



**REPUBLIC OF KENYA**

**MINISTRY OF TOURISM AND WILDLIFE**

**THE WILDLIFE (CONSERVATION AND MANAGEMENT) BILL, 2007**

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**THE WILDLIFE (CONSERVATION AND MANAGEMENT) BILL, 2007**

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**THE WILDLIFE (CONSERVATION AND MANAGEMENT) BILL 2007**

A Bill for

**AN ACT** of Parliament to provide for the protection, conservation and management of wildlife in Kenya; and for purposes connected therewith and incidental thereto;

**RECOGNIZING** that wildlife is an important national heritage of common concern, a public asset at local, regional, and global levels and the need for an integrated ecosystem approach to conserving wildlife resources;

**FURTHER RECOGNIZING** that wildlife should be utilized in a manner that does not impinge on cultural values, compromise the quality and value of the resource, or degrade the carrying capacity of supporting ecosystems;

**ACKNOWLEDGING** that a coordinated and participatory approach to wildlife conservation and management is important, and must involve the government, local authorities, private sector, civil society and communities as appropriate;

**AND WHEREAS** it is essential to conserve in perpetuity Kenya's rich diversity of species, habitats and ecosystems for the well being of its people and the global community,

**NOW THEREFORE BE IT ENACTED** by the Parliament of Kenya, as follows:

**PART I: PRELIMINARY**

*Short title and commencement*

1. This Act may be cited as the Wildlife (Conservation and Management) Act, 2007 and shall come into operation on such date as the Minister may, by notice in the Gazette appoint, but not later than 30 days from the date of Assent. Different dates may be appointed for different provisions.

*Application*

2. This Act shall apply to the conservation and management of all wildlife resources in national parks, national reserves, and on communal and private lands.

*Interpretation*

3. 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 species 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 or plant;

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

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“benefited environment” means that environment which has benefited through the imposition of one or more obligations on the burdened land;

“biodiversity” means the variability among living organisms from all sources including ecosystems and the ecological complexes of which they are a part;

“Board” means the Board of Trustees of the Service established under section 10;

“biopiracy” refers to the expropriation of biological resources from some countries or communities and their use in the development of commercial products protected through intellectual property rights by public or private entities (including corporations, universities and governments) without fair compensation or sharing of benefits derived with the individuals, peoples or nations in whose territory the materials were originally discovered;

“bioprospecting” refers to the exploration of wildlife for commercially valuable genetic and biochemical resources;

“burdened land” means the land in the vicinity of the benefited environment designated under section 49 of this Act;

“community” refers to a clearly defined group of users of land and wildlife, which may, but need not be, a clan or ethnic community. These groups of users hold a set of clearly defined rights and obligations over land and wildlife;

“community conservation area” refers to a conservation area set aside by community for purposes of wildlife conservation;

"community wildlife scout" means a person appointed as such by the Director General under this Act;

“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 use, rents and profits thereof;

“conservation order” refers to a wildlife conservation order issued under section 49 of this Act;

“constituency” refers to a constituency established under the constitution and relevant electoral laws.

"constituency wildlife association" means an association registered under the Societies Act, and recognized by the Service under section 58 of this Act;

“conservation” means the protection, maintenance, rehabilitation, restoration and enhancement of wildlife;

“conservation area” refers to any area (including national parks and reserves) wholly or partially designated and registered for the conservation of wildlife;

“conservation hotspot” refers to a conservation priority area;

“corridors” means areas used by wild animals when migrating from one part of the ecosystem to another periodically in search of basic requirements such as water, food, space and habitat;

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“cropping” means harvesting of wildlife for a range of products;

“culling” means selective removal of wildlife based on ecological scientific principles for management purposes;

“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; or

(c) transports or conveys any trophy;

“decentralization” means the devolution of responsibility for planning, management and control of wildlife resources from the national wildlife agency to the local delimited geographic and functional domains at the regional, district and constituency levels;

“department” means the Department of Wildlife established under section 5;

“devolution” means the transfer of rights, authority and responsibilities by the national wildlife agency to the local delimited geographic and functional domains at the regional, district and constituency levels;

“Director-General” means the Director-General of the Service appointed under Section 14;

“dispersal areas” means areas adjacent to or surrounding protected and community conservation areas into which wild animals move during some periods of the year;

“district wildlife conservation committee” refers to the committee established under section 17.

“easement” means an easement imposed under section 49;

“ecosystem” means a dynamic complex of plant, animal, micro-organism communities and their non-living environment interacting as a functional unit;

“endangered species” means any wildlife specified in the Fifth Schedule of this Act or declared as such by any other written law or any wildlife specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

“environmental impact assessment” has the meaning assigned to it under the Environmental Management and Coordination Act No. 8 of 1999;

“ex-situ conservation” means conservation outside the natural ecosystem and habitat of the biological organism;

“financial year” means the period of twelve months ending on the thirtieth June in every year;

“firearm” means a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes the barrel, bolt and chamber, and any other essential component part, of the weapon;

“forest officer” has the meaning assigned to it under the Forests Act, 2005;

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

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Act creating offences;

“game farming” refers to the rearing of wildlife in an enclosed and controlled environment for wildlife conservation, trade and recreation;

“game ranching” means the keeping of wildlife in an enclosed environment with the intention of engaging into wildlife conservation, recreation and trade;

“General Fund” means General Fund established under section 21;

“genetic resources” means genetic material of actual or potential value;

“Government trophy” means a trophy declared to be a Government trophy by section 62;

“habitat” means a place or site where wildlife naturally occurs;

“honorary warden” refers to a honorary warden appointed by the Minister under section 15 of this Act;

“hunt” includes the doing of any act immediately directed at the killing, wounding, injuring or capture of any animal, and the taking or willful molestation of any nest or eggs except killing done by officers of the Service for purposes of problem animal control or for management purposes as prescribed under this Act;

“in-situ conservation” means conservation within the natural ecosystem and habitat of the biological organism;

“intergenerational equity” means that the present generation should ensure that in exercising its right to beneficial use of the environment the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

“intragenerational equity” means that all people within the present generation have the right to benefit equitably from the exploitation of the environment, and that they have an equal entitlement to a clean and healthy environment;

“invasive alien species” means a species that is not an indigenous species or an indigenous species translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its nature distribution range by natural means of migration or dispersal without human intervention. It includes viruses, fungi, algae, mosses, ferns, higher plants, invertebrates, fish, amphibians, reptiles, birds and mammals;

“land” includes land and land covered by sea or other body of water;

“land owner” means those with individual or corporate title to land, leaseholders and those with collective community customary rights;

“land use” means activities carried out on a given piece of land;

“lead agency” means any government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of management or control of any element of wildlife resources;

“licence” means a licence or permit or other written authorization issued under any of the provisions of this Act;

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“licencing officer”, means a person appointed by the Minister, by notice in the Gazette, to be a licencing officer for the purposes of this Act;

“local authority” has the meaning assigned to it in section 2 of the Local Government Act;

“management agreement” means any agreement between the Service and any other person, department, association, body corporate or other competent authority for the conservation and management of wildlife in accordance with the provisions of this Act;

“management plan” means a management plan prepared for the conservation and management of wildlife pursuant to section 36;

“marine protected area” means any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment;

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

“member of the uniformed and disciplined cadre” means a member of the Service holding any of the ranks specified 2(b) of paragraph 1 of the First Schedule;

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

“ministry” means the ministry for the time being responsible for matters relating to wildlife;

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

“multilateral environmental agreement” means international legal instruments for the regulation of activities affecting the environment particularly wildlife resources to which Kenya is a Party;

“national park” means an area of land declared to be a National Park by or under this Act;

“national reserve” means any area of land declared to be a National Reserve by or under this Act;

“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 representative incorporated under the Land (Group Representatives) Act, Cap, 287;

“ownership” on the part of the state in relation to wildlife means custodianship or stewardship on behalf of the people of Kenya;

“partnership” means an affiliation between a competent authority, stakeholders and other individuals or groups formed for the purposes of conserving and managing wildlife within a specified area;

“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

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under any written or customary law;

“protected area” means an area declared to be a protected area under this Act or any other written law;

"ranger" means a member of the Service in the uniformed and disciplined cadre and includes corporal, sergeant, senior sergeant and sergeant major;

"regional wildlife conservation committee" refers to the committee established under section 17 of this Act;

“regional wildlife conservation area” refers to regional wildlife conservation areas designated under section 17 of this Act;

"rules" means any rules or regulations made under this Act;

“sanctuary” refers to an area of land or of land and water set aside and maintained , by government, community, individual or private entity, for the preservation and protection of one or more species of wildlife;

"Service" means the Kenya Wildlife Service established under section 7;

"specimen" means any animal or wild plant whether alive or dead and any part or derivative thereof;

“species” means a population of individual organisms capable of mating with one another and producing fertile offspring in a natural setting and that share common and specialized characteristics from others;

“sport hunting” means authorized pursuit and killing of wildlife for recreation and trophy collection;

“stakeholder” refers to an individual or group having a vested interest in the conservation issues relating to a particular area;

“sustainable use” means present use of the wildlife resources, which does not compromise the ability to use the same by future generations or degrade the carrying capacity of wildlife ecosystems and habitats;

“sustainable management”, in relation to wildlife, means management of wildlife resources so as to permit only such use of it as constitutes sustainable use;

"threatened species" means any animal or plant species specified in the Fifth Schedule of this Act or declared as such under any other written law or specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

“transfrontier conservation area” means the area or component of a large ecological region that straddles the boundaries of two or more countries, encompassing one or more protected areas, as well as multiple resource use areas;

"trophy" means any animal alive or dead, and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk or other durable portion whatsoever of that animal whether processed, added to or changed by the work of man or not, which is recognizable as such a durable portion;

"warden" means an officer of the Service above the rank of sergeant major;

“wetlands” means areas of marsh, fen, peat land, or water, whether natural or artificial, permanent or temporary, with that is static or flowing, fresh, brackish, salt,

including areas of marine water the depth of which at low tide does not exceed 6 meters.

