

THE FISH PROTECTION (IMPORTATION RESTRICTION) RULES

[Subsidiary]
G.N. 834/1950,

1. These Rules may be cited as the Fish Protection (Importation Restriction) Rules, and shall apply throughout Kenya.
2. No person shall import any fish or the eggs or young of any fish without the permission in writing of the ~~Chief Game Warden~~ first had and obtained.
3. The Chief Game Warden may order the seizure and destruction of any fish or the eggs or young of any fish imported in contravention of the provisions of rule 2 of these Rules.

THE FISH PROTECTION (REGISTRATION OF FISHING CRAFT, SEA FISHERIES) RULES

G.N. 1338/1952.

L.N. 303/1964

1. These Rules may be cited as the Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, and shall apply to the whole of Kenya and the territorial waters (excluding inland waters).
2. In these Rules, except where the context otherwise requires—
 - “boat” means any vessel of any description;
 - “District Commissioner” includes any ~~District Officer~~, ~~Livall~~ or Mudir authorized by a District Commissioner to exercise the functions of a District Commissioner under these Rules;
 - “fishing” means capturing, killing, snaring or trapping any fish, and includes any action taken preliminary or immediately subsequent to such capturing, killing, snaring or trapping, but does not include the capture of fish by means of rod and line (held in the hand);
 - “register” means the register of registered fishing boats maintained by a fisheries officer or District Commissioner under these Rules.
3. (1) Every fisheries officer shall maintain a register of boats registered by him under these Rules in the form of duplicates of each certificate of registration issued by him hereunder; each District Commissioner to whom an application for registration is made shall upon the first approved application made to him hereunder likewise maintain such a register.
 - (2) Any cancellation of a registration and any approved change of ownership shall be noted by endorsement upon the relevant duplicate certificate in the register.
4. No person shall use for fishing any boat the owner of which engages in fishing wholly or partially for a livelihood, unless such boat is for the time being registered with a fisheries officer or a District Commissioner in accordance with the provisions of these Rules.
5. (1) Upon the registration of a boat, the fisheries officer or District Commissioner shall allot letters and a distinctive number or numbers (hereinafter called the identification marks) to the boat, and shall issue to the owner of such a boat a certificate of registration in Form A in the First Schedule to these Rules.

[Subsidiary]

(2) Subject to the provisions of these Rules, registration shall remain effective until the 31st December next after the date of registration, and immediately thereafter application for re-registration shall be made; every re-registration shall expire on the 31st December next after application therefor.

6. (1) Immediately upon registration of a boat, the owner thereof shall cause the identification marks to be clearly painted in Latin characters in black on a light background or white on a dark background on both sides of the bows of the boat; each letter and figure shall be at least nine inches in height, and the painted strokes thereof shall be at least one and a half inches in breadth.

(2) The owner of a boat for the time being registered under these Rules shall maintain the identification marks of the boat in proper and legible condition at all times.

(3) No person using any boat for the time being registered under these Rules shall cause or permit the identification marks of the boat to be effaced, covered or concealed in any way whatsoever.

7. Upon the change of ownership of any registered boat (including any interest or share therein), application shall be made by the registered owner to the fisheries officer or District Commissioner by whom the certificate of registration was issued for endorsement of such change upon the certificate; any such application shall be made in Form B in the First Schedule to these Rules.

8. Any fisheries officer or District Commissioner may, if he considers it in the interests of the conservation of fish so to do, refuse to register any boat or change of ownership as aforesaid or cancel the registration of any boat:

Provided that any person aggrieved may appeal against such refusal or cancellation to the ~~Provincial Commissioner~~ of the Coast ~~Province~~, whose decision shall be final.

9. In the event of a holder of a certificate of registration losing his certificate, he shall, on application to the fisheries officer or District Commissioner by whom the certificate was issued, be issued with a certified copy thereof.

10. The owner or any other person for the time being in possession or in charge of any boat shall, if called upon to do so by a fisheries officer, an administrative officer, a customs officer of a rank not below that of junior examining officer or preventive officer, a police officer of a rank not below that of sub-inspector or any person duly authorized in writing by a fisheries officer, produce the certificate or certified copy certificate of registration of the boat.

11. (1) In any proceedings taken for a contravention of these Rules, the register shall be conclusive evidence of the matters therein contained.

(2) In any such proceedings, the averment that a boat is an unregistered boat shall, until the contrary is proved, be sufficient evidence that the boat is one which was at the date of the offence required to be registered under these Rules and was not so registered.

[Subsidiary]

12. The fees specified in the Second Schedule to these Rules shall be payable in respect of the several matters therein specified.

13. Any person who contravenes the provisions of any of rules 4, 6, 7 and 10 of these Rules shall be guilty of an offence and liable to a fine not exceeding one thousand shillings, or in default of payment to imprisonment for a period not exceeding three months.

FIRST SCHEDULE

FORM A (r. 5)

CERTIFICATE No.

CERTIFICATE OF REGISTRATION OF BOAT

The boat [name of boat] owned by [name of owner] resident at [place of residence of owner] has been registered in the Fishing Boats Register at [place of issuing certificate] for the purpose of fishing according to the Fish Protection Ordinance, and has been allotted the number of

Particulars of Boat

Description of boat [if native, give Swahili name of type of craft] Length (overall) Beam (greatest width) Depth (greatest depth) Tonnage (if known) Method of propulsion [state: sail, paddle/oars, engine and sail, engine alone, etc.] Date of issue Fee paid

This certificate of registration expires on the 31st day of December, 19....

..... Registering Officer.

Note to officer effecting registration of this craft:—Where possible this boat should be given the same registration number as last year.

[Subsidiary]

FORM B

(r. 7)

APPLICATION FOR ENDORSEMENT OF CERTIFICATE OF REGISTRATION OF BOAT

I, of hereby authorize the transfer of my fishing boat [name of boat] Registration No. to the ownership of of [place of residence]

Witness to the transfer

Signed

Date

The original and duplicate copy of certificate should be amended accordingly by the Registering Officer.

SECOND SCHEDULE

(r. 12)

FEES

	<i>Sh. cts.</i>
1. Upon each application for registration or re-registration of a boat	3 00
2. Upon each application for consent to a change of ownership of a boat	3 00
3. For each duplicate certificate	1 00
4. Upon entering an appeal under rule 8	10 00