

(Legislative Supplement No. 54)

LEGAL NOTICE No. 291

THE FISH PROTECTION ACT

(Cap. 378)

IN EXERCISE of the powers conferred by section 3 of the Fish Protection Act, the Minister for Tourism and Wildlife hereby makes the following Rules:—

THE FISH PROTECTION (LAKE BARINGO) RULES 1966

1. These Rules may be cited as the Fish Protection (Lake Baringo) Rules 1966 and shall apply to Lake Baringo only.

2. In these Rules except where the context otherwise requires—

"Lake" means Lake Baringo;

"gill net" means a net—

(a) which is placed into 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 one hook, or lure incorporating a hook, fastened at the end of the line;

"licensed fisherman" means a person in lawful possession of a licence issued under rule 6;

"Chief Fisheries Officer" and "Fisheries Officer" means the persons appointed by the Government to perform the duties of Chief Fisheries Officer, or Fisheries Officer;

"authorized person" means any person authorized in writing by the Chief Fisheries Officer to exercise the powers or perform the duties in respect of which the expression is used;

"boat" means any vessel of any description used for fishing;

"to fish" means to capture, kill, snare or trap fish and to perform any action immediately related by any means other than by rod and line;

"fish trader" means a person in lawful possession of a licence issued by the Chief Fisheries Officer under rule 7;

"buoy" means a floating object used to mark the position of a net or other obstruction, of any convenient material, but of a size of not less than one cubic foot.

3. (i) Any gill net—

- (a) which has a mesh size of less than 4 inches and which when wet has mesh dimensions of less than 2 inches in extension from knot to knot (the measurement to be made on each side of the square) or less than 8 inches measured round each mesh, shall be, in relation to all fish a prohibited net;
- (b) the length of which stretched is greater than 100 yards or the depth of which is greater than 30 meshes, shall be in relation to all fish a prohibited net.

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

4. Any person who shall fish for, capture or kill any species of fish in the Lake by any means whatever without being in possession of a licence lawfully issued by the Chief Fisheries Officer under rule 6, will be guilty of an offence against these Rules:

Provided that this rule shall not apply to any person who is fishing with a rod and line.

5. Any person who shall purchase any fish from any fisherman without being in lawful possession of a fish trader's licence issued by the Chief Fisheries Officer under rule 7 shall be guilty of an offence against these Rules.

6. (a) A fisherman's licence in the proper form set out in the First Schedule to these Rules may, on application and on payment of the proper fee set out in the Second Schedule to these Rules, be issued to any person by the Chief Fisheries Officer or by any Fisheries Officer or other person authorized in that behalf in writing by the Chief Fisheries Officer.

(b) The Chief Fisheries Officer may in his discretion specify conditions to the issue of such fisherman's licence and any fisherman who contravenes such conditions shall be guilty of an offence against these Rules.

(c) The Chief Fisheries Officer may in his absolute discretion and without disclosing any reason refuse to issue a fisherman's licence.

7. (a) A fish trader's licence in the proper form set out in the First Schedule to these Rules may on application and on payment of the proper fee set out in the Second Schedule to these Rules be issued to any person by the Chief Fisheries Officer.

(b) The Chief Fisheries Officer may in his discretion specify conditions to the issue of such trader's licence and any trader who contravenes such conditions shall be guilty of an offence against these Rules.

(c) The Chief Fisheries Officer may in his absolute discretion and without disclosing any reason refuse to issue a fish trader's licence.

8. The person to whom a fisherman's licence or fish trader's licence has been issued shall, on demand, produce such licence to the Chief Fisheries Officer, any Fisheries Officer, any administrative

officer, any police officer not below the rank of Sub-Inspector or any authorized person and any person who contravenes the provision of this rule shall be guilty of an offence.

9. No person shall use any boat for fishing in Lake Baringo unless there is in force in relation to such boat, a valid certificate of registration and any person who contravenes the provision of regulation shall be guilty of an offence.

10. (a) A certificate of registration in the proper form set out in the First Schedule to these Rules may on application and on payment of the proper fee set out in the Second Schedule to these Rules be issued to the owner of any boat by any Fisheries Officer.

(b) The person issuing the certificate of registration shall allot an identification number to the boat in respect of which certificate of registration is issued and shall cause an entry of the issue of such certificate of registration to be made in a register to be kept for that purpose.

(c) The owner of any boat to whom a certificate of registration is issued shall—

(i) cause the identification number allotted under paragraph (b) of this regulation to be clearly painted on each side of the bow of such boat as soon as practicable after the issue of such registration and such number shall be painted in black on white background or white on black background and each figure or letter of such number shall be at least 6 inches in height and 1½ inches in breadth; and

(ii) maintain at all times such identification number in a clear legible and visible condition.

