



LAWS OF KENYA

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

CHAPTER 376

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CHAPTER 376

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

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CHAPTER 376

WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

[Date of assent: 10th February, 1976.]

[Date of commencement: 13th February, 1976.]

An Act of Parliament to consolidate and amend the law relating to the protection, conservation and management of wildlife in Kenya; and for purposes connected therewith and incidental thereto

[Act No. 1 of 1976, Act No. 6 of 1976, L.N. 38/1976, L.N. 41/1976, Act No. 16 of 1977, L.N. 23/1977, L.N. 126/1981, L.N. 152/1981, Act No. 11 of 1983, Act No. 16 of 1989, Act No. 11 of 1992, L.N. 141/1993, Act No. 2 of 2002, Act No. 5 of 2007, L.N. 51/2007, L.N. 111/2010.]

WHEREAS it is desirable that the present powers relating to the management and conservation of wildlife in Kenya should be amalgamated and placed in a consolidated Service of the Government;

AND WHEREAS the prime objective of the Service should be to ensure that wildlife is managed and conserved so as to yield to the Nation in general and to individual areas in particular, optimum returns in terms of cultural, aesthetic and scientific gains as well as such economic gains as are incidental to proper wildlife management and conservation and which may be secured without prejudice to such proper management and conservation;

AND WHEREAS it is necessary, for the achievement of that objective, that full account should be taken of the varied forms of land use and the inter-relationship between wildlife conservation and management and other forms of land use.

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Wildlife (Conservation and Management) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**aircraft**” means any type of aeroplane, airship, balloon or kite, whether captive, navigable or free, and whether controlled or directed by human agency or not;

“**animal**” means any animal or the young or egg thereof, but does not include a human being or any animal which is commonly considered to be a domestic animal or the young or egg thereof;

“**appointed day**” *deleted by Act No. 16 of 1989, s. 2.*

“**authorized officer**” means an officer of the Service, a forest officer, a police officer or an administrative officer;

“**Board of Trustees**” means the Board of Trustees of the Service constituted under section 3B;

“competent authority” means—

- (a) in relation to Government land, the Minister for the time being responsible for matters relating to land;
- (b) in relation to Trust land, the county council in which the land is vested;
- (c) in relation to any other land, the owner thereof or the person for the time being entitled to the rents and profits thereof;

“dangerous animal” means an elephant, a rhinoceros, a hippopotamus, a buffalo, a lion or a leopard;

“dealer” means any person who, in the ordinary course of any business or trade carried on by him, whether on his own behalf or on behalf of any other person—

- (a) sells, purchases, barter or otherwise in any manner deals with any trophy; or
- (b) cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any trophy;

“Director” means the Director of the Service appointed under section 3C;

“export” includes re-export;

“forest officer” has the meaning assigned to it by the Forests Act (Cap. 385);

“forfeiture offence” means an offence which is so designated by any of the provisions of this Act creating offences;

“former Trustees” means the Trustees of the National Parks of Kenya established by the National Parks of Kenya Act, 1962 (Cap. 377 now repealed);

“game animal” means an animal specified in the First Schedule to this Act;

“game bird” means a bird specified in the Second Schedule to this Act;

“game licence” means a licence issued under section 23;

“Government trophy” means a trophy declared to be a Government trophy by section 39;

“hunt” includes the doing of any act immediately directed at the killing, wounding, injuring or capture of any animal, and the taking or wilful molestation of any nest or eggs;

“land” includes land covered by sea or other water;

“licensing officer”, in respect of any of the provisions of this Act, means a person appointed by the Minister, by notice in the *Gazette*, to be a licensing officer for the purposes of that provision;

“local sanctuary” means an area of land declared to be a local sanctuary by or under section 19;

“**meat**” means the fat, blood, flesh or tissue of any game animal, game bird or protected species, whether fresh or dried, pickled or otherwise preserved or processed;

“**Minister**” means the Minister for the time being responsible for matters relating to Wildlife;

“**motor vehicle**” includes a vehicle of the type commonly known as a “hovercraft”;

“**National Park**” means any area of land declared to be a National Park by or under section 6;

“**National Reserve**” means any area of land declared to be a National Reserve by or under section 18;

“**owner**”, in relation to private land, includes a lessee or a mortgagee in possession, and any person authorized by an owner, lessee or mortgagee in possession to act on his behalf in his absence, and group representatives incorporated under the Land (Group Representatives) Act (Cap. 287);

“**private land**” means any land—

- (a) which is held under a conveyance, lease or licence (other than a temporary occupation licence under the Government Lands Act Cap. 280) from the Government or a county council; or
- (b) which has been recorded as being in the ownership of any person or group of persons under any written law relating to the adjudication or recording of such ownership;

“**professional hunter**” means the holder of a valid licence issued under section 27;

“**protected animal**” means an animal, or an animal of a species, sub-species or group, specified in the Third Schedule;

“**protection area**” means an area declared to be a protection area under section 15;

“**ranger**” means a member of the Service, not being a warden, designated as such by the Director;

“**rules**” means any rules, regulations or by-laws made under this Act;

“**senior officer**” means a warden, a forest officer of or above the rank of assistant conservator of forests, or a police officer of or above the rank of Assistant Inspector;

“**Service**” means the Kenya Wildlife Service established under section 3;

“**State Corporations Advisory Committee**” *deleted by No. 2 of 2002, Sch.;*

“**subordinate officer**” means any authorized officer who is not a senior officer;

“**trophy**” means any protected animal, game animal, or game bird alive or dead, and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk or other

durable portion whatsoever of that animal or bird or fish or other aquatic life whether processed, added to or changed by the work of man or not, which is recognisable as such a durable portion;

“**Trustees**” *deleted by Act No. 16 of 1989, s. 2;*

“**vegetable**” includes any form of vegetable matter, alive or dead;

“**warden**” means an member of the Service above the rank of ranger.

[Act No. 11 of 1983, Sch., Act No. 16 of 1989, s. 2, Act No. 2 of 2002.]

PART II – ADMINISTRATION

3. Establishment of the Service

(1) There is hereby established a uniformed and disciplined service to be known as the Kenya Wildlife Service.

(2) The Kenya Wildlife Service shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purposes of the Service and this Act.

(3) The headquarters of the Service shall be in Nairobi.

(4) The Service shall be the successor to the Wildlife Fund Trustees established under section 58 (now repealed) and, subject to this Act all rights, duties, obligations, assets and liabilities of the Wildlife Fund Trustees existing at the date of the coming into operation of this Act shall be automatically and duly transferred to the Service and any reference to the Wildlife Fund Trustees in any written law or in any contract or document shall for all purposes be deemed to be a reference to the Service established under subsection (1).

[Act No. 16 of 1989, s. 3.]

3A. Functions of the Service

The functions of the Service shall be to—

- (a) formulate policies regarding the conservation, management and utilization of all types of fauna (not being domestic animals) and flora;
- (b) advise the Government on establishment of National Parks, National Reserves and other protected wildlife sanctuaries;
- (c) manage National Parks and National Reserves;
- (d) prepare and implement management plans for National Parks and National Reserves and the display of fauna and flora in their natural state for the promotion of tourism and for the benefit and education of the inhabitants of Kenya;
- (e) provide wildlife conservation education and extension services to create public awareness and support for wildlife policies;
- (f) sustain wildlife to meet conservation and management goals;
- (g) conduct and co-ordinate research activities in the field of wildlife conservation and management;

- (h) identify manpower requirements and recruit manpower at all levels for the Service for wildlife conservation and management;
- (i) provide advice to the Government and local authorities and landowners on the best methods of wildlife conservation and management and be the principal instrument of the Government in pursuit of such ecological appraisals or controls outside urban areas as are necessary for human survival;
- (j) administer and co-ordinate international protocols, conventions and treaties regarding wildlife in all its aspects in consultation with the Minister;
- (k) solicit by public appeal or otherwise, and accept and receive subscriptions, donations, devices and bequests (whether movable or immovable property or whether absolute or conditional) for the general or special purposes of the Service or subject to any trust;
- (l) render services to the farming and ranching communities in Kenya necessary for the protection of agriculture and animal husbandry against destruction by wildlife.

[Act No. 16 of 1989,s. 3.]

3B. The Board of Trustees

(1) The Service shall be managed by a Board of Trustees of the Service which shall, subject to section 3C, consist of—

- (a) a chairman appointed by the President;
- (b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Wildlife;
- (c) the Permanent Secretary in the Ministry for the time being responsible for Finance;
- (d) the Permanent Secretary in the Ministry for the time being responsible for Local Government;
- (e) the Commissioner of Police;
- (f) the Director of Forests;
- (g) a representative of the Permanent Secretary in the Office of the President responsible for Internal Security;
- (h) the Director of Veterinary Services;
- (i) not more than six other trustees to be appointed by the Minister from amongst persons who are conversant with nature conservation in all its aspects.

(2) The chairman and the trustees appointed under subsection (1)(a) and (i) shall hold office for three years and shall be eligible for reappointment.

(3) The Board shall elect a vice-chairman from among its members.

(4) The Board shall meet at least four times in every year.

(5) The chairman shall convene an extraordinary meeting of the Board within fourteen days after receipt by him of a written requisition to that effect signed by at least three trustees.

(6) Not less than seven days' previous notice of a meeting of the Board shall be given in writing to every trustee; but accidental failure to give or to receive such notice shall not invalidate the proceedings of a meeting.

(7) The quorum necessary for the transaction of the business of the Board shall be seven trustees inclusive of the person presiding; and all acts, matters and things authorized or required to be done by the Board shall be effected by a resolution passed by a majority of the members present and voting at a meeting at which there is a quorum.

