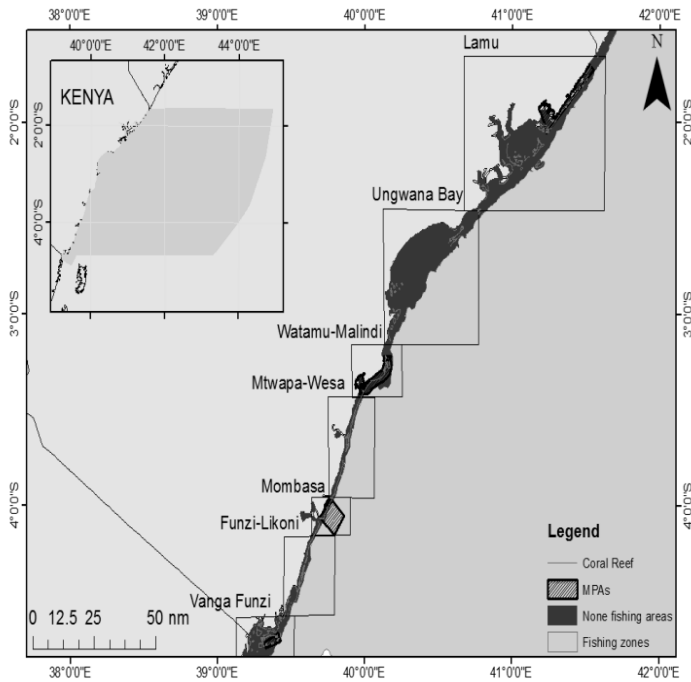


Figure 1: A map showing small scale purse seine fishing zones as specified in the Management Plan

- (b) restrict small scale purse seining operations to designated depths provided that the distance is not less than one nautical mile from the coral reef as follows—
- (i) a minimum depth of fifty metres northwards from Funzi Island; and
- (ii) a minimum depth of thirty metres southwards from Funzi Island.
- (4) The Director-General shall restrict the landing and selling of catches to designated fish landing stations and shall improve fish storage and markets.
- (5) The Director-General shall establish mechanisms for monitoring, control and surveillance to enhance compliance of small

scale purse seine fishing operations to the specified management measures and—

- (a) enforce mandatory registration of vessels and fishers before licensing;
- (b) institute mandatory use of electronic monitoring devices during fishing to ensure compliance to management measures;
- (c) operationalize standardized data collection protocols, storage, processing and analysis of small scale purse seine catch data;
- (d) institute compulsory submission of catch, effort and electronic tracking data;
- (e) introduce a small purse seine fishery observer program;
- (f) require for the small scale purse seine operators to allow boarding of their vessels by inspectors, authorized officers or observers;
- (g) require for inspection of small scale purse seine fishing vessels and associated catch both at sea and on land by inspectors, authorized officers or observers; and
- (h) enforce sea safety regulations.

(6) The National and county governments, in collaboration with other stakeholders, shall establish mechanisms to increase income and other economic benefits from the fishery by regulating the value chain and—

- (a) minimize post-harvest losses by improving fish handling;
- (b) support formation of marketing associations and cooperatives;
- (c) support product implementation of small purse seine catches;
- (d) operationalize a marketing information system;
- (e) promote public private partnership investments in the value chain;
- (f) promote capacity building and participation of small purse seine fishers;
- (g) promote the adoption of innovative and sustainable fishing technologies for small and medium pelagic fish;
- (h) operationalize co-management plans; and
- (i) enforce relevant beach management unit by-laws.

(7) The County Executive Committee Member shall institute a benefit sharing strategy based on the underlying principles of the beach management regulatory framework.

(8) The Director-General shall—

- (a) ensure collaboration with relevant sectors to operationalize complementary economic activities for the fishers; and

- (b) require a small purse seine fishing vessel operator to provide a detailed fishing and marketing plan before licensing as specified.

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

Research.

- (a) monitor performance indicators for the fishery including spatial and temporal variation in catches, catch per unit effort, species composition and the population structure of key target species;
- (b) determine biological parameters for key target species including growth rates, maturity and spawning seasonality;
- (c) assess fish stock to establish the status of exploited target species;
- (d) recommend sustainable harvest strategies for the fishery including reference points, total allowable catch, and optimum fishing effort;
- (e) assess temporal and spatial variation of the by-catch in the fishery including the capture of threatened and endangered species;
- (f) determine and recommend on optimum mesh sizes, net lengths and widths for small scale purse seines;
- (g) undertake spatial mapping of small scale purse seine fishing grounds and fishing effort;
- (h) assess ecological risks of the fishery;
- (i) assess socio economic impacts of the fishery; and
- (j) regulate fish value addition and marketing.

11. The Director-General shall—

Monitoring and evaluation.

- (a) implement a monitoring and evaluation system to record catch of target and by-catch species, including endangered, threatened and protected species, fishing effort, fishing patterns, trade dynamics, revenue and marketing, and compliance among others;
- (b) oversee the monitoring and evaluation activities as outlined in the implementation framework within the Management Plan;
- (c) in collaboration with beach management units, dealers and other stakeholders, disseminate monitoring and evaluation information for feedback purposes;
- (d) facilitate research programmes to monitor and/or answer specific questions in the small purse seine net fishery;

- (e) monitor the performance of the harvest strategy biological and economic indicators; and
- (f) establish a system for external review and audit of the implementation of the Management Plan.