Any owner who contravenes any of the provisions of this paragraph shall be guilty of an offence.

(d) When a certificate of registration has been issued to the owner of any boat then on application by such owner the certificate of registration—

(i) may in discretion of the Chief Fisheries Officer be cancelled in which event the certificate of registration shall be returned to the person who issued it, or

(ii) may be transferred to the name of any other person who proves that he has become the owner of the boat in which event the endorsement to that effect shall be made in the register.

11. The owner or person in charge of any boat in respect of which a certificate of registration has been issued shall on demand produce such certificate of registration to the Chief Fisheries Officer, any Fisheries Officer, any administrative officer, any police officer not below the rank of Sub-Inspector or any authorized person and any such owner who contravenes the provisions of this rule shall be guilty of an offence.

12. Every licence or certificate of registration issued under these Rules shall, subject to the provisions of rule 16 be valid up to the 31st December in the year in which it is issued and shall then expire.

13. Where under these Rules the Chief Fisheries Officer may exercise any power by notice, then such notice shall be sufficiently published if it is exhibited in each place where a register of boats is kept for purposes of these Rules.

14. In all proceedings arising out of the provisions of these Rules it shall be presumed until the contrary is proved that—

- (a) the person registered as the owner of a boat used for fishing is the owner of such boat;
- (b) any person present in a boat when such boat is used for fishing or for the transport of fresh fish is fishing;
- (c) any boat used for fishing is being so used with the consent of the registered owner thereof.

15. No person shall—

- (a) land or dispose of any fish except at places authorized by the Chief Fisheries Officer;
- (b) land any fish between sunset and sunrise;
- (c) transport fish on any vehicle without a movement permit issued by the Chief Fisheries Officer or any Fisheries Officer;
- (d) smoke, dry or salt any fish at any place other than as authorized by the Chief Fisheries Officer;
- (e) fish with gill nets within 100 yards of the shore line;
- (f) place any net or trap in the waters of Lake Baringo unless such net or trap be buoyed clearly so as to be visible to any person navigating the Lake by day from a distance of at least 100 yards.

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

- (a) in the case of a first conviction to a fine not exceeding shillings three thousand or imprisonment for a term not exceeding three months or to both such fine and imprisonment;
- (b) in the case of a second conviction to a fine not exceeding shillings ten thousand or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(ii) In addition to any punishment awarded by a court the Minister may at his discretion terminate the licence before its due date or expiry upon the conviction of a licenced fisherman, fish trader or any of their employees for any offence against these Rules.

17. The African District Council of Baringo (Lake Baringo Fisheries) (Control) By-laws 7 are hereby superseded.

FIRST SCHEDULE

Form 1

THE FISH PROTECTION (LAKE BARINGO) RULES

FISHERMAN'S LICENCE

Name of (address)

..... is hereby licensed to fish in Lake Baringo, subject to the provisions of the Fish Protection Act and the Fish Protection (Lake Baringo) Rules, and any special conditions which may be specified from time to time by the Chief Fisheries Officer.

Fee paid

Date of issue

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

.....
(Authority Issuing.)

Form 2

(r. 7)

THE FISH PROTECTION (LAKE BARINGO) RULES

FISH TRADER'S LICENCE

Name of (address)

..... is hereby licensed to trade in fish caught in Lake Baringo, subject to the provisions of the Fish Protection Act and the Fish Protection (Lake Baringo) Rules, and any special conditions which may be specified from time to time by the Chief Fisheries Officer.

Fee paid

Date of issue

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

.....
(Chief Fisheries Officer.)

Form 3

(r. 10)

THE FISH PROTECTION (LAKE BARINGO) RULES

CERTIFICATE OF REGISTRATION OF BOATS

The boat of (name)

of (address)

has been registered for the purpose of fishing in Lake Baringo and .

has been allocated the number

Fee paid

Date of issue

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

.....
(Authority Issuing.)

SECOND SCHEDULE

Fees	Sh. cts.
On issue of a Fisherman's Licence	30 00
On issue of a Fish Trader's Licence	100 00
On issue of a Certificate of Registration of a boat	5 00
On issue of a duplicate of any permit	2 00

Made this 28th day of September 1966.

S. O. AYODO,
Minister for Tourism and Wildlife.

LEGAL NOTICE NO. 292

THE LAWS OF KENYA (REVISION) ACT

(Cap. 1)

SUPPLEMENT TO THE LAWS OF KENYA

IN EXERCISE of the powers conferred by sections 10 and 11 of the Laws of Kenya (Revision) Act, I do hereby direct that the Second Annual Supplement to the Laws of Kenya prepared by me in respect of the year 1963 shall come into force on the 1st day of November 1966.

Dated this 4th day of October 1966.

C. NJONJO,
Attorney-General.