

28th May, 2010

LEGAL NOTICE NO. 77

THE FISHERIES ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 23 of Fisheries Act, the Minister for Fisheries Development makes the following Regulations.

THE FISHERIES (GENERAL) (AMENDMENT) REGULATIONS, 2010

1. These Regulations may be cited as the Fisheries (General) (Amendment) Regulations, 2010.
2. Regulation 2 of the Fisheries (General) Regulations, 1991, in these Regulations referred to as the “principal Regulations” is amended by inserting the following new definition in its proper alphabetical sequence—

“by-catch” means any species taken and any mortalities incidental to the target species in respect of which the license has been granted;

3. Regulations 43(1) of the principal Regulations is amended—

(a) in paragraph (d) by deleting the word “five” and substituting therefor the word “three”;

(b) by inserting the following proviso immediately after subparagraph (d)—

Provided that the Director may determine, by notice in the Gazette, the number, type and size of vessels that may be permitted in any area where trawling is allowed under these Regulations or the Act.

4. The Principal Regulations are amended by inserting the following new Part immediately after regulation 56.

PART VIIA—CRUSTAE FISHING

56 A. The Director may, from time to time and on the basis of scientific evidence, by notice in the Gazette—

- (a) declare any fishery water or part thereof to be open for the purpose of fishing for crustacean;
- (b) specify the times between which prawn fishing may be carried out;
- (c) prescribe the gears or methods to be applied during fishing for crustaceans in order to reduce by-catch;

(d) prescribe the Monitoring Control and Surveillance system(MSC) mandatory use of Vessel including Monitoring System(VMC) and other surveillance systems;

(e) specify total allowable catch (T AC) and determine the fee to be paid as royalty;

(f) specify the most suitable and economical methods of disposal of by-catch, if any, that may be obtained during crustacean fishing;

(g) declare a closed season for crustacean fishing in any water which had previously been declared open for crustacean fishing under paragraph (a).

56B. No person shall fish for crustaceans—

(a) unless he is in possession of a valid crustacean fishing licence issued under these Regulations;

(b) unless he has paid the fees prescribed in the First Schedule to these Regulations;

(c) in contravention of any directions or conditions issued by the Director under regulation 56A.

56C. (1) The owner of a fishing vessel shall, for the purpose of collection scientific data and carrying out such other management and enforcement activities—

(a) cause the vessel to proceed to such places and at such times as may be designated by the Director for the purpose of embarking and disembarking the observers;

(b) provide, at no cost to the observer or the Government of Kenya, accommodation and food for the observer aboard the fishing craft, equivalent to those provided to the officers of the fishing craft;

(c) allow the observer to use the craft's communications equipment and personnel as necessary for the transmission and receipt of messages; and

(d) provide all other reasonable assistance to enable the observer to carry out his duties.

(2) A person who contravenes this regulation commits an offence is liable on conviction to a fine of not less than ten thousand shillings or to imprisonment for a term not exceeding two years or to both.

Dated the 5th May, 2010.

P. N. OTUOMA,
Minister for Fisheries Development.