“wildlife” means any wild and indigenous animal, plant or micro-organism or parts thereof within its constituent habitat or ecosystem on land or in water, as well as species that have been introduced into or established in Kenya;

"wildlife user rights" means a bundle of use rights granted to stakeholders by the Minister, through the relevant competent authorities, which clearly define each stakeholder's access to direct and indirect use of wildlife resources;

## **PART II: OWNERSHIP AND CONTROL**

### ***Ownership of Wildlife***

4. (1) All wildlife found in Kenya is vested in the state on behalf of and for the benefit of the people of Kenya.
- (2) The Minister shall have and may exercise control over every wildlife resource in Kenya in accordance with the provisions of this Act.
- (3) The right to the use of wildlife resources is hereby vested in the Minister and subject to the provisions of this Act, the Minister may, grant wildlife user rights to individuals, communities or bodies corporate.
- (4) The Minister shall be assisted in the discharge of his duties under this section by the Director of the Department of Wildlife established under section 5 of this Act.

## **PART III: ADMINISTRATION**

### ***Establishment of a Department***

5. There is established a department to be known as the Department of Wildlife (hereinafter referred to as the “Department”) headed by a Director.

### ***Functions of the Department***

6. The Department shall:
  - (a) be responsible for policy formulation and directions for purposes of this Act;
  - (b) set national targets, indicators, objectives and determine policies and priorities for the conservation and management of wildlife resources countrywide;
  - (c) promote cooperation among public departments, local authorities, private sector, non-governmental organizations and such other organizations engaged in wildlife conservation and management;
  - (d) coordinate the negotiation and implementation of wildlife-related treaties, conventions or agreement, whether bilateral or multilateral agreements, in consultation with the Service and other relevant lead agencies;
  - (e) in consultation with the Service, advice the Minister on the establishment of national parks, national reserves, community conservation areas and sanctuaries;
  - (f) advice on granting of wildlife user rights with recommendation of the Service;
  - (g) monitor the effectiveness of the Trust Fund in enhancing the conservation and management of wildlife;
  - (h) be responsible for dispute resolution between the Service and other entities involved in wildlife conservation and management; and
  - (i) perform such other functions as are assigned under this Act.

### ***Establishment of the Service***

7. (1) There is established a Service known as the Kenya Wildlife Service (hereinafter referred to as the “Service”).

- (2) The Service shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of:
  - (a) suing and being sued;
  - (b) taking, purchasing, charging and disposing of movable and immovable property;
  - (c) borrowing money;
  - (d) entering into contracts; and
  - (e) doing or performing all such other things or acts for the proper discharge of its functions under this Act, which may lawfully be performed by a body corporate.
  
8. The headquarters of the Service shall be in Nairobi.

***Functions of the Service***

9. (1) The object and purpose for which the Service is established is to be the principal instrument of the Government in implementation of all policies relating to wildlife conservation and management.
  
- (2) Without prejudice to the generality of the foregoing, the Service shall:
  - (a) formulate guidelines and prescribe measures for wildlife conservation and management countrywide;
  - (b) conserve and manage national parks, provisional wildlife conservation areas, national reserves and sanctuaries under its jurisdiction;
  - (c) collaborate with local authorities, communities and landowners for purposes of effective conservation and management of national reserves, community wildlife areas and sanctuaries;
  - (d) conduct and co-ordinate research activities in the field of wildlife protection, conservation and management and ensure application of research findings in conservation planning, implementation and decision making processes;
  - (e) prepare and implement integrated management plans for national parks, provisional wildlife conservation areas, national reserves and sanctuaries under its jurisdiction;
  - (f) assist and advice in the preparation of integrated management plans for national reserves, community wildlife areas and sanctuaries;
  - (g) render advice and technical support to entities engaged in wildlife conservation and management so as to enable them carry out their responsibilities satisfactorily;
  - (h) collaborate with local authorities, communities and other stakeholders in prescribing and implementing measures necessary for the mitigation of conflict between people and wildlife;
  - (i) set wildlife security national standards and ensure their implementation by all the relevant law enforcement agencies, local authorities and community wildlife scouts;
  - (j) undertake and conduct enforcement activities such as anti-poaching operations, wildlife protection, intelligence gathering and investigations for the effective carrying out of the provisions of this Act;
  - (k) provide security for wildlife and visitors in national parks, provisional wildlife conservation areas, reserves and sanctuaries managed by the Service;
  - (l) collaborate with local authorities, local communities and landowners to provide security for wildlife and communities in the respective wildlife conservation areas under their jurisdiction;
  - (m) undertake every two years an assessment and audit of wildlife conservation efforts, measures and initiatives at the national level and prepare and issue a bi-annual national wildlife conservation status report;

- (n) promote or undertake commercial and other activities for the purpose of attaining sustainable wildlife conservation goal;
  - (o) formulate, in collaboration with the department, mechanisms and prescribe measures for granting, implementation and monitoring of wildlife user rights;
  - (p) monitor and assess wildlife conservation activities, including activities being carried out by local authorities, communities and non-governmental organizations, in order to ensure that sound wildlife conservation principles and practices are adhered to;
  - (q) mobilize resources for wildlife conservation and management;
  - (r) collect revenue and charges due to the Service from wildlife and as appropriate develop mechanisms for benefit sharing with communities living in wildlife areas;
  - (s) undertake, in collaboration with relevant lead agencies and stakeholders, programmes intended to enhance wildlife conservation education and extension services about the need for sound wildlife conservation and management as well as for enlisting public support;
  - (t) develop and implement wildlife disaster plans and wildlife diseases surveillance; and
  - (u) perform such other functions as the Minister may assign the Service or as are incidental or conducive to the exercise by the Service of any or all of the functions provided under this Act.
- (3) The Minister shall lay every two years a national wildlife conservation status specified under subsection (2)(m) of this section before the National Assembly as soon as reasonably practicable after its publication where the National Assembly is in session, or where not in session, within twenty one days of the day the National Assembly next sits after such publication.

***Establishment of the Board of Trustees***

10. (1) The Service shall be managed by a Board of Trustees, which shall consist of:
- (a) the Permanent Secretary in the ministry for the time being responsible for matters relating to wildlife or an officer of that ministry designated in writing by the Permanent Secretary;
  - (b) the Permanent Secretary in the ministry for the time being responsible for finance or an officer of that ministry designated in writing by the Permanent Secretary;
  - (c) the Permanent Secretary in the ministry for the time being responsible for local government or an officer of that ministry designated in writing by the Permanent Secretary;
  - (d) the Permanent Secretary in the ministry for the time being responsible for provincial administration and internal security or an officer of that ministry designated in writing by the Permanent Secretary;
  - (e) The Permanent Secretary in the ministry for the time being responsible for lands or an officer of that ministry designated in writing by the Permanent Secretary
  - (f) the Director General of the Service who shall be the secretary to the Board;
  - (g) the Commissioner of Police or a senior police officer designated in writing by the Commissioner of Police;
  - (h) the Director of Fisheries;
  - (i) the Director of Kenya Forest Service;
  - (j) the Director of Veterinary Services;
  - (k) one representative from the tourism private sector nominated by the relevant umbrella tourism organization and appointed by the Minister;
  - (l) three trustees appointed by the Minister, all of whom shall be nominated by the designated regional wildlife conservation committees; and
  - (m) four other trustees appointed by the Minister, taking into account gender parity

and professionals.

- (2) The members appointed subsection (1) paragraphs (k), (l) and (m) of this section shall be persons who hold at least a degree from a recognized university with at least 5 years experience in corporate management.
- (3) One of the members appointed under paragraphs (k) (l) and (m) of subsection (1) shall be appointed by the President to be the Chairman of the Board.
- (4) The Board shall elect a vice chairman from among the members appointed under paragraphs (k), (l) or (m) of subsection (1).
- (5) The members appointed under paragraphs (k) (l) and (m) of subsection (1) shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.
- (6) There shall be paid to the chairman and members of the Board such remuneration, fees or allowances for expenses as the Minister may determine.

***Functions of the Board***

11. The functions of the Board shall be to:

- (a) ensure effective and efficient management of the Service;
- (b) consider and recommend to the Minister proposals for the establishment of national parks, national reserves, community wildlife conservation areas and sanctuaries;
- (c) consider and recommend to the minister proposals for the determination and alterations or rationalization of national parks and reserves;
- (d) approve operational policies of the Service effecting sustainable management of wildlife resources;
- (e) approve and ensure that the Service strategic plan and performance contracts are accomplished in time;
- (f) formulate policies for the administration and management of the Kenya Wildlife Service Training Institute (KWSTI) and Manyani field training school;
- (g) formulate policies for the administration and management of the airwing;
- (h) consider and approve all management agreements entered into by entities engaged in wildlife conservation and management;
- (i) negotiate for financial and other incentives for the advancement of wildlife-related activities of communities, landowners, private sector and non-governmental organizations;
- (j) monitor inter - agency wildlife activities in the country;
- (k) approve modalities and guidelines for collaborative management of wildlife conservation areas between the Service, communities, local authorities, other government agencies, private sector and non-governmental organizations;
- (l) in consultation with the department, advice the Minister on all matters pertaining to wildlife conservation and management in Kenya;
- (m) establish the regional wildlife conservation areas for purposes of ensuring ecosystem approach to wildlife conservation and management;
- (n) approve the provision of funding mechanisms and technical training for national reserves, community wildlife conservation areas and sanctuaries; and
- (o) manage the Trust Fund established under section 25 of this Act.

***Powers of the Board***

12. (1) The Board shall have all the powers necessary for the performance of its functions under this Act, and, in particular but without prejudice to the generality of the foregoing, the Board shall have power to:

- (a) approve and ratify the policies of the Service;
- (b) manage, control and administer the assets of the Service in such a manner and for

such purposes as are best to promote the purposes for which the Service is established;

- (c) receive any gifts, grants, donations or endowments made to the Service;
  - (d) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Service;
  - (e) open bank accounts for the funds of the Service;
  - (f) invest any monies of the Service not immediately required for the purposes of this Act;
  - (g) determine and issue the terms and conditions for the appointment and emoluments of personnel to the Service;
  - (h) cooperate with other organizations undertaking functions similar to its own, whether within Kenya or otherwise;
  - (i) provide for a staff superannuation scheme for the employees of the Service; and
  - (j) approve the borrowing of funds in consultation with the Ministry and the Treasury.
- (2) Subject to this Act, the Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers of the performance of any of the functions or duties of the Board under this Act.

