

LEGAL NOTICE No. 258

THE FISH INDUSTRY ACT, 1968

(No. 24 of 1968)

IN EXERCISE of the powers conferred by section 7 of the Fish Industry Act, 1968, the Minister for Tourism and Wildlife hereby makes the following Regulations:—

THE FISH INDUSTRY (LAKE NAIVASHA) REGULATIONS,
1971

PART I—PRELIMINARY

1. These Regulations may be cited as the Fish Industry (Lake Naivasha) Regulations, 1971, and shall apply to Lake Naivasha.

2. In these Regulations, except where the context otherwise requires—

"buoy" means a floating object made of any convenient material, of a size not less than thirty-one cubic centimetres and used to mark the position of a net, or other obstruction;

"fisherman" means a person in lawful possession of a licence issued under these Regulations;

"fleet of nets" means two or more gill nets tied together end to end in such a way as to leave a gap at least thirty-one centimetres wide between each net;

"gill net" means a net—

(a) which is placed in position in the water with the object of fish swimming into it and becoming entangled in it; and

(b) which is left in that position for an appreciable period of time; and

(c) which is then drawn up into a boat;

"rod and line" means a fishing rod or pole to which is attached a line or thread with a hook or lure incorporating a hook fastened at or near the free end of the line;

"to fish" means to capture, kill or snare fish and to perform any action immediately related thereto by any means.

PART II—USE OF NETS

3. (1) Any gill net which has a mesh size of less than ten centimeters and which when wet has mesh dimensions of less than five centimetres from knot to knot (the measurement to be made on each side of the square) or less than twenty centimetres measured round each mesh, shall be in relation to all fish a prohibited net.

(2) Any gill net, the length of which stretched is greater than ninety-two metres or the depth of which is greater than thirty meshes, shall be in relation to all fish a prohibited net.

(3) Any person who uses or is found to be in possession of a prohibited net shall be guilty of an offence.

4. (1) Any gill net used for fishing in Lake Naivasha shall be firmly anchored and marked with a buoy at each end so as to be clearly visible to any person navigating the lake by day from a distance of at least ninety-two metres. In the event that two or more nets are used to form a fleet of nets, an additional buoy must be attached at each point where the nets are joined together.

(2) Any person who contravenes paragraph (1) of this regulation shall be guilty of an offence.

5. (1) No gill net used for fishing in Lake Naivasha shall be set anywhere within those areas of the Lake known as Prestons Bay or Crescent Island Lake or the channel leading from Crescent Island Lake to the main lake, the boundaries of which are marked red on map SK. II (Sheets 133/II and 133 IV) copies of which may be inspected at the Office of the Director of Fisheries.

(2) No gill net, or other obstruction shall be set in any way so as to block, or in any way to impede access to and from passage by any boat through any channel, stream or other narrow waterway in the lake.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

6. (1) The Director of Fisheries may, by notice, prohibit or restrict in any specified area, or for any specified period, either generally or in relation to any specified species of fish—

(a) the use of all or any specified nets;

(b) the use of any specified method of fishing and where any area, period or net is so specified, such area, period or net shall be a prohibited place, closed period or prohibited net, as the case may be, either generally or in relation to the specified species of fish, as the case may be.

(2) Any person who contravenes the provisions of a notice issued under paragraph (1) of this regulation shall be guilty of an offence.

PART III—LICENSING OF FISHERMEN AND FISH TRADERS

7. (1) Any person who shall fish for, capture or kill any species of fish in Lake Naivasha by any means excluding rod and line without being in lawful possession of a commercial fisherman's licence issued by the Director of Fisheries under regulation 8 of these Regulations, shall be guilty of an offence.

(2) Any person who shall fish for, capture or kill any species of fish by means of either a rod and line only, without being in lawful possession of a sport fisherman's licence issued by the Director of Fisheries or a Fisheries Officer under regulation 9 of these Regulations, shall be guilty of an offence.

8. (1) A Commercial fisherman's licence in Form I in the First Schedule to these Regulations may, on application and on payment of the appropriate fee specified in the Second Schedule to these Regulations, be issued to any person by the Director of Fisheries or by a Fisheries Officer:

Provided that such licence will entitle a commercial fisherman to fish with not more than ten fishing nets, each of which shall comply with the specification set out in regulation 3 of these Regulations.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

9. (1) A sport fisherman's licence in Form II in the First Schedule to these Regulations may, on application and on payment of the appropriate fee specified in the Second Schedule to these Regulations, be issued to any person by the Director of Fisheries or by a Fisheries Officer:

Provided that such licence will entitle a sports fisherman to catch fish for his own use and not for the purpose of sale or trade in any form.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

10. (1) No person shall purchase any fish for the purpose of processing or resale, unless—

(a) he is in lawful possession of a fish trader's licence issued by the Director of Fisheries or a Fisheries Officer under regulation 11 of these Regulations; and

(b) the vendor is a licensed commercial fisherman:

Provided that this regulation shall not apply to anyone purchasing not more than two kilogrammes of fish from either a licensed commercial fisherman or a licensed fish trader for consumption by himself or his household.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

11. A fish trader's licence in Form III in the First Schedule to these Regulations may, on application and on payment of the appropriate fee specified in the Second Schedule to these Regulations, be issued to any person by the Director of Fisheries or by a Fisheries Officer.