(8) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Board; but in case of the absence of both the chairman and vice-chairman at any meeting of the Board the trustees present at the meeting shall elect one of their number to preside at that particular meeting.

(9) At every meeting of the Board the chairman, or in his absence the vice-chairman or the trustee presiding, shall have a casting as well as a deliberative vote.

(10) The Board of Trustees shall determine its own procedure.

[Act No. 16 of 1989, s. 3, Act No. 2 of 2002, Sch.]

3C. Appointment of Director

(1) There shall be a Director of the Service who shall be a member of the Board of Trustees, the chief executive and head of the Service.

(2) The Director shall be appointed by the President.

(3) The Director or his nominee shall be the secretary to the Board of Trustees.

(4) The Director shall, on behalf of the Board of Trustees and subject to this Act, have the general superintendence of all matters within the scope of this Act.

[Act No. 16 of 1989, s. 3.]

3D. Terms and conditions of appointment, enlistment and secondment to the Service

(1) The Board of Trustees shall establish the terms and conditions for the appointment and enlistment of the members of the Service and the secondment of any other persons to serve with the Service.

(2) The Board of Trustees may appoint and may employ such members, agents or servants of the Service as may be necessary for the discharge of the functions of the Service under this Act upon the terms and conditions of service established under subsection (1).

(3) The Board of Trustees shall within a reasonable time provide for a staff superannuation scheme of a type that will enable the President to determine service with the Kenya Wildlife Service to be public service for the purposes of the Pensions Act (Cap. 189).

[Act No. 16 of 1989, s. 3, Act No. 2 of 2002, Sch.]

3E. Ranks of, and direction of, the members of the Service

(1) Members of the Service shall be of the ranks specified in the Fourth Schedule and the Minister may, by notice in the *Gazette*, amend that Schedule.

(2) All members of the Service shall, in exercise of the powers and in performance of the duties conferred or imposed upon them under this Act, conform with any lawful instructions, directions or orders, whether general or specific, which may be given to them by the Director.

(3) The Director may, with the approval of the Board of Trustees, from time to time make administrative orders, to be called "Service Standing Orders", for the general control, direction and information of the members of the Service.

(4) The Board of Trustees may give such general or special directions to the Director as may be necessary for the more efficient carrying into effect of the provisions of this Act.

[Act No. 16 of 1989, s. 3.]

3F. Disciplinary code and regulations

(1) The Board of Trustees may issue a disciplinary code for the Service and the disciplinary code may provide for the following matters—

- (a) the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings; and
- (b) disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be included in the disciplinary code for infringements of such code—

- (a) dismissal from the Service;
- (b) reduction in rank;
- (c) confinement in a guard room or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
- (d) fines;
- (e) where the offence has occasioned any expense, loss or damage, stoppages of pay or allowances;
- (f) extra drills, parades or fatigues;
- (g) severe reprimand;
- (h) reprimand;
- (i) admonition.

(3) A disciplinary code issued under this section may provide that a member of the Service committing a disciplinary offence may be arrested without warrant by or on the order of a member senior to himself or placed in command over him, who may, if the circumstances so warrant, confine that member or cause that member to be confined in a building suitable for the purpose, pending the determination of disciplinary proceedings.

[Act No. 16 of 1989, s. 3.]

3G. Prohibition against members of the Service joining trade unions

(1) No member of the Service shall be or become a member of—

- (a) a trade union or any body or association affiliated to a union;

- (b) a body or association the objects, or one of the objects, of which is to control or influence conditions of employment in a trade or profession;
- (c) a body or association the objects, or one of the objects, of which is to control or influence pay, pension or conditions of service of the Service other than a staff association established and regulated by rules or regulations made under this Act.

(2) A member of the Service who contravenes subsection (1) shall be liable to be dismissed from the Service and forfeit all rights to pension or gratuity.

(3) If a question arises as to whether a body is a trade union or an association to which this section applies, the question shall be referred to the Minister whose decision thereon shall be final.

[Act No. 16 of 1989, s. 3.]

3H. Insubordinate behaviour

(1) A member of the Service who—

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to a member senior to or placed in command over him or to that other person; or
- (b) uses threatening or insubordinate language to a member senior to or placed in command over him,

shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

(2) The Director or an officer of or above the rank of senior warden to whom the power so to do has been delegated by the Director may direct that an offence committed under subsection (1) be tried summarily and not prosecuted in court.

[Act No. 16 of 1989, s. 3.]

3I. Desertion

(1) A member of the Service who absents himself from duty without leave or just cause for a period of twenty-one days or more shall, unless he proves the contrary, be deemed to have deserted from the Service.

(2) A member who deserts the Service shall forfeit any pay or allowances due to him, and all rights in respect of any pension, provident or other scheme operated by the Service.

(3) No pay or allowance shall be paid to a member in respect of any day during which he is absent from duty without leave, unless the Director otherwise directs.

[Act No. 16 of 1989, s. 3.]

3J. Liability under other law

Nothing in this Act or any subsidiary legislation made thereunder shall exempt a member of the Service from being proceeded against for an offence under any other law.

[Act No. 16 of 1989, s. 3.]

3K. Members of Service not to engage in trade, etc.

No member of the Service shall, without, in the case of a gazetted officer, the prior written approval of the Board of Trustees and, in the case of any other member, the prior written approval of the Director, engage himself in any trade, business or employment or take part in any commercial undertaking outside the scope of his duties as a member of the Service.

[Act No. 16 of 1989, s. 3.]

4. Honorary game wardens

(1) The Director may, with the prior approval of the Minister, appoint fit and proper persons to be honorary wardens for the purpose of assisting in the carrying into effect of the provisions of this Act.

(2) The appointment of an honorary warden—

- (a) shall be notified in the *Gazette*;
- (b) shall be effective unless sooner revoked by the Director, for a period of three years; and
- (c) may be made subject to any conditions which the Director may think fit to impose.

[Act No. 16 of 1989, s. 13.]

5. Delegation, etc., of functions

(1) The Director may delegate or assign any of his functions under this Act—

- (a) to any member of the Service; or
- (b) to any officer of the Forest Department; or
- (c) to any officer of the Fisheries Department; or
- (d) to any public officer, approved by the Minister.

(2) Any delegation or assignment under this section shall be by notice in the *Gazette* and may have effect throughout Kenya or in such area only as may be specified in the notice.

[Act No. 16 of 1989, s. 13.]

PART IIA – THE KENYA WILDLIFE SERVICE FUND**5A. The Kenya Wildlife Service Fund**

(1) There is established a fund to be known as the Kenya Wildlife Service Fund which shall be vested in, and be operated and managed by the Board of Trustees for the purpose of the Service and this Act.

(2) There shall be paid into the Fund—

- (a) all sums vested in the former Wildlife Fund Trustees under section 59 (now repealed);
- (b) donations, loans or other moneys received from any source for the purpose of wildlife conservation or management;
- (c) any sums from time to time provided by Parliament for the purposes of the Fund.

- (3) There shall be paid out of the Fund—
- (a) sums required to launch, operate or expand projects of wildlife conservation and management;
 - (b) any other payments either generally or specifically approved by the Board of Trustees.

[Act No. 16 of 1989, s. 4.]

5B. Wildlife Advisory Councils

(1) For the better carrying out of the powers, duties and functions of the Service the Board of Trustees may by notice in the *Gazette* establish such wildlife advisory councils in respect of any area in which any National Park or National Reserve is situated as may be necessary from time to time.

(2) An advisory council established under subsection (1) shall consist of such persons not exceeding seven including the representative of the local authority concerned, as the Board of Trustees shall determine.

(3) An advisory council shall not take part in the day to day business of wildlife conservation and management but shall bring to the notice of the Board of Trustees for appropriate action all problems and other matters relative to wildlife conservation and management affecting the area for which the advisory council is established.

(4) The Board of Trustees shall determine the tenure and vacation of office of members of an advisory council, its meetings and procedure and its staff.

[Act No. 16 of 1989, s. 5.]

PART III – NATIONAL PARKS, NATIONAL RESERVES AND LOCAL SANCTUARIES

6. Declaration of National Parks

(1) The Minister, after consultation with the competent authority, may by order declare any area of land to be a National Park:

Provided that, where the competent authority does not consent to the declaration, no order shall be made unless—

- (a) the National Assembly has, by resolution, approved a draft of the order, whether with or without modification; and
- (b) in the case of Trust land, the area concerned has first been set apart in accordance with section 118 of the Constitution; or
- (c) in the case of private land, the area concerned has first been acquired under the Land Acquisition Act (Cap. 295).

(2) All National Parks declared to be such under the National Parks of Kenya Act and existing immediately before the appointed day are declared to be National Parks for all the purposes of this Act, and the names and boundaries of such National Parks, unless and until they are amended under this Act, shall be those existing on the appointed day.

(3) All National Parks staff existing immediately before the appointed day, unless and until replaced under this Act, shall be the staff of the Government on the appointed day.

7. Cessation of area as a National Park, National Reserve or local sanctuary

(1) Subject to subsection (2) of this section, the Minister, after consultation with the competent authority, may by order declare that any National Park, National Reserve, local sanctuary, specified part thereof, shall cease to be a National Park, National Reserve or local sanctuary.

(2) No order shall be made under subsection (1) unless—

- (a) a notice of the intention to make the order, with details thereof, and inviting objections thereto within a period of not more than 60 days, has been published in the *Gazette* and in at least one newspaper circulating throughout Kenya; and
- (b) not earlier than sixty days after the last date of such publication a draft of the order has been laid before the National Assembly and the National Assembly has by resolution approved the order.