***Committees of the Board***

13. (1) The Board may from time to time establish committees for the better carrying out of its functions.
- (2) The Board may, with the approval of the Minister, co-opt into the membership of committees established under subsection (1) other persons whose knowledge and skills are deemed necessary for the functions of the Board.

***Appointment of the Director General***

14. (1) There shall be a Director General of the Service who shall be appointed by the Board, in consultation with the Minister, through a competitive process, and who shall hold office on such terms and conditions as may be specified in the instrument of his appointment.
- (2) A person appointed under subsection (1) of this section shall hold a post graduate degree from a recognized university with at least 10 years experience in corporate management at a senior management level.
- (3) The Director General shall be the chief executive officer of the Service and responsible to the Board.
- (4) In exercising his functions, the Director General shall be assisted by directors who shall be responsible for, *inter alia*, protected areas, community wildlife service and research and monitoring, appointed by the Board through a competitive process.
- (5) A director appointed under subsection (4) of this section shall hold a postgraduate degree from a recognized university in the field of wildlife and natural resources management or relevant discipline and has at least ten years' experience in the relevant field.

***Officers of the Service***

15. (1) The Board may, on such terms and conditions as it deems fit, appoint:-
- (a) such uniformed and disciplined officers as are specified in paragraph (2)(b) of paragraph 1 of the First Schedule;
  - (b) such officers of the Service as are specified in subparagraph (2)(c) of paragraph 1 of the First Schedule; and

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- (c) such other employees, agents or servants of the Service,  
  
as may be necessary for the performance of the functions of the Service.
- (2) Every person appointed under subparagraph (b) of subsection (1) shall take and subscribe to the oath of allegiance set out in Part II of the First Schedule.
- (3) The provisions of the First Schedule shall have effect with respect to the officers of the Service.
- (4) The Board shall provide for a staff superannuation scheme to determine service for the employees of the Service.
- (5) The Director General may, with the approval of the Board and on recommendation of the regional wildlife conservation committees, appoint suitable persons to be honorary wardens for the purposes of assisting the carrying out the provisions of this Act.
- (6) A honorary warden shall:-
  - (a) be appointed by notice published in the Gazette;
  - (b) hold office, subject to such conditions as the Board may prescribe, for a period of three years and shall be eligible for reappointment for one further term of three years; and
  - (c) have such functions as may be prescribed by rules made under this Act.

### ***Meetings of the Board***

- 16. The provisions of the Second Schedule shall have effect with respect to the procedure at the meetings of the Board.

### ***Establishment of Regional wildlife conservation areas and committees***

- 17. (1) The Board shall establish regional wildlife conservation areas for the proper and efficient ecosystem management to wildlife conservation and may divide such wildlife areas into district wildlife conservation and management areas.
- (2) There shall be established a regional wildlife conservation committee in respect of each regional wildlife conservation area established under subsection (1) whose secretariat shall be the Service regional office.
- (3) The functions of the committee shall be to –
  - (a) facilitate the development and implementation of ecosystem-based management plans within the region of which they are appointed;
  - (b) inform the Service of the projects, programmes, plans, ideas and opinions of the people in regional wildlife conservation areas in all matters relating to the conservation and management of wildlife within such areas;
  - (c) provide a platform for collaboration between protected area management and communities, local authorities, landowners and other stakeholders within the region of which they are appointed;
  - (d) facilitate communities and landowners to benefit from revenues and other rights derived from use of wildlife resources within the region of which they are appointed;
  - (e) identify land to be set aside for the creation of wildlife conservation areas within the region of which they are appointed;
  - (f) assist local authorities, communities and land owners to set aside critical wildlife habitats, corridors and dispersal areas for the conservation and

- management of wildlife within the region of which they are appointed;
  - (g) recommend different forms of wildlife user rights to be licenced within the region in respect of which they are appointed and monitor compliance; and
  - (h) perform such other functions as the Board may require or delegate to it.
- (4) A regional wildlife conservation committee shall consist of –
- (a) a chairman appointed by the Board upon election by the members of the regional wildlife conservation committee, who shall have at least ten years' experience in wildlife conservation and management;
  - (b) one representative from each of the provincial administration within which the region is situated;
  - (c) one representative from each of the local authorities involved in wildlife conservation in the region;
  - (d) four persons knowledgeable in wildlife matters nominated by district wildlife conservation committees;
  - (e) a representative of the ministry of agriculture responsible for area within which the region is situated;
  - (f) a representative of the National Environment Management Authority responsible for the area within which the region is situated;
  - (g) a representative of Kenya Forest Service for the area within which the region is situated;
  - (h) a representative of Fisheries Department responsible for the area within which the region is situated
  - (i) a representative of Water Resources Management Authority responsible for the area within which the region is situated;
  - (j) a representative of the physical planning department responsible for the area within which the region is situated;
  - (k) a representative of ministry of the livestock responsible for the area within which the region is situated; and
  - (l) the Service regional officer responsible for the region, who shall be the secretary.
- (5) There shall be established a district wildlife conservation committee whose function shall be to –
- (a) assist constituency wildlife associations with technical and scientific support in their wildlife conservation and management initiatives;
  - (b) develop and implement, in collaboration with constituency wildlife associations, mechanisms for mitigation of human-wildlife conflicts;
  - (c) review and recommend claims for payment of compensation resulting from wildlife damage;
  - (d) undertake education, extension service and public awareness; and
  - (e) perform such other functions as the Service and/or regional wildlife conservation committee may require or delegate to it.
- (6) A district wildlife conservation committee shall consist of –
- (a) a chairman appointed from among the members;
  - (b) the district commissioner or his representative;
  - (c) one representative from each of the constituency wildlife associations in the district;
  - (d) a representative of the local authority;
  - (e) the District Agricultural Officer;
  - (f) the District Medical Officer of Health;
  - (g) the District Forest Officer;
  - (h) the District Livestock Officer;
  - (i) the Officer Commanding Police Division;

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- (j) the District Veterinary Officer;
  - (k) the District Physical Planner;
  - (l) a representative of the National Environment Management Authority at the district level;
  - (m) three persons knowledgeable in wildlife matters nominated by the district environment committee of which one shall be a woman and one representing the youth; and
  - (n) a district warden who shall be the secretary.
- (7) Persons who are not members of the committee may be invited to attend meetings of the committee and take part in its deliberations but shall not have voting powers.
- (8) A member of the regional and district wildlife conservation committee shall be entitled to be paid such allowances as the Board may, with the approval of the Minister determine.
- (9) The Minister may, in consultation with the Board, make rules and regulations governing the procedures and functions of the regional and district wildlife conservation committees.

***Establishment of the Kenya Wildlife Service Training Institute***

18. (1) There is hereby established a training institute of the Service to be known as the Kenya Wildlife Service Training Institute (hereinafter referred to as “KWSTI”) whose main purpose shall be to coordinate and undertake training and build capacities of the Service staff, regional and district wildlife conservation committees, constituency wildlife associations, community wildlife scouts, local authority staff involved in wildlife matters and other stakeholders involved in wildlife conservation and management.
- (2) The Board shall appoint a person with advanced degree in wildlife and natural resources management and relevant discipline and ten years experience as the principal of KWSTI.
- (3) the Principal shall, with the approval of the Board and in collaboration with the relevant lead agencies, develop and implement wildlife and conservation management curricula to cater for the various cadres.
- (4) The Principal may, with the approval of the Board, establish such branches of the KWSTI as may be necessary in furthering the performance of its functions under the provisions of this Act or any rules made thereunder.
- (5) Perform such other functions as may be delegated by the Director General or the Board.

***Establishment of the Manyani Field Training School***

19. (1) There is hereby established a field training school of the Service to be known as the Manyani Field Training School (hereinafter referred to as “School”) whose main purpose shall be to undertake paramilitary training and build capacities of the Service staff, community wildlife scouts and local authority staff involved in wildlife security matters and such other persons as may be approved by the Board for effective and efficient implementation of this Act.
- (2) The Board shall appoint a person with relevant experience and skills as the Officer Commanding of the School.
- (3) The Officer Commanding shall, with the approval of the Board and in collaboration with the relevant law enforcement agencies, develop and implement wildlife security curricula to cater for the various cadres of the Service uniformed and disciplined staff, honorary wardens and community wildlife scouts.
- (4) Perform such other functions as may be delegated by the Director General or the Board.

***Establishment of the Kenya Wildlife Service Airwing***

20. (1) There is hereby established an airwing of the Service to be known as the Kenya Wildlife Service Airwing (hereinafter referred to as "Airwing") whose main purpose shall be to operate a fleet of aircrafts to provide air support services, aerial patrols and rescue missions for enhanced conservation and management of wildlife.
- (2) The Board shall, appoint a person with relevant experience and skills as the Chief Pilot to head the airwing.
- (3) The Board may, appoint persons with relevant experience and skills as pilots of the Service.
- (4) Subject to the licences issued by the Kenya Civil Aviation Authority, the Director General may, with the approval of the Board, authorize the use of the Service aircraft for commercial purposes in addition to wildlife conservation and management efforts so as to generate additional resources to support the operation and maintenance of the aircrafts.
- (5) Perform such other functions as may be delegated by the Director General or the Board.

***Funds for the Service***

21. (1) There shall be a general fund of the Service which shall vest in the Board.
- (2) There shall be paid into the general fund:-
- (a) such moneys or assets as may accrue to or vest in the Service in the course of the exercise of its powers or the performance of its functions under this Act or any other written law and approved by Parliament; and
  - (b) all moneys from any other source provided for or donated or lent to the Service.
- (3) There shall be paid out of the funds of the Service all sums required to defray the expenditure incurred by the Service in the exercise of its powers and the performance of its functions under this Act.

