

THE FISH PROTECTION (LAKE VICTORIA) RULES

[Subsidiary]

L.N. 302/1960,
L.N. 609/1960.

PART I—PRELIMINARY

1. These Rules may be cited as the Fish Protection (Lake Victoria) Rules, and shall apply to Lake Victoria within the boundaries of Kenya and to the portion of each river or stream entering Lake Victoria between the point where each such river or stream so enters and a point five miles, measured along the banks of each such river or stream, distant therefrom as if each such portion were included in Lake Victoria.

Citation.

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

Interpretation.

“boat” means any vessel of any description used for fishing;

“Chief Fisheries Officer” means the person appointed by the Government to perform the duties of Chief Fisheries Officer ;

“to fish” means to capture, kill, snare, or trap fish, and to perform any action immediately related thereto, by any means other than by means of a single line, to which is attached a single hook, held in the hand;

“fishing gear” means any net, line, cork, buoy, or other article used for the purpose of fishing;

“indigenous traditional native methods of fishing” does not include the use of a net.

“mesh” means the openings or spaces in a net enclosed by the threads of the net;

“mesh measurement” has the meaning ascribed to it in the Third Schedule to these Rules ;

“to seine” means to use a net in order to enclose a particular area of water and then to draw such net ashore or on to a boat;

“set 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.

PART II—REGISTRATION OF BOATS

3. No person shall use any boat for fishing in Lake Victoria unless there is in force in relation to such boat a valid certificate of registration; and any person who contravenes the provisions of this regulation shall be guilty of an offence.

Fishing boats
to be
registered.

4. (1) A certificate of registration in the appropriate form set out in the First Schedule to these Rules may, on application and on payment of the appropriate fee set out in the Second Schedule to these Rules, be issued to the owner of any boat by any fisheries officer or by any authorized person :

Issue of
certificates of
registration.

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Provided that the Chief Fisheries Officer may in his discretion exempt any owner or class of owner from the payment of the whole or any part of such fee.

(2) The person issuing a certificate of registration shall allot an identification number (which may include letters) to the boat in respect of which the 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.

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

(a) cause the identification number allotted under paragraph (2) 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 certificate of registration; and such number shall be painted in black on a white background, or in white on a black background, and each figure or letter of such number shall be at least nine inches in height and one and a half inches in breadth; and

(b) maintain at all times such identification number in a clear, legible and visible condition;

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

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

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

(b) may be transferred to the name of any other person who proves that he has become the owner of the boat; in which event an endorsement to that effect shall be made on the certificate of registration;

and in either such case the appropriate entry shall be made in the register.

Production of certificate of registration on demand.

5. 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 or person who contravenes the provisions of this rule shall be guilty of an offence.

PART III—LICENSING OF FISHERMEN

Fishermen to be licensed.

6. (1) No person shall fish in Lake Victoria unless such person is the holder of a valid fisherman's licence issued to him:

Provided that nothing in this regulation shall apply to any person who—

(i) in the opinion of the Chief Fisheries Officer, is under the age of twelve years and is a member of any indigenous African tribe; or

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(ii) is the holder of an indigenous fisherman's licence and who in fishing uses only indigenous traditional native methods of fishing.

(2) Any person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

7. (1) A fisherman's licence in the appropriate form set out in the First Schedule to these Rules may, on application and on payment of the appropriate fee set out in the Second Schedule to these Rules, be issued to any person by any fisheries officer or by any authorized person.

Issue of licences.

(2) An indigenous fisherman's licence in the appropriate form set out in the First Schedule to these Rules may, on application, be issued free to any person who is a member of any indigenous African tribe by any fisheries officer or by any authorized person.

(3) The person issuing a fisherman's licence or an indigenous fisherman's licence shall cause an entry of the issue of any such licence to be made in a register to be kept for that purpose.

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

(5) The Chief Fisheries Officer may in his discretion exempt any fisherman from the payment of the appropriate fee for a fisherman's licence, and shall issue to such fisherman a certificate of exemption as set out in the First Schedule to these Rules.

8. The person to whom a fisherman's licence or an indigenous fisherman'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 provisions of this rule shall be guilty of an offence.

Production of licence on demand.

PART IV—USE OF NETS

9. No person shall seine in Lake Victoria unless he is the holder of a valid seining permit issued to him; and any person who contravenes the provisions of this rule shall be guilty of an offence.