8. Amendment of boundaries

Subject to sections 6 and 7, the Minister may, by order—

- (a) assign a name to a National Park or amend any such name;
- (b) define the boundaries of a National Park, or alter the same whether by adding to or subtracting from the area thereof or otherwise;
- (c) amalgamate two or more National Parks into one National Park;
- (d) divide any National Park into two or more National Parks;
- (e) transfer any part of a National Park to another National Park.

9. Management of National Parks

(1) The Director shall, through the members of the Service, control, manage and maintain all National Parks.

(2) Within a National Park the Director may—

- (i) reserve or set aside any portion of the Park as a breeding place for animals or as nurseries for vegetation;
- (ii) authorize the construction of such roads, bridges, airfields, buildings and fences, the provision of such water supplies, and the carrying out of such other works, as may be necessary for the purposes of the Park;
- (iii) with the approval of the Minister, let sites for the erection of hotels, or other accommodation for visitors to the Park:

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the Park by the Service, or as preventing the Director from giving directions as to the manner in which the premises concerned shall be managed in the interests of the matters set forth in paragraph (i).

[Act No. 16 of 1989, s. 13.]

10. Repealed by Act No. 5 of 2007, s. 22.

11. Restriction on commercial film making

(1) Notwithstanding anything contained in the Films and Stage Plays Act (Cap. 222), no person shall in a National Park make any cinematograph film for sale or other commercial use unless the filming licence issued under that Act has been produced to the Director and the Director has upon payment of the prescribed fee given his written authorisation, subject to such conditions as he may think necessary, to the making of the film.

(2) Any person who contravenes subsection (1), or who fails to comply with any conditions imposed in connexion with any authorisation under this section, shall be guilty of a forfeiture offence.

12. Flying restrictions in respect of National Parks

(1) Except as may be necessitated by sudden emergency endangering the safety of any aircraft, the proof of which shall lie on the pilot thereof, no aircraft—

- (a) shall be landed in a National Park otherwise than at a recognised airfield and in accordance with the rules;
- (b) except for the purpose of landing at or taking off from a recognized airfield, shall be flown at a height of less than one thousand five hundred feet over a National Park unless the written authorization of the Minister, which may be given subject to such conditions as the Minister may think fit to impose, has previously been obtained.

(2) The pilot of an aircraft who contravenes the provisions of this section, or fails to comply with any conditions attached to an authorization by the Minister, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment:

Provided that nothing in this subsection shall apply to the operation of any aircraft which is, at the time of the contravention, being used for any purpose of the Service.

[Act No. 6 of 1976, Sch.]

13. General offences in National Parks

(1) Any person who, not being a member of the Service acting in the course of his duties as such, hunts any animal in a National Park shall be guilty of a forfeiture offence and liable to a fine of not less than five thousand shillings and not more than twenty thousand shillings or to imprisonment for a term which shall not be less than six months and not more than three years, with or without corporal punishment or to both.

(2) Any person who, without authorization conveys into a National Park, or being within the area thereof, is in possession of, any weapon, ammunition, explosive, trap or poison, shall be guilty of a forfeiture offence.

(3) Any person who, without authorization—

- (a) enters or resides in a National Park otherwise than in the course of his duty as a public officer or as a person lawfully employed in the Park;
- (b) cuts, injures or sets fire to any vegetation in a National Park, or allows any fire lighted by himself or his servants to enter a National Park;

- (c) collects or attempts to collect any honey or beeswax or hangs on any tree or elsewhere any honey barrel or other receptacle for the purpose of collecting honey or beeswax, in a National Park;
- (d) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a National Park, or knowingly removes or attempts to remove any such object or any portion thereof from a National Park;
- (e) is, without lawful excuse in possession of any animal or trophy within or without a National Park;
- (f) knowingly introduces any animal or domestic animal or vegetation into a National Park;
- (g) deliberately disturbs or stampedes any animal in a National Park;
- (h) wilfully damages any structure lawfully placed in a National Park;
- (i) clears, cultivates or breaks up for cultivation any land in a National Park; or
- (j) catches or attempts to catch any fish in a National Park,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

(4) For the purposes of this section, an act shall be deemed to be done with authorization if, but only if, it—

- (a) is authorized by the rules; or
- (b) is done with the written permission of an officer of the Service; and
- (c) the provisions of the rules, or any conditions imposed upon such permission by the officer concerned, are fully complied with.

[Act No. 16 of 1989, s. 13.]

14. Animal not to be followed into National Park

(1) Notwithstanding any other provision of this Act, no person shall follow any wounded animal into a National Park, and where, under that provision, a person has in other circumstances a duty to follow or kill, or to make a report relating to a wounded animal he shall, at the earliest practicable moment, make a report to an officer of the Service as to all the circumstances of the case.

(2) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

15. Protection areas

(1) Where the Minister, after consultation with the competent authority, is satisfied that it is necessary, for ensuring the security of the animal or vegetable life in a National Park or in a National Reserve or in a local sanctuary or for preserving the habitat and ecology thereof, to prohibit, restrict or regulate any particular acts in any area adjacent to the Park, National Reserve or local sanctuary he may, by notice in the *Gazette*, declare the area to be a protection area and may, by the same or a subsequent notice, specify the acts which are prohibited or restricted or regulated and the extent or manner of the restriction or regulation.

(2) Any person who, in a protection area, does any act in contravention of a notice under subsection (1) relating to that area shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

16. National Park Regulations

(1) The Minister may make regulations for any or all of the following matters—

- (a) the form in, and the conditions subject to which permission to enter a National Park may be granted or withdrawn, and the periods or times during which a National Park or any portion thereof shall be open to the public;
- (b) the fees to be paid for permission to enter or reside in a National Park, for the admission of vehicles, or for the use of any amenities provided by the Service in a National Park;
- (c) the conditions under, and the extent to, which any of the acts mentioned in subsection (2) or subsection (3) of section 13 may be lawfully performed and the fees to be paid in respect of such performance;
- (d) the conditions under which the services or attendance of members of the Service, or of any other person licensed in that behalf by the Director, may be obtained in a National Park, and the fees to be paid in respect thereof;
- (e) the regulation of landing of aircraft in, and of traffic in or over, a National Park, the carriage of goods and passengers in a National Park, the points by which a person may enter, and the routes to be followed in or through a National Park;
- (f) generally for the efficient control and management of a National Park and the efficient performance of the duties of the Service therein.

(2) Regulations under this section may be made applicable to all or any specified National Parks, and different regulations may be made in respect of different National Parks.

(3) Regulations under this section may provide, in respect of any contravention thereof, penalties not exceeding a fine of six thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 16 of 1989, s. 13.]

17. Impounding of domestic animals

Any domestic animal found in a National Park may be impounded by an Officer of the Service and the owner thereof shall prove ownership before delivery.

18. National Reserves

(1) With the agreement of the competent authority, the Minister may, by notice in the *Gazette*, declare any area of land to be a National Reserve.

(2) An agreement between the Minister and a competent authority under subsection (1) may include agreement as to restrictions or conditions relating to the provisions of this Part which shall apply to the area concerned, and any such restrictions or conditions shall be specified by the Minister in the notice declaring the area to be a National Reserve.

(3) The provisions of this Part shall apply to a National Reserve as they apply to a National Park except in so far as—

- (a) they are modified or excluded by any such conditions or restrictions as are mentioned in subsection (2); or
- (b) they are further modified or excluded as the Minister may, by the notice declaring the area to be a National Reserve or by a subsequent notice in the *Gazette*, otherwise direct.

(4) Any areas which, immediately before the appointed day, were administered by the former Trustees as national reserves shall on that day become National Reserves for the purposes of this Act, and the powers, duties and functions which immediately before the appointed day were exercisable by the former Trustees in any such area shall thereafter be exercisable by the Director in so far as they conform to the provisions of this Part.

(5) Notwithstanding any law to the contrary, no person shall purport to establish any game reserve or National Reserve except with the approval of the Minister, and any such approval—

- (a) may be made subject to such conditions and restrictions, including conditions relating to the application of this Part to such reserve, as the Minister may, after consultations with the competent authority impose;
- (b) shall be published in the *Gazette*.

(6) Any area which, immediately before the appointed day, was administered by a local authority as a game reserve shall become a National Reserve and shall continue to be so administered until the Minister, after consultations with the competent authority, by notice in the *Gazette*, otherwise directs either generally or in relation to any specified area.

19. Local sanctuaries

(1) The Minister may, after consultation with the competent authority, by notice in the *Gazette*, declare that any specified area shall be a local sanctuary wherein any animal specified in the same or a later notice shall not be hunted.

(2) The area of a local sanctuary shall not exceed two thousand six hundred hectares.

(3) All local sanctuaries declared to be such under the Wild Animals Protection Act (Cap. 376) (now repealed) and existing immediately before the appointed day are declared to be local sanctuaries for all the purposes of this Act.

(4) Any person who in a local sanctuary hunts any animal which is specified in respect of that sanctuary under subsection (1) shall be guilty of a forfeiture offence.

20. Agreements by Director

(1) The Director may enter into any agreement with a competent authority which the Director may consider necessary for the purpose of ensuring that animal migration patterns essential to the continued viability of a National Park or National Reserve are maintained.

(2) An agreement under this section may, with the approval of the Minister, provide for compensation to be payable to the competent authority concerned in respect of rights forgone or of damage caused by animals.

PART IV – CONTROL OF HUNTING**21. Powers of honorary wardens**

An honorary warden appointed under section 4 of this Act shall, for all the purposes of this Part, be deemed to be a warden.

[Act No. 16 of 1989, s. 13.]

22. Prohibition of unlicensed hunting, etc.

(1) Save as otherwise expressly provided by this Act or the rules any person who—

- (a) hunts any protected animal; or
- (b) hunts any game animal otherwise than as the holder of, and in accordance with any conditions attaching to, a game licence authorizing him to hunt that animal,

shall be guilty of a forfeiture offence.

