

LEGAL NOTICE NO. 110

THE NATIONAL MUSEUMS AND HERITAGE ACT
(No. 6 of 2006)

IN EXERCISE of the power conferred by section 66 (e) of the National Museums and Heritage Act, 2006, the Minister of State for National Heritage and Culture makes the following Rules:—

THE NATIONAL MUSEUMS AND HERITAGE (EXPLORATION LICENCES AND EXPORT PERMITS) RULES, 2009

1. Citation.

These Rules may be cited as the National Museums and Heritage (Exploration Licences and Export Permits) Rules, 2009.

2. In these Rules, unless the context otherwise requires -

“exploration licence” means a licence issued under section 27 of the Act;

“Provincial Administration” means the office of the District Commissioner responsible for the area in which the licensee operates.

3. Conditions of the licence.

The conditions set out in the Schedule hereto shall apply to exploration licence and export permit issued under the Act.

4. Compliance.

The Minister may revoke the licence of a licensee who fails to comply with the conditions set out in the Schedule.

SCHEDULE (r.3)

1. A licensee shall not enter into any land, execute any works or destroy or interfere with any crops, cultivations or dwellings on any land without the consent of persons or authorities having any interest or right in or over that land.

2. A licensee shall exercise care and ensure that objects found are treated for preservation in accordance with the prevailing scientific practice, and that any excavation made shall be maintained in a manner that ensures that any objects remaining thereon is protected from deterioration.

3. Upon completion of any excavation works, a licensee shall fill up or adequately fence around any hole that might be dangerous to human beings or animals.

4. Nothing in a licence shall be construed as allowing the removal of any objects of veneration to the local inhabitants.

5. At the conclusion of the season's work, the licensee shall submit one copy of the field catalogue, photographs, plans and any other relevant records to the National Museums for retention.

6. A licensee shall not remove any object from Kenya unless the licensee is authorized to do so by an export permit issued by the Minister.
7. Pending the granting of the export permit, all recovered objects shall be surrendered to or deposited at the National Museums, Nairobi, or at any other institution designated by the Minister.
8. Where a licensee does not intend to export recovered objects, the recovered objects shall be deposited at the National Museums.
9. A licensee shall inform the Provincial Administration in charge of the area in which he intends to explore or excavate of the location of his activities, and shall comply with any instructions of the provincial administration relating to the licence.
10. All operations under a licence shall be carried out under the immediate personal supervision of, and in the presence of the licensee or such members of his staff as may be approved in writing, for that purpose by the Minister.
11. The licensee shall not allow unqualified person, whether in his employment or not, to collect specimens.
12. The licensee shall, before issuing any report to the media or any other person or authority regarding any discoveries made, inform the National Museums.

Made on the 4th May, 2009.

WILLIAM OLE NTIMAMA,
Minister of State for National Heritage and Culture.