12. (1) The Director of Fisheries or a Fisheries Officer may in his absolute discretion and without disclosing any reason, refuse to issue any of the licences required under these Regulations.

(2) The Director of Fisheries or a Fisheries Officer may attach such conditions to a licence as he may think fit and any person who contravenes any such condition shall be guilty of an offence.

13. (1) Any person to whom a licence has been issued under these Regulations shall, on demand, produce such licence to the Director of Fisheries or any Fisheries Officer, any administrative officer or any police officer of or above the rank of a assistant inspector.

(2) Any person who, without reasonable cause, fails to produce a licence when required to do so under paragraph (1) of this regulation shall be guilty of an offence.

PART IV—MISCELLANEOUS

14. Every commercial fisherman's licence and fish trader's licence issued under these Regulations shall, subject to regulation 16 of these Regulations, be valid up to the 31st December in the year in which it is issued and shall then expire.

15. Where under these Regulations the Director of Fisheries may exercise any power by notice, then such notice shall be deemed to have been sufficiently published if it is exhibited in each place where the issue of licences required under these Regulations is conducted.

16. (1) Any person convicted of an offence under these Regulations shall be liable—

(a) in the case of a first conviction to a fine not exceeding three thousand shillings or imprisonment for a term not exceeding three months, or to both such fine and such imprisonment;

(b) in the case of a second or subsequent conviction to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

(2) The Director of Fisheries may, in his discretion cancel a licence before its due date of expiry upon the conviction of a licensed fisherman or fish trader or any of his servants or employees of an offence under these Regulations.

Sub. Leg.

17. The Fish Protection (Lake Naivasha) Rules are hereby revoked.

FIRST SCHEDULE

FORM I

THE FISH INDUSTRY (LAKE NAIVASHA) REGULATIONS, 1971

COMMERCIAL FISHERMAN'S LICENCE

Name of (Address) is hereby licensed to fish in Lake Naivasha subject to the provisions of the Fish Industry Act and the Fish Industry (Lake Naivasha) Regulations, 1971, and to the following conditions—

.....
.....

Fee paid

Date of Issue

December, 19.....

This Commercial Fisherman's Licence expires on the 31st day of December, 19....

.....
Director of Fisheries/Fisheries Officer

FORM II

THE FISH INDUSTRY (LAKE NAIVASHA) REGULATIONS, 1971

SPORT FISHERMAN'S LICENCE

Name of (Address) is hereby licensed to fish with rod and line only in Lake Naivasha, subject to the provisions of the Fish Industry Act, and the Fish Industry (Lake Naivasha) Regulations, 1971, and to the following conditions—

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Fee paid

Date of Issue

This Sport Fisherman's Licence expires on the 31st day of December, 19....

.....
Director of Fisheries/Fisheries Officer

FORM III

(r. 11)

THE FISH INDUSTRY (LAKE NAIVASHA) REGULATIONS, 1971

FISH TRADER'S LICENCE

Name of (Address) is hereby licensed to trade in fish caught in Lake Naivasha subject to the provisions of the Fish Industry Act, and the Fish Industry (Lake Naivasha) Regulations, 1971, and to the following conditions—

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Fee paid

Date of Issue

This Fish Trader's Licence expires on the 31st day of December, 19....

.....
Director of Fisheries/Fisheries Officer

SECOND SCHEDULE (rr. 8, 9, and 11)

Fees

	Sh.
Commercial Fisherman's Licence	480
Sport Fisherman's Licence	20
Fish Trader's Licence	10
Duplicate of any of the above licences	2

Made this 10th day of November, 1971.

J. L. M. SHAKO,
Minister for Tourism and Wildlife.

LEGAL NOTICE No. 259

THE IMPORTS, EXPORTS AND ESSENTIAL SUPPLIES

(Cap. 502)

IN EXERCISE of the powers conferred by section 4 of the Imports, Exports and Essential Supplies Act, the Minister for Commerce and Industry, after consultation with such persons as appear to him to represent commercial and industrial interests in Kenya, hereby makes the following Order:—

THE IMPORTS, EXPORTS AND ESSENTIAL SUPPLIES
(IMPORTS) (AMENDMENT) (No. 9) ORDER, 1971

1. The Order may be cited as the Imports, Exports and Essential Supplies (Imports) (Amendment) (No. 9) Order, 1971.

2. The First Schedule to the Imports, Exports and Essential Supplies (Imports) Order, 1968, is amended by inserting therein in its correct numerical order a new item as follows—

894 2 1 0 Wheeled toys designed to be ridden (Tricycles only).

Made this 9th day of November, 1971.

C. NJONJO,
*Acting Minister for
Commerce and Industry.*