

CHAPTER 409 - Lakes and Rivers Act

An Act of Parliament to regulate dredging and the use of steam vessels on certain lakes and rivers

Part I – PRELIMINARY

Short title

1.This Act may be cited as the Lakes and Rivers Act.

Interpretation

2.In this Act. except where the content otherwise requires—

"dredging" means the removal from the bed or banks of a river or lake by any mechanical appliance (other than hand tools) of any mud, ooze, gravel, rock, stone, soil, clay, mineral or precious stones, or any admixture of those materials;

"lake" means a lake specified in the First Schedule, or added thereto under section 3;

"river" means a river specified in the First Schedule, or added thereto under section 3;

"steam vessel" includes every description of vessel so constructed as to be propelled otherwise than by sails, oars, paddles or poles.

First Schedule may be added to. L.N.462/1963

3.The Minister may, by notice in the Gazette, add to the lakes or rivers specified in the First Schedule, but no such addition shall take effect until the expiration of two months after publication.

Extent of lake or river may be defined
L.N.462/1963

4.The Minister may define the extent of any lake or river to which this Act shall apply; and any part of a lake or river outside the portion so defined shall not be deemed to be a lake or river for the purposes of this Act.

Part II – DREDGING

Dredging in lake or river to be licensed
L.N.462/1963

5.(1) No person shall dredge in a lake or river without a licence from the Minister, which shall be in the form in the Second Schedule.

(2) A person who dredges in a lake or river without a licence or contrary to the terms of his licence shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings for every day during which the offence continues.

Security may be required

L.N.462/1963

6. Before a licence to dredge is granted, security shall be given in such terms and to such amount as the Minister may in each particular case direct.

Regulations to be endorsed on dredging licence
L.N.462/1963

7. On every licence to dredge the regulations set out in the Third Schedule shall be endorsed; and the Minister may require further regulations to be endorsed in any particular case.

Contravening dredging regulations

8.(1) A person who acts in contravention of any regulation endorsed upon the licence under which he dredges shall be guilty of an offence and liable to a fine not exceeding three thousand shillings, and the holder of the licence shall be liable for any damage which may have arisen in consequence of the contravention.

(2) In this section, non-compliance with a lawful order, direction or notice given under the regulations endorsed upon a licence shall be deemed a contravention of the regulations.

Cancellation of licence
L.N.462/1963

9.(1) Where in any prosecution under this Act it is proved that the terms of or the regulations endorsed on a dredging licence have been contravened, the court may, subject to the approval of the Minister, cancel the licence in addition to imposing any penalty prescribed in this Act.

(2) In this section, non-compliance with a lawful order, direction or notice given under the regulations endorsed upon a licence shall be deemed a contravention of the regulations.

Part III - STEAM VESSELS

Steam vessels on lakes and rivers to be licensed
L.N.462/1963

10.(1) The master of every steam vessel on a lake or river shall take out a licence for the vessel.

(2) Licences shall be in the form in the Second Schedule. and shall be granted by such officer as the Minister may appoint.

(3) Every licence shall commence on the day on which it is granted and shall terminate on the 31st December following.

(4) The master of a steam vessel who navigates the vessel, or permits it to be navigated, on a lake or river without having a licence for the vessel under this section shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

(5) In this section, "master" includes the owner and the agent for the owner.

Part IV – GENERAL

Rules
L.N.462/1963

11.The Minister may make rules—

- (a) for regulating the use of steam vessels on a lake or river;
- (b) for prohibiting the use on a lake or river of steam vessels or of any particular description of steam vessel;
- (c) for regulating the use of a lake or river for the transport of floating timber;
- (d) for regulating the traffic on a lake or river;
- (e) for protecting the bird or animal life on or in a lake or river;
- (f) for protecting and improving the navigability of a river; and
- (g) generally for the better carrying out of the purposes of this Act.

Fees
L.N.462/1963

12.For every licence taken out under this Act there shall be payable the fee prescribed therefor in the Fourth Schedule.

Application of Act
28 of 1961, Sch. E.A. Cap. 32.

13.Notwithstanding the foregoing provisions this Act, this Act shall not apply to a lake or river which falls within the definition of "inland waters" contained in section 2 of the East African Inland Water Transport Act.