(2) Save as otherwise provided by this Act or the rules, any person who hunts any game bird otherwise than as the holder of, and in accordance with any conditions attaching to, a game licence authorizing him to hunt such bird shall be guilty of an offence.

23. Game licences

(1) Subject to subsection (4) of section 3 of this Act, a licensing officer may, issue in accordance with the rules a game licence in a prescribed form.

(2) Game licences shall, subject to Part III of this Act, authorize the hunting of such game animals or game birds, in such area, for such periods and subject to such conditions as may be prescribed, and the prescribed fees shall be payable in respect of the issue thereof.

(3) Notwithstanding any other provision of this Act, no game licence shall authorize the holder thereof to hunt any game animal unless—

- (a) he is a professional hunter; or
- (b) he is accompanied at the time of hunting by a professional hunter; or
- (c) his licence is endorsed by the Director, after such inquiry or test as to competence as the Director may think fit, to the effect that the holder may, subject to any conditions which the Director may consider necessary, hunt unaccompanied by a professional hunter either generally or in respect of the animal actually hunted.

24. General provisions as to game licences

(1) For the purpose of computing the number of game animals or game birds which may be hunted under a game licence, all animals or birds which are killed, wounded or captured shall be taken into account.

(2) Every game licence shall be personal to the person to whom it was issued and shall not be transferable.

(3) Every holder of a game licence shall carry the licence with him at all times when engaged upon any of the activities authorized by the licence, and any person who fails to comply with this subsection shall be guilty of an offence.

(4) Subject to the provisions of this Act relating to the cancellation of licences, a game licence shall be valid for the period specified in the licence:

Provided that a game licence shall cease to be valid as soon as all the animals the hunting of which is authorized by the licence have been killed, wounded or captured.

25. Game registers

(1) Every holder of a game licence shall keep a register in the prescribed form of the prescribed particulars of every game animal killed, wounded or captured by him, or deemed by any provision of this Act to have been killed, wounded or captured by him.

(2) Every professional hunter shall keep a register in such form, and containing such particulars, as the Director may require at the time that the professional hunter's licence is issued.

(3) So far as is practicable, every register kept under this section shall have the registrable particulars entered therein at the conclusion of each day's hunting.

(4) A person required to keep a register under this section shall—

- (a) produce the register at any reasonable time upon being requested to do so by an authorized officer;
- (b) produce the register to a warden within seven days after the date upon which any game licence held by him ceases to be valid under subsection (4) of section 24 of this Act;
- (c) furnish to the Director within twenty-one days after such date a copy of the register.

(5) Any person who, being required by this section to keep a register—

- (a) fails so to do;
- (b) makes, or is privy to the making of, any false entry in such register;
- (c) fails to record in the register any particulars which are required to be so recorded; or
- (d) fails to produce the register, or to furnish a copy thereof, when required by subsection (4) so to do,

shall be guilty of an offence, and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

26. Special authorization to hunt

(1) Where the Director is satisfied that it is desirable so to do for scientific purposes, or by reason of any circumstances of an unusual or emergency nature, he may, with the prior approval of the Minister in each case, issue a special authorization to hunt any animal in any specified area other than a National Park.

(2) An authorization issued under this section—

- (a) shall be subject to such conditions as the Director may deem it necessary or desirable to impose thereon;
- (b) shall, except as may be expressly provided by any such condition, be deemed to be a game licence for all the purposes of this Act; and
- (c) shall be subject to the payment of such fee as the Minister may, on granting his approval thereof, direct.

27. Professional hunters

(1) Any person who, not being the holder of a professional hunter's licence issued under this section—

- (a) carries on the business of a professional hunter, or advertises himself or solicits custom in connexion with such business; or
- (b) for hire or reward with the intention of making profit, assists any person to hunt any game animal or game bird,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment:

Provided that paragraph (b) of this subsection shall not apply to any person employed solely as a tracker, gun-bearer or beater.

(2) The Director may issue a professional hunter's licence to any person who is able to satisfy the Director that by reason of his competence with firearms, knowledge of game animals and of the written law pertaining thereto, and of any other matters which the Director may consider relevant, he is a fit and proper person to carry on the business of a professional hunter:

Provided that where a person seeks a professional hunter's licence in continuation of one previously held by him he shall, in the absence of any evidence to the contrary, be deemed to be such a fit and proper person.

(3) There shall be paid in respect of the issue of a professional hunter's licence such fee as may be prescribed and, subject to the provisions of this section, every such licence shall be valid for the period of twelve months following the date of issue thereof.

(4) If the holder of a professional hunter's licence is convicted of any offence against this Act or the rules—

- (a) he shall, within fourteen days after the date of his conviction, surrender his licence to the Director for cancellation; and
- (b) he shall not be eligible to be issued with another licence for such period as the Director may determine having regard to the circumstances of the case,

and any person who fails to surrender his licence accordingly shall be guilty of an offence.

(5) A professional hunter's licence shall not authorize the hunting of any animal by the holder thereof except in so far as may be necessary in his own defence or in the defence of any other person or to prevent the escape of a wounded animal:

Provided that where an animal so killed was wounded by the holder of a game licence employing the professional hunter it shall, for all the purposes of this Act, be deemed to have been killed by such holder.

(6) Where any person who commits an offence against this Act or the rules is accompanied by a professional hunter, employed by him, at the time that the offence is committed, the professional hunter shall, unless he establishes to the satisfaction of the Court that he used all due diligence to prevent the commission of the offence and was unable to prevent the commission thereof, be guilty of the like offence.

28. Cancellation, etc., of licences

(1) The Director may, without assigning any reason therefor, suspend or cancel any licence or authorization issued under this Part, and in any such case a proportionate part of the fee paid for the licence may be refunded to the person to whom it was issued.

(2) Any licensing officer authorized under this Part to issue any licence or authorization may, if he thinks fit and without assigning any reason therefor, refuse to issue the licence or authorization.

[Act No. 16 of 1989, s. 13.]

29. Hunting on private land

(1) No game licence shall authorize hunting on any private land unless it is expressed so to do by endorsement specifying the land concerned, made by a licensing officer, and no such endorsement shall be made unless—

- (a) the holder of the licence is the owner of the land concerned; or
- (b) the person applying for the endorsement produces to the licensing officer the written consent of the owner of the land thereto; or
- (c) the land concerned is registered under subsection (2) of this section.

(2) Where the owner of private land desires to afford facilities for the hunting of game animals or game birds on such land, he may register the land, in such manner and on furnishing such particulars as may be prescribed, with the Director or with such officer of the Service as the Director may, by notice in the *Gazette*, appoint for that purpose, and in any such case—

- (a) the registration may be effected in respect of the whole of the land of such owner or of such portion thereof as the owner may specify;
- (b) the registration may be made subject to such conditions as to the giving of notice to the owner or his representative of intention to hunt, or as to the types of animals which may be hunted, as the owner may specify, and any endorsement under this section in respect of the land shall include a reference to such conditions;
- (c) there shall be paid to the registered owner such fees, whether calculated as a proportion of the fees paid in respect of licences endorsed as valid in respect of the land of the owner or otherwise, as may be prescribed.

30. Protection of human life

(1) Nothing in this Act shall make it an offence for any person to kill or injure by any means any animal in immediate defence of human life:

Provided that the exemption provided by this subsection shall not apply where such killing or injuring is done by any person who, at the time thereof, was committing an offence under this Act or is done under circumstances amounting to deliberate provocation or enticement of the animal by or with the knowledge of that person.

(2) Where a protected animal or game animal is killed in immediate defence of human life the person killing the animal shall make a report of the fact at the earliest practicable moment to an officer of the Service.

31. Protection of property

Notwithstanding anything to the contrary in this Act any occupier of land or his servant or any owner of crops or stock or his servant, may, if necessary for the protection of his land, crops or stock, kill any game animal which is causing material damage or loss to his land or to any crop or stock thereon.

32. Wounded animals

(1) Where any person, in any circumstances whatsoever, wounds a protected animal or game animal he and any professional hunter accompanying him shall make every endeavour to kill or recover the animal at the earliest opportunity.

(2) Where an animal mentioned in subsection (1) of this section is not killed or recovered within twenty-four hours after the wounding thereof the person by whom the animal is wounded shall forthwith make a report of the facts to an officer of the Service, who shall take such action upon such report as he may consider necessary.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable—

- (a) if the animal wounded is a dangerous animal, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
- (b) in any other case, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

33. Causing suffering

Any person who—

- (a) in any circumstances whatsoever, causes unnecessary or undue suffering to a protected animal or game animal; or
- (b) without the permission of a warden, is in possession of or has in his control or keeping, any such animal which has been maimed or mutilated,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.

34. Unlawful methods of hunting

(1) No person shall—

- (a) sell, buy, use or have in his possession any gin or similar trap having a jaw length of four inches or more, or any snare or similar contrivance made of wire;
- (b) for the purpose of or in connexion with hunting or assisting in hunting any animal, cause any fire or surround any animal with fire, or make, use or have in his possession any of the following things—
 - (i) any firearm capable of firing more than one missile as a result of one pressure of the trigger or of reloading itself without further action by the operator;
 - (ii) any explosive, other than the propellant charge in firearms cartridges, or any missile containing explosive;
 - (iii) any fixed stake or similar sharp instrument;
 - (iv) any set-gun, pitfall, game-pit, trench or similar excavation;
 - (v) any net, fence or enclosure;
 - (vi) any gin, trap, snare or similar device other than such as are mentioned in paragraph (a);
 - (vii) any poison or like injurious substance, or any poisoned weapon;
 - (viii) any other means or method of hunting which may be prescribed as unlawful;
- (c) hunt any game animal during the period between seven o'clock in the evening and half-past five o'clock in the morning;
- (d) partake in any game drive other than a drive of birds;
- (e) drive any game animal into water for the purpose of incapacitating, killing or capturing it.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of a forfeiture offence.