Seining permits.

10. A seining permit in the appropriate form set out in the First Schedule to these Rules may, in the discretion of a fisheries officer and subject to such conditions as he may impose and on payment of the appropriate fee set out in the Second Schedule to these Rules, be issued to any licensed fisherman by a fisheries officer:

Issue of seining permits

Provided that the Chief Fisheries Officer may, in his discretion, exempt any such licensed fisherman or class of licensed fisherman from the payment of the whole or any part of such fee.

11. (1) Any set net—

Prohibited nets

(a) the mesh measurement of which is more than three inches but less than five inches shall be, in relation to all fish, a prohibited net save when used under and in accordance with any permit in that behalf issued by the Chief Fisheries Officer;

(b) the length of which, when stretched, is greater than 100 yards, or depth of which is greater than 30 meshes, shall be, in relation to all fish, a prohibited net.

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(2) The Chief Fisheries Officer may issue a permit for such time and subject to such conditions as may be specified therein to any licensed fisherman to use a set net the mesh measurement of which is more than three inches but less than five inches, or of which the dimensions are greater than those specified in subparagraph (b) of paragraph (1) of this rule.

Production of permit on demand.

12. The person to whom any permit has been issued under rule 10 of these Rules shall, on demand, produce such permit 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 provisions of this rule shall be guilty of an offence.

Power to prohibit use of nets, etc.

13. (1) The Chief Fisheries Officer 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, close 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 rule shall be guilty of an offence.

Buoying of set nets.

14. (1) No set net shall be placed in or on the waters of Lake Victoria unless it is buoyed in such a manner as to make the position of such net visible on a clear day at a distance of not less than three hundred feet from a height of six feet above such waters.

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

Obstruction to navigation.

15. (1) No fishing gear shall be placed in or on the waters of Lake Victoria in such a place or in such a manner as to interfere with the free navigation thereof by any boat:

Provided that the placing of any such fishing gear in any area not normally used for the purposes of navigation by any boat other than a fishing boat shall not be deemed to be an interference with the free navigation of the waters of Lake Victoria.

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

PART V—MISCELLANEOUS

Private marks.

16. (1) Any licensed fisherman may apply to a fisheries officer for the registration of any private mark to be used to distinguish any fishing gear owned by the applicant and the fisheries officer may, if he is satisfied—

- (a) that such mark is suitable for the purpose; and
- (b) that no private mark which is likely to be confused with the one in respect of which the application is being made has been previously registered by any fisheries officer,

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grant the application on payment of the appropriate fee set out in the Second Schedule to the Rules and register the private mark in a register to be kept for that purpose; and such registration shall be valid up to 31st December in the year in which it is made.

(2) A notice showing the private mark and the person in whose name it is registered shall be exhibited at the place where the register is kept during the currency of such registration.

(3) The person in whose name the private mark is registered may renew the registration on payment of the appropriate fee set out in the Second Schedule to these Rules.

(4) The person in whose name the private mark is registered may affix in such manner as he may consider most convenient such mark to any fishing gear owned by him.

(5) Any person who affixes to any property any mark which is registered in the name of another person shall be guilty of an offence.

17. Every licence, certificate of registration and permit issued under these Rules shall, subject to the provisions of rule 21 of these Rules, be valid up to the date stated therein and where no date is stated the licence, certificate of registration or permit shall be valid up to 31st December in the year in which it is issued and shall then expire.

Currency of licence, etc.

18. 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 at each place where a register of boats is kept for the purposes of these Rules.

Manner of publication of notices.

19. Any person who, being the holder of any licence or permit to fish—

- (a) in any particular area; or
- (b) with any particular net; or
- (c) for any particular species of fish; or
- (d) by means of any particular method of fishing,

Fishing otherwise than in accordance with licence, etc.

fishes in any place or manner or for any species of fish, other than in accordance with the provisions of such licence or permit, shall be guilty of an offence.

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

Presumptions.

- (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 being used for fishing, or for the transport of fresh fish, is fishing;

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- (c) any boat used for fishing is being so used with the consent of the registered owner thereof;
- (d) any fishing gear marked with any private mark registered under these Rules is the property of the registered owner of such mark.

Penalties.