***Financial year***

22. The financial year of the Service shall be the period of twelve months ending on the thirtieth of June in each year.

***Annual estimates***

23. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Service for ensuing year.
- (2) The annual estimates shall make provision for the estimated expenditure of the Service for the financial year, and in particular, the estimates shall provide for:-
- (a) payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff of the Service, regional and district wildlife conservation committees and community wildlife scouts;
  - (b) the proper maintenance of the buildings and grounds of the Service;
  - (c) the maintenance, repair and replacement of the equipment and other property of the Service; and
  - (d) the creation of such reserve funds as the Service may deem appropriate to meet the recurrent expenditure and contingent liabilities of the Service.
- (3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Minister for approval with the concurrence of the Treasury, and thereafter the Board shall not increase the annual estimates without the consent of the Minister.

***Accounts and audit***

24. (1) The Service shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the Service.
- (2) Within a period of four months from the end of each financial year, the Service shall submit to the Controller and Auditor General or an auditor appointed under subsection (3), the accounts of the Service in respect of that year together with –
- (a) a statement of the income and expenditure of the Service during the year; and
  - (b) a statement of the assets and liabilities of the Service on the last day of the year.
- (3) The accounts of the Service shall be audited and reported upon in accordance with the provisions of the Public Audit Act No. 13/2003.

***Establishment of Wildlife Conservation Trust Fund***

25. (1) There is hereby established a Wildlife Conservation Trust Fund, (hereinafter referred to as the “Trust Fund”), which may be used for the following purposes:
- (a) development of wildlife conservation initiatives;
  - (b) conservation, management and maintenance of national parks;
  - (c) conservation, management and maintenance of national reserves and sanctuaries;
  - (d) facilitation of research and monitoring activities;
  - (e) the protection of endangered and threatened wildlife species, habitats and ecosystems;
  - (f) rehabilitation of degraded wildlife habitats and ecosystems;
  - (g) facilitation of community-based wildlife conservation initiatives;
  - (h) the provision of conservation education and extension service; and
  - (i) such other purposes as may be prescribed by rules made under this Act.
- (2) The Trust Fund shall consist of –
- (a) moneys appropriated by Parliament for purposes of the Trust Fund;
  - (b) moneys levied upon wildlife user rights in such manner as the Minister may, upon the recommendation of the Board, determine;
  - (c) such sums as may be levied for payment of environmental services by beneficiaries in productive and service sectors as a contribution towards the Trust Fund;
  - (d) income from Trust Fund investments made by the Board; and
  - (e) such grants, donations, bequests or other gifts as may be made to the Trust Fund.
- (3) The management of the Trust Fund is vested in the Board, which shall -
- (a) determine the amounts of money payable in respect of any purpose for which the Trust Fund is established and formulate the conditions for disbursement;
  - (b) make necessary investments from the Trust Fund for the realization of the Trust Fund’s objectives, in securities approved from time to time by the Treasury; and
  - (c) keep and maintain audited accounts of the Trust Fund and publish such accounts in such manner as may be approved by the Treasury.
- (4) All moneys due to the Service shall be collected or received on behalf of the Board by the Director General and, subject to the direction of the Board, paid into a special account of the Trust Fund in line with obtaining financial regulations.

- (5) The records of the Trust Fund shall be accessible for public inspection upon payment of prescribed fees.

**PART IV – NATIONAL WILDLIFE CONSERVATION AND MANAGEMENT STRATEGY**

*National wildlife conservation and management strategy*

26. (1) Following public consultation, the Minister shall formulate and publish in the Gazette at least every five years, a national wildlife conservation and management strategy in accordance with which wildlife resources of Kenya shall be conserved and managed.
- (2) The national wildlife conservation and management strategy shall prescribe the principles, objectives, standards, indicators, procedures and institutional arrangements for the management, protection, use, development, conservation and control of wildlife resources and, in particular, for-
- (a) measures for the protection of wildlife species and their habitats and ecosystems particularly in using ecosystem-based conservation plans to achieve land use compatibility;
  - (b) norms and standards for ecosystem-based conservation plans as conservation area management plans;
  - (c) measures facilitating community-based natural resources management practices in wildlife management and wildlife law enforcement;
  - (d) priority areas for wildlife conservation and projections on increasing designated wildlife conservation areas in form of national parks, national reserves, community wildlife conservation areas and sanctuaries;
  - (e) innovative schemes, measures and incentives to be applied in securing identified critical wildlife migratory routes, corridors and dispersal areas for sustainable wildlife conservation and management in Kenya;
  - (f) clear targets indicating specific percentage of landscape or seascape to be brought under protected areas, community wildlife conservation areas and sanctuaries;
  - (g) national research and monitoring priorities and information systems, including:
    - (i) research priorities,
    - (ii) the collection and management of data and information regarding the status of wildlife resources, and
    - (iii) procedures for gathering data and the analysis and dissemination of information on wildlife resources;
  - (h) special arrangements for the protection of endangered and threatened wildlife species;
  - (i) guidelines for granting and monitoring wildlife user rights;
  - (j) innovative measures for mitigating human wildlife conflict;
  - (k) measures necessary to ensure equitable sharing of benefits;
  - (l) capacity building and training for effective wildlife management;
  - (m) measures for wildlife diseases surveillance;
  - (n) adaptation and coping up measures to adverse impacts of climate change;
  - (o) reflect regional cooperation on issues concerning conservation and management of shared wildlife resources; and
  - (p) any other matter that the Minister considers necessary for the better conservation and management of wildlife resources.
- (3) The Minister shall periodically review the national wildlife conservation and

management strategy and may from time to time publish in the Gazette a revised strategy.

- (4) The Minister, the Service, and all public bodies shall, when exercising any statutory power or performing any statutory function, take into account and give effect to the national wildlife conservation and management strategy.

## **PART V: CONSERVATION AND MANAGEMENT OF WILDLIFE**

### **Declaration of national parks**

27. The Minister may, on recommendation of the Board and after a public consultation process, by notice in the Gazette declare:-

- (a) any unalienated Government land;
- (b) any land purchased or otherwise acquired by the Government,

to be a national park.

### **Creation of national reserves**

28. Upon the recommendation of the regional wildlife conservation committee for the area within which a wildlife area is situated and after a public consultation process with the concerned local authority and the Board, the Minister shall declare any land under the jurisdiction of a local authority to be a national reserve where the land is:-

- (a) rich in wildlife resources or contains rare, endangered or threatened species;
- (b) an important catchment area critical for the sustenance of a wildlife conservation area; or
- (c) an important wildlife buffer zone, migratory route, corridor or dispersal area.

### **Establishment of community wildlife conservation areas and sanctuaries**

29. (1) Any person or community who own land on which wildlife inhabits, may individually or collectively apply to the Service for consideration for establishment of a community wildlife conservation area or sanctuary under this Act.

(2) The Service shall review the application and in consultation with the regional wildlife conservation committee, in which the land is situated and recommend for approval by the Board.

(3) The Minister may, on the recommendation of the Board, by notice in the Gazette, declare such land a community wildlife conservation area or sanctuary, whichever is applicable.

(4) A declaration under subsection (3) of this section, shall entitle community wildlife conservation area or sanctuary to receive from the Service –

- (a) technical advice regarding sustainable wildlife conservation practices and approaches; and
- (b) subject to availability of funds, support from the Trust Fund for the development of the conservation area or sanctuary, provided that the funds are obtained and utilized in accordance with the procedures set out by the Service.

***Declaration of provisional wildlife conservation area***

30. (1) Upon the recommendation of the Board, the Minister may, by order published in the Gazette, declare any national reserve, community wildlife conservation area and sanctuary, which in the opinion of the Board is mismanaged or neglected, to be a provisional wildlife conservation area.

(2) A declaration under subsection (1) of this section shall only be made where-

- (a) the regional wildlife conservation committee has made recommendation to the effect that that is the best option available; or
- (b) the local authority or the owners of the community wildlife conservation area or sanctuary have made a request for the national reserve or community wildlife conservation area or sanctuary should be put under provisional wildlife conservation area status; and
- (c) the Director General has issued a notice requiring the local authority or private or communal owners of the wildlife conservation area, as the case may be, to undertake measures to improve the integrity of the national reserve, community wildlife conservation area or sanctuary, and such notice has not been complied with, or they are unable to undertake the specified corrective measures.

(3) A provisional wildlife conservation area shall be managed by the Service, in collaboration with the owner thereof, for a period of five years, which period shall be subject to review and any profits accruing therefrom shall be paid to such owner less the expenses incurred by the Service in managing the wildlife conservation area concerned.

***Reversion of provisional wildlife conservation area***

31. (1) A provisional wildlife conservation area shall revert to the owner where the Board is satisfied that it has been adequately rehabilitated and the owner has given an undertaking to efficiently manage it.

(2) The Minister may, on recommendation of the Board, upon reversion of a provisional wildlife conservation area, prescribe for observance by the owner such conditions as may be necessary to ensure compliance with the provisions of this Act.

***Variation of boundaries or revocation of national parks or reserves***

32. (1) A notice under this section which proposes to:-

- (a) vary the boundaries of a national park or national reserve; or
- (b) declare that a wildlife conservation area shall cease to be a national park or national reserve; or
- (c) change of status from national park to national reserve or vice versa,

shall only be published where a proposal is recommended by the Board in accordance with subsection (2) of this section and is subsequently approved by resolution of Parliament.

(2) The Service shall not recommend any such proposal unless:-

- (a) it has been approved by the regional wildlife conservation committee for the area in which the national park or national reserve is situated;
- (b) it is satisfied that such variation of boundary or cessation of national park or national reserve proposed by the notice:-

- (i) shall not endanger any rare, threatened or endangered species;
  - (i) shall not interfere with the migration and critical habitat of the wildlife;
  - (iii) does not adversely affect its value in provision of environmental goods and services; and
  - (iv) does not prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes.
- (c) the proposal has been subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act No. 8 of 1999.
  - (d) public consultation in accordance with the Third Schedule has been undertaken in relation to the proposal.
- (3) The provisions under subsection (2) with respect to the revocation of declaration of a national park or reserve or the variation of boundaries thereof shall apply with respect to a community wildlife conservation area and sanctuary.