(3) Any person who is found away from his place of abode in possession of any of the things mentioned in paragraph (b) of subsection (1) of this section in circumstances which, having regard in particular to the place in which he is so found and the place to or from which he is or appears to be travelling, raise a reasonable assumption that he has used, or intends or is about to use, such thing for hunting shall, unless he proves otherwise to the satisfaction of the Court, be presumed to have such thing in his possession for the purpose of hunting an animal.

35. Aircraft, motor vehicles, etc.

(1) No person shall approach in a motor vehicle or aircraft to within five hundred metres of a game animal for the purpose of hunting that animal.

(2) No person shall use an aircraft or radio telephone for locating a game animal for the purpose of that animal being hunted or killed within forty-eight hours of such use.

(3) No person shall use any aircraft, motor vehicle or mechanically propelled vessel in such a manner as to drive, stampede or unduly disturb any protected animal or game animal for any purpose whatsoever:

Provided that this subsection shall not prohibit the use of an aircraft or radio telephone or vehicle—

- (a) for the purpose of driving any animal away from a recognized aerodrome or airfield or from any other area if necessary to enable an aircraft to land safely; or
- (b) for the purpose of driving any animal away from land for the time being under cultivation or in use for the grazing or herding of stock; or
- (c) for any other purpose which may be prescribed.

(4) No person shall discharge any firearm at or in the direction of any game animal from a motor vehicle or aircraft or from within four hundred metres of a motor vehicle.

(5) No person shall shoot any game animal from a mechanically propelled vessel whilst the vessel is in mechanically induced motion.

(6) Any person who contravenes any of the provisions of this section shall be guilty of a forfeiture offence.

36. Use of dogs

(1) No person shall, without the written permission of a warden, which may be refused without any reason being assigned therefor, use dogs for the purpose of hunting any game animal.

(2) Any person who uses a dog in contravention of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment and the Court by which the person is convicted may also order the destruction of such dog.

37. Power to prohibit use of certain weapons, etc.

(1) The Minister may, by notice in the *Gazette*, prohibit the hunting of any game animal, or may by such notice impose such conditions or restrictions in respect of the use of any specified means of hunting, weapon or missile as he may think fit.

(2) Any person who hunts any animal—

- (a) by any means, weapon or missile the use of which is prohibited under this section; or
- (b) in breach of any condition or restriction imposed in respect of the use of the means, weapon or missile used by him in such hunting,

shall be guilty of a forfeiture offence.

38. Close seasons

(1) The Minister may, by notice in the *Gazette*, declare that, during such period and within such area as may be specified in the notice, the hunting of such game animals or game birds as may be so specified shall be unlawful.

(2) Any person who hunts any animal in contravention of a notice under this section shall be guilty of a forfeiture offence.

PART V – TROPHIES AND LIVE ANIMALS

39. Government trophies

(1) Except as otherwise provided in this Act, the following shall be Government trophies and the property of the Government—

- (a) any trophy found without an owner;
- (b) any protected animal, game animal or game bird found dead or killed by accident or mistake;
- (c) any protected animal or game animal killed in defence of life, or in other circumstances authorized by or under this Act, by a person who is not the holder of a game licence authorising him to hunt such animal;
- (d) any animal or trophy in respect of which a breach of any of the provisions of this Act or the rules has been committed;
- (e) any animal killed by a member of the Service in the course of his duties as such;
- (f) the meat of any animal mentioned in this subsection.

(2) Any person who by any means obtains possession of a Government trophy shall forthwith make a report thereof to an authorized officer and shall hand the trophy over to such officer.

(3) Any person who—

- (a) fails to make a report required by subsection (2) of this section; or
- (b) is unlawfully in possession of, or unlawfully deals in, any Government trophy,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(4) In any proceedings against any person for an offence against this section, the onus of proving that any possession or dealing was lawful shall be upon that person.

40. Importation of trophies

(1) After the appointed day no person shall import any trophy, or any unmanufactured ivory or rhinoceros horn of any description, unless it is imported through a customs port of entry and produced at the time of importation to a proper officer of customs:

Provided that no person shall, without the written permission of the Minister, import any trophy of a class which the Minister, by notice in the *Gazette*, has declared to be a prohibited import.

(2) An officer of customs to whom any trophy, ivory or horn is produced under subsection (1) of this section shall issue to the person by whom it is produced an acknowledgement of production in the prescribed form, and shall forthwith send a copy of the acknowledgement to the Director.

(3) Within fourteen days after any importation under this section, the importer shall produce the trophy, ivory or horn concerned, together with the acknowledgement of production issued under subsection (2) of this section, to the Director who shall weigh, mark and register the trophy, ivory or horn in such manner, if any, as may be prescribed and shall, unless the importer is in possession of a certificate of ownership or equivalent document issued by a competent authority of the country of origin of the trophy, ivory or horn, and subject to subsection (4) of this section, issue a certificate of ownership in respect thereof.

(4) A certificate of ownership shall not be issued under subsection (3) in respect of any trophy, ivory or rhinoceros horn imported directly from any country to which this subsection has been applied by the Minister by notice in the *Gazette* unless the Director is satisfied that such trophy, ivory or horn has been lawfully exported from that country.

(5) Any person who—

- (a) imports or attempts to import any trophy, ivory or rhinoceros horn in contravention of subsection (1) of this section; or
- (b) fails to produce any trophy, ivory or rhinoceros horn as required by subsection (3) of this section,

shall be guilty of a forfeiture offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

41. Certificates of ownership relating to hunted animals

(1) Where any person kills or captures any animal under the authorization of a game licence, he shall, within thirty days after the killing or capture, produce the animal or, as the case may be, any trophy of the animal which he wishes to retain, to a warden who shall issue a certificate of ownership in respect thereof:

Provided that, if the person wishes to have any process applied in Kenya to the trophy, a warden may, upon application made to him in that behalf, extend the period of thirty days for such further period as he may consider necessary to enable the processing to be carried out before the issue of a certificate of ownership in respect of the completed trophy.

(2) Any person who fails to produce any animal or trophy as required by this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment:

Provided that it shall be a defence to any proceedings under this subsection for the accused to prove to the satisfaction of the Court that his failure to comply with the provisions of subsection (1) of this section arose from circumstances beyond his control and that he produced the animal or trophy concerned to a warden at the earliest practicable time.

42. Certificates of ownership for possession of trophies

(1) Save as otherwise provided by this Act, any person who is in possession of any trophy, or of any ivory or rhinoceros horn of any description, without also being in possession of a certificate of ownership in respect thereof shall be guilty of a forfeiture offence and—

- (a) if that person is the holder of a dealer's licence under section 43, be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment; or
- (b) in any other case, be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(2) This section shall not apply to the possession of a trophy by any person who has such possession solely by reason of being a receiver or trustee in bankruptcy or the personal representative of a deceased person.

(3) In this section and in sections 44 and 45 "**certificate of ownership**" means

- (a) a certificate of ownership issued under any of the provisions of this Act;
- (b) a certificate of ownership issued under any former law relating to wildlife; and
- (c) a certificate of ownership or equivalent documents issued by a competent officer or other authority of the country of origin of the trophy concerned.

[Act No. 16 of 1977, Sch.]

43. Dealers

(1) No person shall carry on the business of a dealer unless he is the holder of a valid dealer's licence issued by a licensing officer.

(2) An application for a dealer's licence shall be made to a licensing officer in the prescribed form, and the licensing officer may, in his discretion grant or, without assigning any reason therefor, refuse to grant the licence.

(3) A dealer's licence—

- (a) shall be in the prescribed form;
- (b) shall be subject to such conditions as may be prescribed or authorized by the rules regulating the manner, place or hours in, at or during which the licensed business may be carried on and the trophies or class of trophies which may be dealt in;
- (c) shall be subject to the payment of the prescribed fee, and different fees may be prescribed for different classes of dealers;
- (d) shall, subject to any other provision of this Act, be valid for a period of twelve months from the date of issue thereof.

(4) Any person who—

- (a) not being the holder of a dealer's licence, carries on the business of a dealer; or
- (b) being the holder of a dealer's licence, fails to comply with any condition to which the licence is subject,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

44. Transfer of trophies

(1) Subject to subsection (3) of this section, no person shall transfer the ownership of any trophy to any other person by way of gift, sale or otherwise unless he is in possession of a certificate of ownership in respect of the trophy and unless, at the time of the transfer, he endorses the certificate with the date of transfer and the name of the person to whom the trophy is transferred and hands over the certificate to that other person.

(2) Any person who transfers any trophy to another otherwise than in compliance with subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(3) Nothing in this section shall apply to any transfer of ownership of a trophy by operation of law or in consequence of the death of the owner of the trophy.

45. Export of trophies, etc.

(1) No person shall export any live protected animal, game animal or game bird except—

- (a) through a customs port of entry; and
- (b) under and in accordance with an export permit issued by the Director on payment of the prescribed fee, which shall be non-refundable whether or not the permit is granted, and which permit may be refused by the Director without assigning any reason therefor.

(2) No person shall export any trophy other than a live animal except through a customs port of entry and upon production to a proper officer of customs of a certificate of ownership relating to that trophy.

(3) Notwithstanding subsections (1) and (2) of this section, no person shall, without the written permission of the Minister, export any animal or trophy of a class which the Minister, by notice in the *Gazette*, has declared to be a prohibited export.