12. Each beach management unit shall constitute a conflict resolution committee which shall be responsible with handling all conflicts and disputes in the small purse seine fishery.

Conflict resolution mechanisms.

13. The Director-General shall—

- (a) in consultation with the County Executive Committee Members, constitute a Committee comprising of key small purse seine net fishery stakeholders to oversee the implementation of the Management Plan; and
- (b) consider any policies and legal issues concerning the implementation of the Management Plan based on recommendations of the Implementation Committee.

Institutional and financing arrangements.

14. (1) The Director-General and the County Executive Committee Members shall be responsible for the implementation of this Management Plan and shall constitute the Implementation Committee within twenty-one days from the date of gazettelement of the Management Plan and provide its operational guidelines

Implementation and structure.

(2) The Director-General shall, in consultation with the County Executive Committee Members, appoint a Chairperson to the Implementation Committee within fourteen days after its constitution.

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

(4) Each County Executive Committee Member shall constitute the Implementation Sub-committees comprising of relevant small purse seine net fishery stakeholders and designate a Chairperson within fourteen days of its constitution.

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

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

(7) The Director-General shall constitute a Technical Committee whose membership shall constitute of a representative from—

- (a) the Kenya Marine and Fisheries Research Institute;
- (b) the Kenya Fish Marketing Authority;
- (c) the Kenya Wildlife Service;
- (d) the universities;
- (e) the Kenya Fisheries Service;
- (f) the County fisheries directorates; and

(g) non-state actors.

(8) The Technical Committee shall engage in marine fisheries research to provide overall scientific advice on the effectiveness of the Management Plan and make recommendations thereof.

15. (1) The membership of the Implementation Committee shall consist of key small purse seine net fishery stakeholders with a membership of at least fifteen representatives from the following institutions, and where necessary co-opt other relevant stakeholders—

Composition of
the
Implementation
Committee.

- (a) two representatives from the Service;
- (b) three representatives from the county governments;
- (c) a representative from the Kenya Marine and Fisheries Research Institute;
- (d) a representative of the Authority;
- (e) five representatives from the beach management units;
- (f) a representative from the universities;
- (g) two representatives from the industry; and
- (h) a representative from the non-governmental organizations.

(2) The Implementation Committee shall implement the Management Plan in collaboration with sub-committees at the county level.

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

(4) The Director General in collaboration with the County Executive Committee Members shall provide guidelines for the implementation Committee.

(5) The Implementation Committee shall—

- (a) co-ordinate and guide the implementation and review of this Management Plan; and
- (b) implement the communication strategy

(6) The Implementation Committee shall meet within three months from the date of its constitution and prepare a detailed work plan and budget that shall be submitted to the County Executive Committee Members and the Director General.

(7) The Implementation Sub-committees shall also prepare their work plans, including budgets, and submit to the Implementation Committee for approval.

(8) 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 County Executive Committee Members.

(9) The County Implementation Sub-Committees shall submit quarterly progress reports to the Implementation Committee for consideration after which the recommendations shall be forwarded to the County Executive Committee Member and the Director-General.

(10) The County Implementation Sub-Committees report shall include—

- (a) research progress and data collection;
- (b) updates on small purse seine net fisheries information and facilitation of stakeholder forums including, awareness creation, education and monitoring & evaluation;
- (c) updates on cost benefit issues from time to time as contained in the terms of reference; and
- (d) any other issues of small purse seine net fishery in particular.

16. (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 implement the sustainable small purse seine fishery.

Special considerations.

(2) The Government shall encourage and empower the vulnerable, the marginalised, the women and youth to invest in the small purse seine fishery through public-private partnerships and use of low cost technologies along the small and medium pelagic fish value chain in order to ensure equitable distribution of benefits accruing from the fishery.

17. (1) The Director-General shall ensure that the implementation of the Management Plan is in compliance with the provisions of the Food and Agriculture Organisation 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 Fisheries Policy, Vision 2030, the Sustainable Development Goals and any other relevant policies.

18. The Director-General and the County Executive Committee Members may cause the Management Plan to be reviewed from time to time but not later than five years from the date of commencement of this Management Plan.

Reviews and Amendments.

19. (1) The Director-General shall, in consultation with the County Executive Committee member and the relevant stakeholders prepare an implementation matrix for this Management Plan.

Implementation strategy.

(2) The Implementation matrix shall consist details on activities, responsibilities, time lines, objectively measurable and verifiable

indicators, expected outcomes and the cost implications among other details.

20. The Director-General shall, in consultation with the County Executive Committee Member and the relevant stakeholders implement a communication strategy for communication and feedback with stakeholders on the Management Plan.

Communication
and feedback.

21. A 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.

Made on this 30th day of January, 2025.

DANIEL MUNGAI,
Director-General,
Kenya Fisheries Service.