***Exchange of part of a protected area with private land***

33. (1) Subject to section 32(2), the Minister may, on recommendation of the Board after consultation with the relevant regional wildlife conservation committee, exchange part of a national park or reserve with private land with the consent of the owner of such land where:-

- (a) the exchange enhances the efficient wildlife conservation and management;
  - (b) the exchange is equitable to the Service and the land owner, according to an independent valuation;
  - (c) an environmental impact assessment has been conducted and has shown that such exchange shall not adversely affect wildlife conservation and the environment in general; and
  - (d) the wildlife conservation area to be exchanged does not contain rare, threatened or endangered species and is not a water catchment area, wetland or a source of springs.
- (2) The Service or local authority may, with the approval of the Minister, acquire by purchase any land suitable to be declared a national park, reserve, wildlife corridor, migratory route or dispersal area under this Act.
- (3) No purchase shall be transacted under this section unless prior public consultation is carried out in accordance with the Third Schedule.

***Donations and Bequests***

34. (1) Any person who is registered as a proprietor of land in accordance with the provisions of any written law may donate or bequeath all or part of that land to the state, community, an educational institution or an association for purposes of wildlife conservation.

- (2) The wildlife conservation area established on the land so donated or bequeathed shall be gazetted in accordance with this Act.
- (3) The land so donated or bequeathed shall not be used for any purpose other than the establishment of a wildlife conservation area as originally desired by the previous owner.

***Fiscal incentives***

35. (1) Notwithstanding the provisions of any relevant revenue Act, the Minister

responsible for finance may, on the recommendation of the Service, propose to Government tax and other fiscal incentives or disincentives to induce or promote wildlife conservation and management.

- (2) A person or community who establishes a wildlife conservation area or sanctuary may apply to the relevant authorities, on recommendation of the Service, for exemption from payment of all or part of the land rates and such other charges as may be levied in respect of the land on which the wildlife conservation area or sanctuary is established.

### **Management of Wildlife Conservation Areas**

#### ***Management Plans***

36. (1) Every national park, national reserve, provisional wildlife conservation area, community wildlife conservation area and sanctuary shall be managed in accordance with a management plan that complies with the requirements prescribed by rules made under this Act.
- (2) The Service shall be responsible for the preparation of a management plan with respect to each national park, provisional wildlife conservation area and national reserve under its management.
- (3) A local authority, in consultation with the Service, shall be responsible for the preparation of a management plan with respect to each national reserve under its jurisdiction.
- (4) A land owner or communal land owners, with assistance and advice from the Service, shall be responsible for the preparation of a management plan with respect to their respective community wildlife conservation area or sanctuary.
- (5) In preparing and adopting a management plan, the Service, the local authority or landowner, as the case may be, shall consult with the local regional and district wildlife conservation committees as well as the relevant constituency wildlife associations.
- (6) The Minister shall, on recommendation of the Board, by notice in the gazette, publish the approved management plans.
- (7) The Minister may, on recommendation of the Board, by notice in the Gazette, make rules to give effect to the provisions of management plans.

#### ***Activities not included in management plans***

37. (1) Any activities within a wildlife conservation area which are not included in the management plan shall only be undertaken with the consent of the Board granted in accordance with this section.
- (2) A person intending to undertake any activity referred to in subsection (1) within a wildlife conservation area shall apply in that behalf to the regional wildlife conservation committee in which the area concerned is situated, and the application shall be accompanied by the results of an environmental impact assessment conducted in respect of the proposed activity.
- (3) Upon receipt of the application, the regional wildlife conservation committee shall review the proposal and submit its recommendations to the Board for consideration.
- (4) The Board shall review the proposal together with the recommendations made by the regional wildlife conservation committee and before the Board

grants its approval under this section, it shall cause a notice of such intention to be published in the Gazette and in at least two newspapers of national circulation, and by posting a notice in such a manner as to bring to attention of the persons likely to be directly affected by such activity, and giving a period of not less than ninety days within which any person may make objections to the Board. The Board shall deliberate on any objection received and deliver its decision to the objector within a period of sixty days from the date of receipt thereof.

- (5) Any objector aggrieved by a decision of the Board under this section may within thirty days after receipt of such decision appeal to the National Environment Tribunal established under the Environmental Management and Coordination Act No. 8 of 1999.

**Management of national parks**

38. (1) The Service shall, in collaboration with the regional wildlife conservation committees, manage, control and maintain all national parks and national reserves under its management.

- (2) Within a national park; national reserve or sanctuary managed by the Service, the Board may subject to the management plan:-
- (a) reserve or set aside any portion of the park as a breeding and critical foraging habitat for wildlife or as nurseries for vegetation;
  - (b) authorize the construction of such roads, bridges, airfields, buildings, sanitary facilities 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;
  - (c) authorize snorkeling, diving and other marine related recreational activities;
  - (d) let sites for the erection of hotels or other accommodation for visitors to the park,
  - (e) set aside camping areas; and
  - (f) erect accommodation facilities within the parks:

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the park, reserve or sanctuary by the Service, or as preventing the Director General from giving directions as to the manner in which the premises concerned shall be managed in the interest of the long term conservation of wildlife resources.

- (3) The Minister may, with the recommendation of the Board, by notice in the Gazette, publish rules to regulate and govern activities to be undertaken in the national parks, reserves and sanctuaries.

**Management of national reserves**

39. (1) Each local authority shall, on the advice of the Service and in collaboration with the regional wildlife conservation committee, manage, control and maintain a national reserve under its jurisdiction.

- (2) Within a national reserve, each local authority may, with the approval of Board and subject to the management plan:-
- (a) reserve or set aside any portion of the reserve as a breeding place for animals or as nurseries for vegetation;
  - (b) authorize the construction of such roads, bridges, airfields, buildings, sanitary facilities 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 reserve;
  - (c) let sites for the erection of hotels or other accommodation for visitors to the reserve,

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- (e) set aside camping areas; or
- (f) erect accommodation facilities within the reserve:

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the reserve by the local authority, or as preventing the Director General from giving directions as to the manner in which the premises concerned shall be managed in the interest of the long term conservation of wildlife resources.

- (3) A local authority may, with the approval of the Minister after consultation with the Service, enter into a management agreement with a suitably qualified agent on mutually agreed terms for the management of the reserve.
- (4) The Minister may, with the recommendation of the Board and after consultation with the respective local authorities and regional wildlife conservation committees, by notice in the Gazette, publish rules to regulate and govern activities to be undertaken in the national reserves.

### **Management of community wildlife conservation areas and sanctuaries**

40. (1) Individual or corporate or community land owners shall, on the advice of the Service and in collaboration with the regional wildlife conservation committee, manage, control and maintain community wildlife conservation area and sanctuary.
- (2) Within a community wildlife conservation area or sanctuary, the owners may, with the approval of Board and subject to the management plan:-
- (a) reserve or set aside any portion of the conservation area or sanctuary as a breeding place for animals or as nurseries for vegetation;
  - (b) 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 community wildlife conservation area or sanctuary; or
  - (c) let sites for the erection of hotels or other accommodation for visitors to the community wildlife conservation area or sanctuary
  - (d) set aside camping areas; or
  - (e) erect accommodation facilities within the conservation area or sanctuary,

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the community wildlife conservation area or sanctuary by the land owners, or as preventing the Director General from giving directions as to the manner in which the premises concerned shall be managed in the interest of the long term conservation of wildlife resources.

- (3) Individual or corporate or community land owners may, with the approval of the Minister after consultation with the Service, enter into a management agreement with a suitably qualified agent on mutually agreed terms for the management of the community wildlife conservation area or sanctuary.
- (4) The Minister may, with the approval of the Board after consultation with the owner and regional wildlife conservation committees, by notice in the Gazette, publish rules to regulate and govern activities to be undertaken in community wildlife conservation areas and sanctuaries.

### ***Management of wildlife conservation area by the Service***

41. (1) The Director General may, with the approval of the Board, enter into a management agreement with a local authority for the management of a national reserve.
- (2) The management agreement referred to in subsection (1) shall clearly specify among other things:-

- (a) the duration of the agreement;
  - (b) the terms and conditions under which the Service shall manage the national reserve;
  - (c) management fees and charges payable to the Service;
  - (d) a management plan to be followed by the Service;
  - (e) money to support research and development within the reserve
  - (f) the mechanism for settlement of disputes arising in respect of the agreement, and
  - (g) the circumstances under which the agreement may be terminated.
- (3) Where a local authority enters into a management agreement with the Director General in accordance with subsection (1) of this section, the agreement shall be enforceable against such local authority or its successors in title, assignees or any or all other persons deriving title from her.
- (4) The provisions of this Part with respect to the management of a national reserve by the Service shall apply *mutatis mutandis* with respect to community wildlife conservation area and sanctuary.
- (5) The Board may prescribe measures, guidelines and procedures for entering into such management agreements.

***Consent for mining and quarrying***

42. (1) No person shall mine or quarry in a national park or national reserve without the approval and consent of the Board.
- (2) The Board shall, in consultation with the relevant regional wildlife conservation committee, only approve and give consent for mining or quarrying where:-
- (a) the area does not contain rare, endangered or threatened species;
  - (b) the area is not a critical habitat and ecosystem for wildlife; the area is not an important catchment area or source of springs;
  - (c) an environmental impact assessment has been carried out in accordance with the provisions of the Environmental Management and Coordination Act No. 8 of 1999;
  - (d) the miner has undertaken through execution of a bond the value of which will be determined by the Board, to rehabilitate the site upon completion of his operation to a level prescribed by the Board:

Provided that the Minister may, on the recommendation of the Board, and in consultation with the Minister responsible for mining, by notice in the Gazette, publish rules to regulate and govern mining operations in such protected areas;

- (e) the carrying on of mining or quarrying operations shall not contravene any rules made under this Act.
- (3) Subject to subsection (2), mining or quarrying may be carried out in a national park and reserve under the authority of a licence issued by the Service and the local authority, as the case may be.
- (4) A licence under subsection (3) shall not be issued unless the applicant has implemented measures to prevent injury to human beings and wildlife and consent thereof has been obtained from the Commissioner of Mines.
- (5) The provisions of this Part with respect to mining and quarrying shall apply *mutatis mutandis* with respect to community wildlife conservation area and

sanctuary.