(4) Nothing in this section shall apply to any animal or trophy which is—

- (a) in transit through Kenya if such animal or trophy is accompanied by the necessary transit documents issued in the country of origin or export and is entered through a customs port of entry; or
- (b) accompanied by a person who is in possession of, and produces to a proper officer of customs, a certificate issued in Tanzania or Uganda certifying that such person is lawfully authorized to export, the animal or trophy, and the person satisfies the officer of customs that—
 - (i) the certificate was issued to him; and
 - (ii) that he is himself exporting the animal or trophy from Kenya.

(5) Any person who exports or attempts to export any animal or trophy in contravention of any of the provisions of this section shall be guilty of a forfeiture offence.

[Act No. 11 of 1983, Sch.]

46. Exemptions

The Minister may, by notice in the *Gazette*, exempt any class of trophy from all or any of the provisions of this Part.

47. Game meat

(1) The Minister may, by regulation, prohibit, control or regulate the possession or movement of, or any dealings of any nature whatsoever in, any meat.

(2) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may—

- (a) provide for the licensing of persons and premises;
- (b) provide for the inspection of premises other than dwelling-houses;
- (c) specify the conditions upon which game-ranching and game cropping may be undertaken, and provide for the exemption of game-ranching and game cropping from the provisions of this Act relating to game or other licences;
- (d) prescribe the fees to be payable in respect of any licence, permit or authorization issued or given thereunder;
- (e) impose penalties, in respect of any breach of the regulations, not exceeding a fine of twenty thousand shillings or imprisonment for a term not exceeding three years or both such fine and imprisonment;
- (f) provide for the forfeiture of any meat in respect of which any breach of the regulations occurs.

48. Permit to keep live animals

(1) No person shall keep in captivity any live protected animal, game animal or game bird except in accordance with a permit issued by a licensing officer in that behalf.

(2) A permit under this section—

- (a) shall be in addition to any certificate of ownership required under this Act;
- (b) shall be issued, upon application, by the licensing officer unless he has reason to believe that the applicant is not a proper person to keep the animal when the licensing officer may refer the matter to the Director who may direct the licensing officer to issue or refuse the permit, and the decision of the Director thereon shall be final.

(3) Any animal or birds kept under the authority of a permit under this section shall be made available for inspection, together with the cage or other enclosure in which it is normally kept, by any warden at all reasonable times.

(4) If, upon an inspection made under this section, a warden is satisfied that the animal or bird concerned is not being adequately cared for, or that the conditions under which it is kept are not reasonably healthy or humane, the warden shall report the facts to the Director who may thereupon cancel the permit concerned and confiscate the animal or bird concerned which shall become the property of the Government.

(5) Any person who keeps any animal or bird in contravention of subsection (1), or fails to make an animal, bird, cage or enclosure available for inspection as required by subsection (3) of this section, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

PART VI – ENFORCEMENT

49. Powers of officers

(1) An authorized officer may stop and detain any person whom he finds doing any act for which a licence or permit is required under this Act or the rules for the purpose of requiring that person to produce his licence or permit, and if the person fails to produce the appropriate licence or permit he may be arrested by the officer without a warrant.

(2) If an authorized officer has reasonable grounds for believing that any person has committed an offence under this Act or the rules he may—

- (a) require the person to produce for inspection—
 - (i) any animal, or any meat or other part of an animal, in the possession of such person;
 - (ii) any firearm or other weapon, trap, net or poison, or any instrument, material or thing, in relation to or in connexion with which any offence appears to such officer to have been committed;
 - (iii) any licence, permit or other document required to be had or be kept by such person under the provisions of this Act or the rules;
- (b) enter and search, with or without assistance, any land, building, tent, vehicle or boat in the occupation or possession of such person, and open and search any baggage or other thing in the possession of such person:

Provided that no dwelling-house shall be entered without a warrant except under exceptional circumstances;

- (c) seize and detain anything which appears to the officer to be a Government trophy, or any vehicle, boat, firearm or other weapon, trap, net or poison, or any instrument, material or thing whatsoever in relation to or in connexion with which any offence against this Act or the rules appears to have been committed or which appears to the officer to have been used in, or for the purposes of, the commission of any such offence, whether or not it is in the immediate possession of any person;
- (d) arrest and detain such person if he has reason to believe that such person will not appear and answer any charge which may be preferred against him.

(3) For the purpose of the more effective enforcement of the provisions of this Act, a senior officer, or a subordinate officer authorized by him in that behalf, may erect a temporary barrier across any road or place and any person approaching the barrier shall, on being required by the officer so to do, stop and allow the officer to carry out such search of his own person and of any vehicle as may appear to the officer to be necessary or expedient.

(4) Any person who—

- (a) without reasonable excuse, fails to produce anything which, under the powers conferred by this section, he is required to produce; or

- (b) fails to stop or to allow a search when so required under subsection (3) of this section; or
- (c) assaults, resists or wilfully obstructs any officer in the exercise of the powers conferred upon such officer by this section,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

(5) Neither the Government nor any officer shall be responsible for any loss or damage which may occur to any property during an act of seizure, or whilst such property is detained, under this section, unless the same has been caused maliciously or fraudulently or by gross neglect.

[Act No. 16 of 1989, s. 6.]

50. Disposal of persons arrested and things seized

(1) Any person arrested under section 49 shall forthwith be taken before a court to be dealt with according to law.

(2) Where anything other than a trophy is seized and detained under section 49 of this Act it shall be forfeited to the Government after a period of three months unless within that period some person is charged with a forfeiture offence under the Act and it is alleged that—

- (a) the offence was committed in relation to or in connection with that thing; or
- (b) the thing was used in, or for the purpose of, the commission of such an offence.

(3) Notwithstanding subsection (2)—

- (a) where anything seized and detained under section 49 is subject to speedy and natural decay, and it is not reasonably practicable to take effective steps to preserve the same, the officer by whom the same is seized or an officer to whose orders he is subject may, without obtaining any order from a court, destroy or otherwise dispose of that thing if he considers it desirable so to do;
- (b) where any apparently unlawful means of hunting cannot practicably be removed from its location it may forthwith be rendered inoperative.
- (c) *deleted by Act No. 16 of 1989, s. 7.*

[Act No. 16 of 1989, s. 7.]

51. Effect of conviction and powers of court

(1) Where the holder of a licence, permit, permission or authorization granted or issued under this Act or the rules is convicted of an offence against this Act, such conviction shall, unless the Court otherwise directs for reasons to be recorded in writing, have the effect of cancelling the licence, permit, permission or authorization with effect from the date of conviction.

(2) The holder of a licence, permit, permission or authorization which is cancelled under subsection (1) of this section shall, within fourteen days from the date of conviction, surrender to the Court the licence or permit, or any document evidencing the permission or authorization, and any person who fails to comply with the provisions of this subsection shall be guilty of an offence.

(3) Where any person is convicted of an offence against this Act or the rules in respect of any game-pit, pitfall, trench or similar excavation, or any fence or enclosure, or any other device whatsoever fixed to the ground, which such person has unlawfully made, used or had in his possession for the purpose of hunting, the Court may, in addition to any other punishment, order that such game-pit, pitfall, trench, excavation, fence, enclosure or device shall be destroyed or obliterated by the Service in such manner as the Court may specify, and any expenditure incurred on account of such order shall be a civil debt recoverable summarily from such person by the Government.

(4) A court before which a person is convicted of an offence against this Act or the rules shall forthwith make a report in the prescribed form to the Director containing the details of the offence and the sentence and particulars of any other order made by the Court in relation to the conviction.

52. Forfeiture

(1) Where a person is convicted of a forfeiture offence the Court shall, unless it considers, for reasons to be recorded by the Court, that in all the circumstances of the case it would be unjust so to do, order that any animal, trophy, weapon, net, vehicle, instrument, material or thing whatsoever, whether similar to those enumerated or not, in relation to, in connexion with, or by means of which the offence has been committed shall be forfeited to the Government.

(2) Where anything other than a Government trophy has been seized and detained under section 49 of this Act and a person charged with a forfeiture offence in relation thereto within three months of the seizure has not appeared to answer the charge, that thing shall be forfeited to the Government.

(3) *Deleted by Act No. 16 of 1989, s. 8.*

[Act No. 16 of 1989, s. 8.]

53. Ineligibility to hold licences, etc.

Except as otherwise expressly provided in this Act, any person who is convicted of an offence under this Act or the rules, or under any law relating to the preservation of wild game for the time being in force in Tanzania or Uganda, shall be disqualified from holding a licence or permit under this Act or the rules for a period of three years from the date of the conviction:

Provided that the Minister may, in any particular case, direct that this section shall not apply or that the period of disqualification shall be reduced.

54. Conduct of prosecutions

Any warden may, subject to the directions of the Attorney-General, conduct any prosecution for an offence under this Act or the rules, and shall for that purpose have all the powers conferred upon a public prosecutor by the Criminal Procedure Code (Cap. 75).

55. Exemption of officers of the Service

Nothing in this Act shall be constructed as rendering an officer of the Service guilty of an offence against this Act or the rules in respect of anything done by him in the course of his duty as such officer, but where the officer is charged with such an offence the onus of proving that anything done by him was done in the course of his duty shall lie upon him.

56. General penalties

(1) Any person who is guilty of an offence against this Act for which no other penalty is expressly provided shall be liable—

- (a) if the offence is committed in respect of a protected animal or an animal mentioned in Part I of the First Schedule to this Act, or in respect of any trophy of that animal, to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding ten years, or to both such fine and imprisonment;
- (b) if the offence is committed in respect of an animal mentioned in Part II of the First Schedule, or in respect of any trophy of such animal, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment;
- (c) if the offence is a forfeiture offence not included in paragraph (a) or (b) of this section, to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment;
- (d) in any other case, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Upon the conviction of any person for an offence against this Act which relates to more than one animal or trophy the Court may inflict an additional punishment in respect of each animal or trophy after the first of a fine not exceeding six thousand shillings, or one-half of the fine prescribed by this Act for the offence, whichever is the less.