21. (1) 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 three thousand shillings or imprisonment for a term of three months, or to both such fine and such imprisonment;
- (b) in the case of a second or subsequent conviction, to a fine of ten thousand shillings or imprisonment for a term of one year, or to both such fine and such imprisonment.

(2) In addition the court before which any such person is convicted of an offence under these Rules may order that any licence, certificate or permit issued to such person under these Rules shall be forthwith cancelled.

FIRST SCHEDULE

Form I

(r. 4)

THE FISH PROTECTION (LAKE VICTORIA) RULES

CERTIFICATE OF REGISTRATION OF BOAT

The boat [canoe] of
of

has been registered for the purpose of fishing in Lake Victoria and

has been allocated the number

Fee paid

Date of issue

Date of expiry: 31st December,

.....
Authority Issuing.

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Form II

(r. 7 (1))

THE FISH PROTECTION (LAKE VICTORIA) RULES
FISHERMAN'S LICENCE

..... of
..... is hereby licensed to fish in Lake
Victoria subject to the provisions of the Fish Protection Ordinance
and of the Fish Protection (Lake Victoria) Rules.

Fee paid

Date of issue

Date of expiry: 31st December,

.....
Authority Issuing.

Form III

(r. 7 (2))

THE FISH PROTECTION (LAKE VICTORIA) RULES
INDIGENOUS FISHERMAN'S LICENCE

..... of
..... is hereby licensed to fish, using
only indigenous traditional native methods of fishing, in Lake Victoria
subject to the provisions of the Fish Protection Ordinance and of the
Fish Protection (Lake Victoria) Rules.

Fee paid

Date of issue

Date of expiry: 31st December,

.....
Authority Issuing.

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Form IV

(r. 10)

THE FISH PROTECTION (LAKE VICTORIA) RULES

SEINING PERMIT

..... of

..... is hereby permitted to use a sein net of

the following description

..... subject to the provisions of the

Fish Protection Ordinance and of the Fish Protection (Lake Victoria)

Rules, and subject to the following conditions

.....

2. The breach of any of the conditions contained in this permit

constitutes an offence against the provisions of the Fish Protection

Ordinance and of the Fish Protection (Lake Victoria) Rules.

Fee paid

Date of issue

Date of expiry: 31st December,

.....

Fisheries Officer.

Form V

(r. 7 (5))

THE FISH PROTECTION (LAKE VICTORIA) RULES

CERTIFICATE OF EXEMPTION

..... of

..... is hereby authorized to fish in

Lake Victoria subject to the provisions of the Fish Protection Ordin-

ance and the Fish Protection (Lake Victoria) Rules, but by reason

of his

.....

is exempt from the payment of a fee.

Date of issue

Date of expiry: 31st December,

.....

Chief Fisheries Officer.

SECOND SCHEDULE (rr. 4, 7, 10 and 16)

FEEs

	<i>Sh. cts.</i>
On issue of a certificate of registration of a boat	5 00
On issue of a duplicate certificate of registration of a boat	1 00
On issue of a fisherman's licence	3 00
On issue of a duplicate fisherman's licence	50
On issue of a seining permit	} Such fee as the Chief Fisheries Officer may in his discretion prescribe.
On the registration of a private mark	
On issue of any other permit	2 00
On issue of the duplicate of any permit	1 00
On the renewal of registration of a private mark	2 00

THIRD SCHEDULE (r. 2)

"Mesh measurement" of a net means a measurement ascertained, when the net is wet, by the following stages—

- (a) the net shall be suspended vertically (in accordance with the explanatory sectional diagram contained in this definition) from one corner of any mesh and at least five mesh widths from any edge of the net and stretched by hanging a weight of two pounds from a corner of the next but one lower mesh, being the corner of that lower mesh furthest from such point of suspension, and a linear measurement shall be taken between the highest and lowest corners of the intermediate mesh;
- (b) the net shall be suspended as before vertically from a corner of the mesh first referred to in subparagraph (a) of this definition, being a corner adjacent to that from which the net was first suspended as aforesaid, and stretched by hanging a weight of two pounds from a corner of the next but one lower mesh, being the corner of that lower mesh furthest from such point of suspension, and a linear measurement shall be taken between the highest and lowest corners of the intermediate mesh;
- (c) the longer of the two measurements shall be the mesh measurement.

EXPLANATORY SECTIONAL DIAGRAM