***Conservation and management of marine ecosystem***

43. (1) The Minister shall, on recommendation of the Service and after consultation with the relevant lead agencies and the regional wildlife conservation committee concerned, as the case may be, establish marine protected and community marine conservation areas.
- (2) The marine protected or community marine conservation area established under subsection (1) of this section shall be managed by an approved management plan prepared through a consultative process with the communities concerned and relevant lead agencies.
- (3) A system of marine zones may be identified in a marine protected or community conservation area for any or all of the following:
- (a) extraction or no extraction zones in respect of marine resources;
  - (b) protection of nesting, breeding and foraging areas;
  - (c) no take areas in respect of fisheries;
  - (d) the conservation of marine resources in accordance with Part VI of this Act; and
  - (e) any other purposes with respect to specified human activities within the zone.
- (4) The Minister shall, in consultation with the relevant lead agencies and the relevant regional wildlife conservation committee, by notice in the Gazette, issue appropriate rules and regulations for effective management of marine protected and community marine conservation areas.

***Conservation and management of wetlands***

44. (1) The Minister shall, in consultation with the relevant lead agencies and the relevant regional wildlife conservation committee, by notice in the Gazette, declare a wetland that is an important habitat or ecosystem for wildlife conservation a protected wetland.
- (2) As soon as practicable, after declaring it a protected wetland, the Service in collaboration with the person or community who holds an interest in the wetland and the relevant lead agencies, shall prepare an integrated management plan for the conservation and management of the protected wetland.
- (3) The Minister shall, in consultation with the relevant lead agencies and other stakeholders, by notice in the Gazette, prescribe measures, rules, guidelines, procedures and regulations for effective conservation and management of the protected wetland.

**PART VI: PROTECTION OF ENDANGERED AND THREATENED ECOSYSTEMS AND SPECIES**

***Protection of endangered and threatened ecosystems***

45. (1) The Minister may, on the advice of the Service after consultation with the regional wildlife conservation committees, by notice in the Gazette, publish a national list of wildlife ecosystems and habitats that are threatened and are in need of protection as Fourth Schedule under this Act.
- (2) The following categories of ecosystems may be listed in terms of subsection (1):-
- (a) critically endangered ecosystem, being an ecosystem that has

- undergone severe degradation of ecological structures, function or composition as a result of human intervention and are a subject to an extremely high risk of irreversible transformation;
- (b) endangered ecosystem, being an ecosystem that has undergone degradation of ecological structures, function or composition as a result of human intervention, although it is not critically endangered ecosystem;
  - (c) threatened ecosystem, being an ecosystem that is undergoing degradation of ecological structures, function or composition as a result of human intervention, although it is not critically endangered ecosystem or endangered ecosystem;
  - (d) vulnerable ecosystem, being an ecosystem that has a high risk of undergoing significant degradation of ecological structures, function or composition as a result of human intervention, although it is not critically endangered ecosystem, endangered ecosystem; or threatened ecosystem; and
  - (e) area of environmental significance, being an ecosystem that is of high conservation value or of high national, regional or local importance, although it does not qualify to be listed under paragraphs (a), (b) (c) or (d) of this section.
- (3) A list published under subsection (1) shall describe in sufficient detail the location of each ecosystem on the list, the threats and the measures being taken to restore its ecological integrity for enhanced wildlife conservation.
- (4) The Minister shall, upon recommendation of the Service, at least every five years review any national list published under subsection (1) of this section.

***Listing of endangered and threatened species***

46. (1) The Minister may, on the advice of the Service, by notice in the Gazette, publish a list, as Fifth Schedule under this Act, of:-

- (a) critically endangered species, being species facing an extreme high risk of extinction in its natural habitat in the immediate future;
  - (b) endangered species, being any species facing an extreme high risk of extinction in its natural habitat in the near future, although its not critically endangered species;
  - (c) threatened species, being any species facing a high risk of extinction in its natural habitat in the immediate future, although its not a critically endangered species or an endangered species;
  - (d) vulnerable species, being any species facing an extreme high risk of extinction in its natural habitat in the medium future, although its not a critically endangered species or an endangered species; and
  - (e) protected species, being any species which is of such high conservation value or national importance that it requires special protection, although it does not qualify to be in paragraphs (a), (b) or (c) of this section.
- (2) The Minister shall at least every five years review the lists published under subsection (1) of this section.

***Restricted activities involving listed species***

47. (1) A person may not carry out any activity involving a specimen of a listed species without a licence from the Service.

- (2) The Minister may, on recommendation of the Service, by notice in the Gazette, prohibit the carrying out of any activity:-

- (a) which is of a nature that may negatively impact on the survival of a listed species; or
- (b) which is specified in the notice or prohibit the carrying out of such activity without a licence issued by the Service.

***Recovery plans***

48. (1) The Service shall develop and implement recovery plans for the conservation and management of all the listed species.
- (2) The Service shall, in developing the recovery plans, to the maximum extent practicable:-
- (a) give priority to those rare, threatened and endangered species; and
  - (b) in corporate in each recovery plan-
    - (i) a description of such site-specific management actions as may be necessary to achieve the plan's goal for the conservation and survival of the species;
    - (ii) objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of this section, that the species be removed from the list; and
    - (iii) estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.
- (3) The Service may, in developing and implementing recovery plans, enlist the services of appropriate public, private or non-governmental organizations and institutions and other qualified persons:

Provided that no resources shall be solicited by the service provider, under this section, without the approval of the Board or where such resources are received in the course of performance of the task, they shall be declared to the Board.

- (4) The Minister shall, on advice of the Service, report to the National Assembly through the National Wildlife Conservation Status report under section 9(3) the status of efforts to develop and implement recovery plans for all listed species and on the status of all species for which such plans have been developed.
- (5) The Service shall implement a system in cooperation with the regional wildlife conservation committees and constituency wildlife associations to monitor effectively for not less than five years the status of all species which have recovered to the point at which the measures provided pursuant to this section are no longer necessary and which, in accordance with the provisions of this section, have been removed from either of the lists published under section 46.

**PARTVII: WILDLIFE CONSERVATION ORDERS AND EASEMENTS**

***Wildlife conservation orders and easements***

49. (1) Any person may enter into negotiations with a land owner for an easement to be imposed on his land to further the principles of sustainable wildlife conservation and management:

Provided that an easement agreed upon through a private agreement shall be registered in accordance with the provisions

of the Act applicable to that particular system of registration for easements or where an easement is agreed upon on any communally held land, the regional wildlife conservation committee of the area in which that land is situated shall register the easement on a register maintained for that purpose in accordance with the provisions of this Act.

- (2) A court may, on an application made under this Part, grant an easement or a wildlife conservation order subject to the provisions of this Act.
- (3) The object of an easement or wildlife conservation order is to further the principles of sustainable wildlife conservation and management as embodied in this Act by facilitating the enhancement of a wildlife conservation area.
- (4) An easement may be imposed on and shall thereafter attach to the burdened land in perpetuity or for a term of years or for an equivalent interest under customary law as the court may determine.
- (5) Without prejudice to the general effect of subsection (3), an easement or wildlife conservation order may be imposed on burdened land so as to:
  - (a) preserve flora and fauna;
  - (b) create or maintain migration corridors and dispersal areas for wildlife;
  - (c) preserve the quality and flow of water in a dam, lake, river or aquifer;
  - (d) preserve any outstanding geological, physiographical, ecological, archaeological, cultural or historical features of the burdened land that are of importance to wildlife conservation;
  - (e) preserve scenic view, natural contours and features of the burdened land;
  - (f) prevent or restrict the scope of any activity on the burdened land which has as its object the mining and working of minerals or aggregates that may adversely affect wildlife conservation;
  - (g) prevent or restrict the scope of any agricultural or other activity on the burdened land; or
  - (h) create and maintain works on burdened land so as to limit or prevent harm to the environment.
- (6) Where an easement is imposed on burdened land on which any person has at the time of the imposition of the easement, any existing right or interest to the land and that easement will restrict that right or interest, there shall be paid to that person, by the applicant for the easement such compensation as may be determined in accordance with section 53.
- (7) An easement may exist in gross; that is to say, the validity and enforceability of the easement shall not be dependent on the existence of a plot of land in the vicinity of the burdened land which can be benefited or, of a person with an interest in that plot of land who can be benefited by the easement.

***Application for conservation orders and easements***

50. (1) A person or a group of persons may make an application to the court for the grant of one or more wildlife conservation orders and easements.
- (2) The court may impose such conditions on the grant of an easement as it considers to be best calculated to advance the object of an easement:

Provided that in exercising the jurisdiction conferred upon it under this section, the court may require the Service or appoint any persons with special

skills or knowledge on wildlife conservation issues which are a subject matter of the easement or wildlife conservation order before the court to prepare a technical report as may be required for proper determination of the matter.

***Proceedings to enforce easements***

51. (1) Proceedings to enforce an easement may be commenced only by the person in whose name the easement has been issued.
- (2) Proceedings to enforce an easement may request the court to:
- (a) grant a wildlife conservation order; or
  - (b) grant any remedy available under the law relating to easements in respect of land.
- (3) The court shall have discretion to adapt and adjust, so far as seems necessary to it, the law and procedures relating to the enforcement of the requirements of an easement.

***Registration of easements***

52. (1) Where an easement is imposed on land, the title of which is registered under a particular system of land registration, the easement shall be registered in accordance with the provisions of the Act applicable to that particular system of registration for easements.
- (2) Where an easement is imposed on any land other than land referred to in subsection (1), the regional wildlife conservation committee of the area in which that land is situated shall register the easement on a register maintained for that purpose in accordance with the provisions of this Act.
- (3) In addition to any matter which may be required by any law relating to the registration of easements in respect of land, the registration of an easement shall include the name of the applicant for the easement as the person in whose name the easement is registered.

***Compensation for easements***

53. (1) Any person who has a legal interest in the land which is the subject of an easement, shall, in accordance with the provisions of this Act, be entitled to compensation commensurate with the lost value of the use of the land.
- (2) A person described in subsection (1) may apply to the court that granted the easement for compensation stating the nature of his legal interest in the burdened land and the compensation sought.
- (3) The court may require the applicant for the easement to bear the cost of compensating the person described in subsection (1).
- (4) The court may, if satisfied that the easement sought is of national importance, order that the Government compensates the person described in subsection (1).
- (5) The court in determining the compensation due under this section shall take into account the relevant provisions of the Constitution and any other laws relating to compulsory acquisition of land.