57. Corporations and firms

(1) Where a corporation is guilty of an offence against this Act or the rules, every director, secretary or officer of the corporation shall, unless he proves that the offence was committed without his knowledge or consent, also be liable to be prosecuted, tried, convicted and punished for that offence.

(2) Where any firm or individual has, in the course of business, committed any offence against this Act or the rules then, without prejudice to the liability of such firm or individual for the offence, every manager or other person concerned in the management of such business shall, unless he proves that the offence was committed without his knowledge or consent, also be liable to be prosecuted, tried, convicted and punished for that offence.

57A. Use of firearms

(1) The President may, through the Commissioner of Police, make available to the Service such firearms as may be necessary for the Service to effectively carry out its functions under this Act.

(2) A member of the Service may use firearms to the extent necessary for the efficient management and conservation of wildlife including but without prejudice to the generality of the foregoing—

- (a) in the course of law enforcement, against—
 - (i) any person in lawful custody charged with an offence punishable under section 56(1)(a), (b) or (c) when that person is escaping or attempting to escape;

- (ii) any person who by force rescues or attempts to rescue any other person from lawful custody;
 - (iii) any person who by force rescues or attempts to prevent the lawful arrest of himself or any other person; and
 - (iv) any person unlawfully hunting any game animal or protected animal in any place or hunting any animal, bird or reptile within a National Park, National Reserve or local sanctuary;
- (b) in the course of animal population control and management and also for the protection of persons and property against any animal, bird or reptile causing destruction to human life or property or crops:

Provided that resort to the use of firearms shall not be had—

- (i) under paragraph (a)(i) of this subsection unless the member of the Service concerned has reasonable grounds to believe that he cannot otherwise prevent the escape and unless he has given warning to the person that he is about to use firearms against him and the warning is unheeded;
- (ii) under paragraph (a)(ii) or paragraph (a)(iii) of this subsection unless the member of the Service concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm or that he cannot otherwise prevent the rescue, or, as the case may be, effect the arrest.

[Act No. 16 of 1989.]

PART VII

58. Wildlife Fund Trustees

(1) There is hereby established a body of trustees to be known as the Wildlife Fund Trustees which shall, by that name, be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued and may purchase, hold, manage and dispose of movable and immovable property and enter into all such contracts as it may deem necessary or desirable.

(2) The Trustees shall consist of—

- (a) the Permanent Secretary of the Ministry for the time being responsible for the administration of this Act, or his nominee;
- (b) one person appointed by the Minister for the time being responsible for finance;
- (c) the Permanent Secretary of the Ministry of Local Government, or his nominee;
- (d) not less than seven and not more than twelve other persons appointed by the Minister;
- (e) Permanent Secretary of the Ministry of Natural Resources, or his nominee.

(3) The Minister shall nominate one of the Trustees to be the Chairman.

(4) The Director or his nominee shall be the secretary to the Trustees.

(5) The quorum necessary for the transaction of the business of the Trustees shall be one-third of their total number.

(6) The seal of the Trustees shall be authenticated by the signature of any two of their number, and any document not required by law to be under seal made by,

and all decisions of, the Trustees may be authenticated by the signature of any two of their number.

(7) Each appointed Trustee shall, unless previously removed by the Minister, remain in office for one year from the date of his appointment, but shall be eligible for reappointment.

59. The Wildlife Fund

(1) There is hereby established a Wildlife Fund which shall be vested in, and operated and managed by, the Trustees.

(2) There shall be paid into the Fund—

- (a) all sums vested in the Trustees by the Fourth Schedule to this Act;
- (b) donations, loans or other moneys received from any source for the purposes of wildlife conservation or management;
- (c) any sums from time to time provided by Parliament for the purposes of the Fund.

(3) There shall be paid out of the Fund—

- (a) sums required to launch, operate or expand projects of wildlife conservation and management;
- (b) any other payments either generally or specially recommended by the Trustees and approved by the Minister.

60. Accounts and audit

(1) The Trustees shall cause to be kept all proper books of account and other books and records in relation to the Fund and to all the undertakings, funds, activities and property of the Trustees as the Trustees may deem necessary, and shall, within a period of four months after the end of the financial year, or within such longer period as the Treasury may approve, prepare, sign and transmit to the Controller and Auditor-General—

- (a) a balance sheet showing in detail the assets and liabilities of the Fund;
- (b) a statement of income and expenditure in the financial year concerned; and
- (c) such other statements of account as the Trustees may deem necessary.

(2) The accounts of the Fund shall be examined, audited and reported upon annually by the Controller and Auditor-General and paragraphs (a) and (b) of subsection (1), and subsection (2), of section 26 of the Exchequer and Audit Act shall apply to such audit.

PART VII

58. *Repealed by Act No. 16 of 1989, s. 10.*

59. *Repealed by Act No. 16 of 1989, s. 10.*

60. *Repealed by Act No. 16 of 1989, s. 10.*

PART VIII – GENERAL PROVISIONS AS TO OFFICERS, ETC., OF THE SERVICE

61. Unlawful possession of Service property, etc.

(1) Any person who, not being a member of the Service, is in possession of any article which has been supplied to any such member for use in the execution

of his duties as such, and who fails to account satisfactorily for such possession shall be guilty of an offence.

(2) Any person who, without lawful authority—

- (a) purchases or receives any article which has been supplied to a member of the Service for use in the execution of his duties as such; or
- (b) aids or abets any member of the Service in selling or disposing of any such article; or
- (c) assumes the uniform, or any distinctive part thereof, of, or otherwise pretends to act as or to personate, any member of the Service,

shall be guilty of an offence.

[Act No. 16 of 1989, s. 13.]

PART IX – MISCELLANEOUS

62. Compensation for personal injury, death or loss of property

(1) Where after the appointed day any person suffers any bodily injury from or is killed by, any animal or suffers a deceased person, any other person who was dependent upon him at the date of his death, may make application to a District Committee established by this section, for the award of compensation for such injury or death or damage or loss:

where the injury or death or damage or loss occurred—

- (a) in the course of any conduct on the part of the person concerned which would constitute an offence under this Act; or
- (b) in the course of normal wildlife utilization activities.

(2) For the purposes of receiving and considering applications under subsection (1) of this section, and of awarding compensation thereunder, there is hereby established in each district a committee which shall consist of—

- (a) the District Commissioner, who shall be the chairman of the committee;
- (b) the Divisional Officer of the Service;
- (c) the Officer in Charge of the Police Division;
- (d) the District Medical Officer;
- (e) one Elected Member of the National Assembly representing a constituency in the district, who shall be appointed by the Minister;
- (f) the chairman of County Council in the district; and
- (g) three other members appointed by the Minister to represent the general public of the district.

(3) A District Committee may co-opt any person whom it considers may assist it either generally or for the consideration of any particular case.

(4) Compensation awarded under this section shall be payable out of moneys provided by Parliament for that purpose.

62. Compensation for personal injury or death

(1) Where any person suffers any bodily injury from or is killed by any animal, the person injured or in the case of a deceased person, any other person who was dependent upon him at the date of his death, may make application to a district committee established by this section, for the award of compensation for the injury or death:

Provided that no compensation shall be claimable where the injury or death occurred—

- (a) in the course of any conduct on the part of the person concerned which would constitute an offence under this Act; or
- (b) in the course of normal wildlife utilization activities.

(2) For the purposes of receiving and considering applications under subsection (1) of this section, and of awarding compensation thereunder, there is hereby established in each district a committee which shall consist of—

- (a) the District Commissioner, who shall be the chairman of the committee;
- (b) the Divisional Officer of the Service;

- (c) the Officer in Charge of the Police Division;
- (d) the District Medical Officer;
- (e) one Elected Member of the National Assembly representing a constituency in the district, who shall be appointed by the Minister;
- (f) the chairman of County Council in the district; and
- (g) three other members appointed by the Minister to represent the general public of the district.

(3) A District Committee may co-opt any person whom it considers may assist it either generally or for the consideration of any particular case.

(4) Compensation awarded under this section shall be payable out of moneys provided by Parliament for that purpose.

[Act No. 16 of 1989, s. 11.]

63. Land use

Where any written law, or any document of title to any land, makes a reference to improvements to such land, or to principles of good husbandry, or any like reference which relates to livestock, such reference shall be deemed to include any game-ranching, game cropping or other wildlife utilization lawfully undertaken under the rules.

64. Application of Act to non-game animals

The Minister may, by notice in the *Gazette*, declare that any provision of this Act shall apply to any animal not mentioned in a Schedule, or to any trophy or meat of any such animal, and upon publication of such notice the animal concerned shall be deemed to be a game animal or game bird for the purposes of such provision.

65. Appeal to Tribunal

(1) There is hereby established an Appeal Tribunal which shall be known as the Wildlife Conservation and Management Service Appeal Tribunal.

(2) The Tribunal shall consider and determine appeals from any decision in any matter, wherein any person is aggrieved by a refusal of the grant or issue of, or by any condition other than a prescribed condition attached to, or the cancellation or suspension of, any licence, permit or authorization under this Act.

(3) Any person who is dissatisfied with the manner in which compensation is made or not made under section 62 of this Act may appeal to the Tribunal within the time prescribed by regulations made under section 67(g).

(4) Appeals to the Tribunal under this Act shall be made within thirty days of the date of the decision appealed against.

(5) The Tribunal shall consist of—

- (a) the chairman appointed by the Minister; and
- (b) not less than two and not more than five other members appointed by the Minister of whom one shall be appointed for his knowledge of wildlife management and conservation.