***Coordination of wildlife research***

54. (1) The Service shall, in collaboration with relevant agencies, undertake, promote and coordinate research on wildlife conservation, including sustainable use, ecosystem and habitat management and protection of endemic, rare, threatened and endangered species.
- (2) Without prejudice to the generality of the foregoing, research on wildlife may include but not limited to:
- (a) collection and analysis of information about:
    - (i) the conservation status of the various components of biodiversity in particular wildlife resources;
    - (ii) negative and positive trends affecting wildlife conservation;
    - (iii) threatening processes or activities likely to impact on wildlife conservation;
  - (b) the assessment of strategies and techniques for wildlife conservation;
  - (c) the determination of wildlife conservation needs and priorities;
  - (d) research oriented towards informing conservation planning and management decision making; and
  - (e) the sustainable use, protection and conservation of endemic, rare, threatened and endangered species;
  - (f) wildlife diseases surveillance;
  - (g) disaster preparedness, impacts and coping and adaptive strategies; and
  - (h) mitigation measures to enhance wildlife conservation and management.
- (3) Subject to the provisions of this Act and any other written law, any research permit request relating to wildlife resources shall be approved by the department, and shall be done in collaboration with the Service:

Provided that where the scientist is from outside Kenya, he shall be required to have a sponsoring institution from the home country and a locally recognized collaborating institution, which shall guarantee that the scientist shall comply with the requirements under this Act.

- (4) Any person granted a permit to undertake research on wildlife under subsection (3) of this section shall be required upon completion of the research to deposit a copy of the research report, thesis or assessment with the Service.
- (5) The Minister may, on recommendation of the Board, by notice in the Gazette, promulgate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

***Wildlife database***

55. (1) The Service shall, in collaboration with relevant lead agencies and stakeholders, establish a comprehensive database for wildlife resources in Kenya.
- (2) Any database established under subsection (1) of this section shall include data collected as a result of the expenditure of public funds, including data produced by the Service, universities and research institutions or as a consequence of collaborative research with foreign institutions and scientists;
- (3) The Service shall, in consultation with relevant lead agencies, ensure that any data collected is collected in accordance with approved national standards as set out under rules and regulations promulgated under subsection (8) of this section.
- (4) The Service shall in respect of wildlife resources information that it holds:-
- (a) progressively make the information available to all the stakeholders and

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- the public by means which are easily accessible; and
- (b) take reasonable steps to organize the information with a view to the active and systematic dissemination to the relevant stakeholders and the public of the information.
- (5) Subject to subsection (2) of this section, where an applicant requests that a particular type of information relating to wildlife resources be made available in a particular format, the Service shall make it so available, unless:-
- (a) it is classified and restricted information relating to endangered or threatened species;
  - (b) it is reasonable for it to make the information available in another format; or
  - (c) the information is already publicly available and easily accessible to the applicant in another format:
- Provided that where the Service makes the information requested available, it may charge the applicant a prescribed fee for making the information available.
- (6) If the information is not made available as requested under subsection (5) of this section, the Service shall:-
- (a) explain the reason for its decision as soon as possible and no later than 21 working days after the date of receipt of the request for the information; and
  - (b) provide the explanation in writing if the applicant so requests.
- (7) Except classified and restricted information and subject to subsection (1) of this section, any person may access the national wildlife database on the payment of a prescribed fee:
- (8) The Minister may, on recommendation of the Board, by notice in the Gazette, promulgate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

### ***Monitoring***

56. (1) The Minister may, in consultation with the Board, designate monitoring mechanisms and set indicators to determine:-
- (a) the conservation status of wildlife resources; and
  - (b) any negative and positive trends affecting the conservation status of wildlife resources.
- (2) The Minister shall require any person, public or private organization or non-governmental organization with expertise in wildlife conservation and management to regularly report to him on the results of such monitoring measured against the predetermined indicators.
- (3) The Minister shall:-
- (a) at least every two years submit to the National Assembly a monitoring report undertaken under this section which shall form a part of the National Wildlife Conservation Status report prepared under section 9(3) of this Act; and
  - (b) make such information publicly available.

### ***Bioprospecting***

57. (1) No person may, without a permit from the Minister:-

- (a) engage in bioprospecting involving any wildlife resources; or
  - (b) export from Kenya any wildlife resources for the purpose of bioprospecting or any other kind of research.
- (2) Any person desirous of undertaking bioprospecting involving any wildlife resources may apply to the Minister for a permit in a prescribed format and on payment of prescribed fees.
- (3) The Minister shall in reviewing the application ensure that any interests of the following stakeholders may have in the proposed bioprospecting are protected:
  - (a) a person, including a public or private organization or institution or community, providing or giving access to the wildlife resource to which application relates;
  - (b) an indigenous community-
    - (i) whose tradition uses of the wildlife resources to which the application relates have initiated or will contribute to or form part of the proposed bioprospecting; and
    - (ii) whose knowledge of or discoveries about the wildlife resource to which the application relates are to be used for the proposed bioprospecting.
- (4) The Minister may, on the recommendation of the Board, where a stakeholder has an interest as set out in subsection (3)(a) of this section, issue a permit only if-
  - (a) the applicant has disclosed all material information relating to the relevant bioprospecting to the stakeholder and on the basis of that disclosure has obtained the prior consent of the stakeholders for the provision of or access to such resources;
  - (b) the applicant and the stakeholder have entered into-
    - (i) a material transfer agreement that regulates the provision of or access to such resources; and
    - (ii) a benefit-sharing agreement that provides for sharing by the stakeholders in any future benefits that may be derived from the relevant bioprospecting and approved by the Minister.
- (5) The Minister may, on recommendation of the Board, where a stakeholder has an interest as set out in subsection (3)(b) of this section, issue a permit only if-
  - (a) the applicant has disclosed all material information relating to the relevant bioprospecting to the stakeholder and on the basis of that disclosure has obtained the prior consent of the stakeholder to use any of the stakeholder's of or discoveries about the indigenous wildlife resources for the proposed bioprospecting; and
  - (b) the applicant and stakeholder have entered into a benefit-sharing agreement that provides for sharing by the stakeholder in any future benefits that may be derived from the relevant bioprospecting and approved by the Minister.
- (6) The Service shall, in all bioprospecting involving any wildlife resources, be a joint partner on behalf of the people of Kenya.

- (7) The Minister shall, on recommendation of the Board, require that a particular per centum of the proceeds from the bioprospecting is contributed to the Trust Fund.
- (8) The Minister may, on recommendation of the Board, by notice in the Gazette, promulgate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.
- (9) Any person who contravenes any provisions of this section or the rules made thereunder shall be guilty of an offence.

#### **PART IX: COMMUNITY PARTICIPATION**

##### ***Application for community participation***

58. (1) Upon public consultative process and under the direction of the district wildlife conservation committee, persons resident in a particular constituency may, on recommendation of the relevant regional wildlife conservation committee, register a constituency wildlife association under the Societies Act, Cap 108.

- (2) An association registered under subsection (1) may, on recommendation of the regional wildlife conservation committee, apply to the Director General for permission to participate in the conservation and management of wildlife resources within their area of jurisdiction in accordance with the provisions of this Act:

Provided that no application under this subsection shall be made where there is existing association.

- (3) The application referred to in subsection (2) shall be in the prescribe form and shall contain:

- (a) a list of the members of the association;
- (b) the constitution of the association with clear governance structures;
- (c) the association's financial regulations;
- (d) the type of wildlife conservation activities that the association proposes to be involved in;
- (e) the association's draft management plan detailing -

- (i) type of wildlife resources in their area and type of conservation initiatives being undertaken;
- (ii) measures to enhance the conservation of wildlife resources in their area;
- (iii) type of wildlife user rights they propose to engage in that will enhance conservation and survival of wildlife in their area;
- (iv) land use practices in the area and proposed measures to ensure land use compatibility with wildlife conservation;
- (v) methods of monitoring wildlife;
- (vi) community scouting scheme that will help to provide wildlife surveillance and in addressing problem animal control; and
- (vii) any other aspect deemed necessary.

- (f) such other information as the Director General may require.

- (4) The Director General may, with the approval of the Board, authorize the association subject to whatever terms and conditions as he may deem fit.

- (5) The Director General shall cause to be kept an up to date record of all associations participating in the conservation and management of wildlife.
- (6) The Minister may, on recommendation of the Board, by notice in Gazette, prescribed measures and guidelines to govern the operation of the association in relation to conservation and management of wildlife.

***Functions of constituency wildlife association***

59. An association authorized by the Director General under section 58 to participate in the conservation and management of wildlife shall:

- (a) establish community wildlife conservation areas or sanctuaries to be managed pursuant to an approved management plan for the purpose of wildlife conservation;
- (b) formulate and implement wildlife conservation programmes, projects and activities in accordance with the approved management plan;
- (c) assist the Service in enforcing the provisions of this Act and any rules and regulations made pursuant thereto, in particular to poaching and bushmeat trade;
- (d) with the approval of the Board enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable use of wildlife resources;
- (e) keep the regional and district wildlife conservation committees informed of any development changes and occurrences within their area that may adversely affect wildlife conservation;
- (f) help on problem animal control through community wildlife scouts; and
- (g) do any other act that is necessary for enhanced community participation in wildlife conservation and management.

***Grant of wildlife user rights***

60. (1) Any person or association authorized by the Director General may, on approval of the Board and on recommendation of the regional wildlife conservation committee for the area concerned, apply to the Minister for granting of wildlife user rights in a prescribed form and on payment of prescribed fees.

(2) The Minister may grant all or any of the following wildlife user rights:

- (a) wildlife-based tourism;
- (b) recreational;
- (c) photography and filming;
- (d) scientific and educational
- (e) religious and cultural;
- (f) game farming of wildlife listed in the Sixth Schedule; and
- (g) game ranching.

(3) The Minister may, on recommendation of the Board, grant sale of live animals and cropping in game farming operations which shall be done under the supervision of the Service and in consultation with the respective regional wildlife conservation committee.

(4) Subject to the rules and regulations made under this section, the Minister may, on recommendation of the Service and the relevant regional wildlife conservation committee, grant cropping to be undertaken in game ranching operations where applicable:

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Provided that cropping shall not be done in contravention of the provision of this Act or be in conflict with the long term goal of wildlife conservation and management.