(6) There shall be an assessor to the Tribunal who shall be an advocate of not less than five years standing appointed by the Tribunal with the approval of the Minister and the assessor, when the Tribunal so requires, shall attend the proceedings of the Tribunal and advise it on questions of law.

(7) The Minister shall appoint a Public Officer to be secretary to the Tribunal.

(8) For the purposes of hearing and determining the appeals, by the Tribunal—

- (a) the chairman or other person presiding may administer oaths;
- (b) the chairman may, by notice under his hand, summon any person to attend and give evidence and to produce any relevant document.

(9) The cost of the appeal shall be in the discretion of the Tribunal, which may make such order as to costs as appear to it just; and any such costs shall be recoverable as a civil debt.

(10) Any person who, after payment or tender to him of his reasonable expenses, without reasonable excuse fails, when summoned by the Tribunal, to attend and give evidence or produce any document which he is required to produce shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

[Act No. 11 of 1992, Sch.]

66. Duplicate licences

Where any licence, permit or authorization granted or issued under this Act or the rules has been lost or destroyed, the person to whom it was granted or issued may apply to the officer by whom it was issued for a duplicate thereof which may be issued at the discretion of such officer upon payment of the prescribed fee.

67. Power to make regulations

The Minister may make regulations for the better carrying into effect of the provisions of this Act, and, without prejudice to the generality of such powers, such regulations may—

- (a) specify the conditions subject to which any licence, permit or authorization may be granted or issued under this Act;
- (b) prescribe the procedure to be followed in respect of an application for the licence, permit or authorization;
- (c) classify game licences and specify the animals which may be included in any game licence, and the numbers thereof which may be hunted under that licence;
- (d) limit the number of game licences which may be issued to any person or in respect of any specified period or area;
- (e) prohibit the use of any specified type or calibre of weapon in the hunting of any specified type of game animal or game bird;
- (f) restrict, regulate or otherwise control the supply of trophies to dealers;
- (g) make provision for the manner and time in which applications for the award of compensation under section 62 may be made, for prescribing the level of such compensation and for the regulation of the proceedings of District Committees established under that section and for the Appeal Tribunal established under section 65 and the manner and time within which appeals under section 65(3) may be made;
- (h) make provision for the training of personnel for the service.

[Act No. 11 of 1992, Sch., Act No. 2 of 2002, Sch.]

68. Repeals and transitional provisions.

(1) The Wild Animals Protection Act (Cap. 376) and the National Parks of Kenya (Cap. 377) are hereby repealed.

(2) Notwithstanding the provisions of this Act or of any other written law, the transitional provisions contained in the Fourth Schedule to this Act shall have effect for all purposes from the appointed day.

[L.N. 23/1977]

FIRST SCHEDULE

[Sections 2, 56(1)(a), (b).]

GAME ANIMALS**PART I**

PART II

PART III

Wildlife (conservation and Management)

SECOND SCHEDULE

[Section 2.]

GAME BIRDS

Geese and Ducks	All members of the family <i>Anatidae</i> (Geese, Ducks, Pochards, Teals, Wigeons, Shovelers).
Francolins, Partridges, Quails, Guinea Fowls and Spurrows	All members of the families <i>Phasianidae</i> and <i>Turnicidae</i> .

SECOND SCHEDULE—*continued*

Lesser Bustards	All members of the genera <i>Eupodotis</i> , <i>Lophotis</i> and <i>Lissotis</i> .
Snipe	All members of the genera <i>Rostratula</i> , <i>Capella</i> and <i>Lymnocyptes</i> .
Sandgrouse	All members of the family <i>Pteroclididae</i> .
Pigeons and Doves	All members of the family <i>Columbidae</i> .

THIRD SCHEDULE

[Section 2, L.N. 126/1981, L.N. 152/1981.]

PROTECTED ANIMALS

- Any game animal which is obviously immature, i.e. not fully grown.
- Any female game animal when it is either—
 - clearly or seemingly pregnant; or
 - in a condition indicating that it is suckling young, whether or not the young are apparent; or
 - accompanied by immature young, whether dependent or not.
- Albino and melanic animals of whatever species.
- All birds other than Game Birds, or queleas (genus *Quelea*) and Mouse-birds (genus *Collius*).
- Any animal of any of the following species, sub-species or groups:

Aardvark	<i>Oryzomys afer</i> (Pallas).
Aardwolf	<i>Proteles cristatus</i> (Sparrman).
Bat-eared Fox	<i>Otocyon megalotis</i> (Desmarest).
Caracal or Lynx	<i>Felis caracal</i> Schreber.
Cheetah	<i>Acinonyx jubatus</i> (Schreber).
Dugong	<i>Dugong dugong</i> (Mueller).
Duiker, Abbott's	<i>Cephalophus spadix</i> True.
Duiker, Yellow-backed	<i>Cephalophus silvicultor</i> (Afzelius).
Golden Cat	<i>Felis aurata</i> Temminck.
Hartebeeste, var. Jackson's Lelwel, or Neumann's	Stipulated sub-species or races of <i>Alcelaphus buselaphus</i> with the exception of Coke's hartebeeste (<i>Alcelaphus buselaphus cokei</i>) Günther.
Hunter's Antelope (or Hiorola)	<i>Damaliscus hunteri</i> (P.L. Sclater).
Kob, Thomas's	<i>Adonota kob thomasi</i> (P.L. Sclater).
Monkey, De Brazza's	All races of <i>Cercopithecus neglectus</i> Schlegel.

Wildlife (conservation and Management)

THIRD SCHEDULE—continued

Monkey, Mangabey	All races of <i>Cercocebus galeritus</i> Peters.
Monkey, Red or Patas	All races of <i>Erythrocerus patas</i> (Schreber).
Potto	All races of <i>Perodicticus potto</i> (P.L.S. Müller).
Pangolins	All members of the family <i>Manidae</i> .
Roan Antelope	All races of <i>Hippotragus equinus</i> (Desmarest).
Sable Antelope	All races of <i>Hippotragus niger</i> (Harris).
Serval Cat	All races of <i>Felis brachyura</i> (Wagner) and <i>Felis serval</i> (Schreber).
Sitatunga	All races of <i>Tragelaphus spekei</i> (P.L. Slater).
Turtle, Green Marine	<i>Chelonia mydas</i> (L.).
Turtle, Hawksbill	<i>Chelone imbricata</i> (L.).
Baboons	All races of <i>Papio anubis</i> .
Bushbabies	All members of the family <i>Galagidae</i> .

Class	Order	Family	Species
A. Insecta	Lepidoptera Coleoptera		All butterflies and moths.
B. Amphibia	Anura	Ranidae	<i>Afraxalus sylvaticus</i> (Schitz) Forest reed frog. <i>Hyperolius rubrovemiculatus</i> (Schitz) Shimba Hills sedge frog. <i>Hyperolius lateralis</i> (Laurent) Forest sedge frog. <i>Leptopelis modestus</i> (Werner) Forest.
C. Reptilia	Chelonia	Testudinidae	<i>Kinixys belliana</i> Hinged tortoise <i>Malacochercus tornieri</i> Pancake tortoise. <i>Testudo pardalis</i> Leopard tortoise.
	Lacertilia	Chamaeleonidae	<i>Brookesia kerstenii</i> Kenya pigmy chameleon. <i>Chamaeleo gracilis</i> Graceful chameleon. <i>Chamaeleo jacksonii</i> Three-horned chameleon.

Wildlife (conservation and Management)

THIRD SCHEDULE—*continued*

Class	Order	Family	Species
		<i>Varanidae</i>	<i>Varanus exanthematicus</i> Savanna monitor. <i>Varanus niloticus</i> Nile monitor.
	<i>Ophidia</i>	<i>Viperidae</i>	<i>Atheris hispida</i> (Laurent) Prickly bush viper. <i>Atheris squamiger</i> Green bush viper <i>Bitis gabonica</i> Gaboon viper. <i>Bitis nasicornis</i> Nose-horned viper. <i>Causus lichtensteini</i> (Jan) Forest night adder.
		<i>Boidae</i>	<i>Eryx colubrinus</i> Sand boa.
	<i>Colubridae</i>		<i>Boiga blandingii</i> (Hallowell) Blanding's tree snake. <i>Boiga pulvulenta</i> (Fisher) Powdered tree snake. <i>Hapsidophrys lineata</i> (Fisher) Black lined green snake. <i>Harmonotus modestus</i> (Dumeril and Bibron) Yellow forest snake. <i>Philothamus heteroderodermus</i> carinatus (Anderson) Barred green snake. <i>Polemon christyi</i> (Boulenger) Christy snake eater. <i>Thrasops aethiops</i> elgonensis (Loveridge) Mt. Elgon tree snake.
	<i>Elapidae</i>		<i>Pseudohaje goldii</i> (Boulenger) Gold's tree cobra.

FOURTH SCHEDULE

[Section 3E(1), Act No. 6 of 1976, L.N. 41/1976, Act No.
16 of 1989, L.N. 141/1993, L.N. 51/2007, L.N. 111/2010.]

The ranks of some of the members of the Service in order of seniority shall include the following—

Gazetted Officers:

- (a) Officers of Field Rank—
Director

Wildlife (conservation and Management)

- Senior Deputy Director
 - Deputy Director
 - Senior Assistant Director
 - Assistant Director
 - Senior Warden
 - (b) Senior Officers—
 - Warden I
 - Warden II
 - Junior Officers:
 - Assistant Warden I
 - Assistant Warden II
 - Assistant Warden III
 - Field Assistant
 - Rangers:
 - Ranger Sergeant Major
 - Senior Sergeant
 - Sergeant
 - Corporal
 - Ranger
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