- (5) The Minister may, on recommendation of the Service and after consultation with relevant regional wildlife conservation committee, authorize culling of wildlife in a wildlife conservation area as a management tool by the Service:

Provided that culling shall not be carried out in such a manner as to conflict with the long term goal of wildlife conservation and management.

- (6) The Service shall keep record of all records of wildlife trophies from the cropping and culling operations to mitigate against illegal trade in wildlife trophies.
- (7) The Minister may, on recommendation of the Board, authorize local processing and sale of wildlife trophies from the cropping activities under the supervision of the Service.
- (8) The Minister may, on recommendation of the Board and approval by resolution of the National Assembly, donate wildlife as a gift to another state for non-commercial purposes.
- (9) The Minister may, on recommendation of the Board, by notice in the Gazette, prescribe standards, guidelines and rules as are necessary and appropriate to carry out the purposes of this section.

### ***Prohibition of sport hunting***

61. (1) Sport hunting or any other form of hunting is prohibited.

- (2) Any person engaging in sport hunting or any other form of hunting will be committing an offence.

### ***Government trophies***

62. (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 animal, found dead or killed by accident or mistake;
  - (c) any animal killed in defence of life, or in other circumstances authorized by or under this Act.
  - (d) any animal or trophy in respect of which a breach of any of the provisions of this Act or regulations or the rules has been committed;
  - (e) any animal killed by a member of the Service in the course of his duties.
- (2) The Minister may, on recommendation of the Board, by notice in the Gazette, prescribe measures, rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

### ***Assignment of wildlife user rights***

63. (1) Any person or association, with the approval of the Minister after consultation with the Service, may assign any or all the wildlife user rights granted under section 60 to a suitably qualified agent on mutually agreed terms.

- (2) The Minister shall not approve any assignment which would derogate from the main objectives and purposes set out in the instrument granting the wildlife user rights.

- (3) The instrument granting the wildlife user rights shall be deemed to provide that any person or association shall be liable for all the activities, acts and omissions of the assignees of its rights under the licence.

***Withdrawal of wildlife user rights***

64. (1) The Minister may, on recommendation of the Board, withdraw a particular wildlife user right granted to any person or association where-
  - (a) the person or an association breaches the terms and conditions thereof;
  - (b) he considers such action as necessary for purposes of protecting and conserving wildlife; or
  - (c) the person or association concerned so requests.
- (2) Where the Minister intends to withdraw a particular user right on either of the grounds stipulated in subsection (1) (a) or (b) of this section, it shall give the affected person or association thirty days notice to show cause why the wildlife user right should not be so withdrawn.
- (3) Where the person or association is aggrieved by the decision of the Minister, may within thirty days after being notified of the decision appeal to the National Environment Tribunal established under the Environmental Management and Coordination Act No. 8 of 1999.
- (4) Nothing in this section shall be construed to limit the grounds on which, in accordance with the terms under which any wildlife user right may be withdrawn.

***Compensation for wildlife damage***

***Establishment of Wildlife Compensation Fund***

65. (1) There is hereby established a Wildlife Compensation Fund, (hereinafter referred to as the "Compensation Fund"), which shall be used for the following purposes:
  - (2) The Compensation Fund shall consist of:-
    - (a) moneys appropriated by Parliament for purposes of the compensation fund;
    - (b) a proportion of the user fees determined by the Minister in consultation with the Service;
    - (c) such sums of money as may be received by the compensation fund in the form of donations, endowments, grants and gifts from whatever source and specifically designated for the compensation fund; and
    - (d) such sums as may be levied from wildlife user rights and other levies as a contribution towards the compensation fund.
  - (3) The Compensation Fund shall be vested in five managing trustees appointed by the Minister by a notice in the Gazette. The managing trustees shall be persons holding at least a degree from a recognized university at the time of their appointment.
  - (4) The object of the Compensation Fund shall be to facilitate payment for injury to person or death, livestock, crops and property damage occasioned by wildlife.

***Compensation for personal injury or death or damage to crops and property***

66. (1) Where any person suffers any bodily injury or is killed by any animal listed under the Seventh Schedule, the person injured or in the case of a deceased person, his personal representative or successor or assign, may make an application to a district wildlife conservation committee in his jurisdiction established by section 17 for verification.

(2) The district wildlife conservation committee shall verify the claim and with their recommendations submit it to the managing trustees of the Compensation Fund for award and payment, which compensation shall not exceed one million shillings:

Provided that no compensation will be payable where the injury or death occurred in the course of any conduct on the part of the person concerned which would constitute an offence under this Act.

(3) Any person who suffers loss or damage to crops, livestock or other property from a game animal specified in the Seventh Schedule hereof and subject to the rules made by the Minister, may submit a claim to the district wildlife conservation committee who shall verify the claim and make recommendations as appropriate and submit it to the managing trustees of the Compensation Fund for award and payment.

(4) The Compensation Fund managing trustees shall review the claim and award and pay a compensation valued at the local market rates:

Provided that no compensation will be paid where the owner of the livestock, crops or property failed to take reasonable measures to protect the crops, livestock or property from damage by wildlife or his land use practices are in compatible with the ecosystem-based management plan for the area.

(5) Where the person is dissatisfied with the decision and award made by the compensation fund managing trustees, he may within thirty days after being notified of the decision and award appeal to the National Environment Tribunal established under the Environmental Management and Coordination Act No. 8 of 1999.

(6) Any person who makes a false claim or makes a false statement to the district wildlife committee or Compensation Fund in respect of a wildlife damage claim shall be guilty of an offence under the applicable laws dealing with corruption and economic crimes.

(7) The Minister may, by notice in the Gazette, revise the Seventh Schedule for which compensation is payable on recommendation of the Board after consultation with the managing trustees of the Compensation Fund.

(8) The Minister may, on recommendation of the Board and after consultation Compensation Fund managing trustees and regional wildlife conservation committees, review the limits on the compensation payable for injury or death, loss of livestock, crop or property.

(9) The Minister may, on recommendation of the Board, by notice in the Gazette, prescribe measures, rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section

**PART X: REGULATION OF TRADE IN ENDANGERED SPECIES**

***General prohibition***

67. (1) No person shall trade in, import, export, re-export or introduce any specimen of an endangered or threatened species into or from Kenya without a permit.

(2) Without prejudice to the generality of the foregoing, it is unlawful for any person to:

- (a) import any such species into, or export any such species from Kenya;
- (b) take any such species within Kenya or Kenya's territorial sea;
- (c) take any such species upon the high seas;
- (d) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of paragraphs (b) and (c);
- (e) deliver, receive, carry, transport, or ship in regional commerce, by any means whatsoever and in the course of a commercial activity, any such species;
- (f) sell or offer for sale in commercial transaction within or outside Kenya any such species;
- (g) products of listed species
- (h) violate any rules and regulations pertaining to such listed species.

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

***Application for a permit***

68. (1) Any person who intends to import, export, re-export, introduce from the sea or otherwise trade in any endangered or threatened or exploited species shall apply to the Director General for a permit in a prescribed manner and on payment of a prescribed fee.

(2) Every application for a permit shall specify-

- (a) the full names and address of the applicant,
- (b) the type of trade to which the application relates,
- (c) the species and number of specimens of the species to be traded,
- (d) the source of the species with a recommendation from the regional wildlife conservation committee from which the species is to be gotten or introduced,
- (e) the country to or from which specimens are to be conveyed, and
- (f) the customs port of entry through which the specimen is to be conveyed.

Provided that:-

- (i) the purpose for which the application is made is not detrimental to the survival of the species,
- (ii) the proposed recipient of that specimen is suitably equipped to conserve the species,
- (iii) that specimen is not to be used primarily for commercial purposes,
- (iv) evidence of consent from the regional wildlife committee from which or which is likely to receive the species,
- (v) where appropriate, compensation has been paid to the concerned communities, and
- (vi) permission to export or re-export that specimen has been granted by the relevant authority of the country of export or re-exports.

(2) The Minister may, on recommendation of the Board, issue a permit on such terms and conditions as may be appropriate and necessary to enhance conservation and management of listed species.

(3) The Minister may, on recommendation of the Board, by notice in the Gazette, promulgate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

(4) Any person who contravenes any provisions of this section or the rules made thereunder shall be guilty of an offence.

***Revocation of a permit***

69. The Minister on the recommendation of the Service revoke a permit issued under section

68 if he finds that the permittee is not complying with the terms and conditions of the permit.

**PART XI: INTERNATIONAL TREATIES, CONVENTIONS AND AGREEMENTS**

*International treaties, conventions and agreements*

70. (1) Where Kenya is a party to an international treaty, convention or agreement, whether bilateral or multilateral, concerning the management of wildlife, the Service shall, subject to the direction and control of the Minister:
- (a) initiate legislative proposals for consideration by the Attorney-General, for purposes of giving effect to such treaty, convention or agreement in Kenya or for enabling Kenya to perform her obligations or exercise her rights under such treaty, convention or agreement; and
  - (b) identify other appropriate measures necessary for the national implementation of such treaty, convention or agreement.
- (2) The Service shall, in relation to the formation of international treaties, conventions or agreements for the conservation and management of wildlife, assist the Ministry in negotiating such treaties, conventions or agreements.
- (3) The Service shall keep a register of all international treaties, agreements or conventions relating to the conservation and management of wildlife to which Kenya is a party.
- (4) The Minister may, on recommendation of the Board after consultation with the other relevant agencies, negotiate and establish transfrontier wildlife conservation areas for the better management of shared wildlife resources.
- (5) The Minister may, on recommendation of the Board and after consultation with the relevant lead agencies, promulgate rules and regulations for effective management of transfrontier wildlife conservation areas established under subsection (4) of this section.
- (6) The Minister shall publish regularly through the biannual wildlife conservation status report under section 9(3) on the progress of Kenya's implementation of wildlife related bilateral or multilateral environmental agreements to which Kenya is a Party.

**PART XII: LAW ENFORCEMENT**

*Powers of authorized officers*

71. (1) An authorized officer may-
- (a) demand from any person the production of an authority, licence or permit for any act done or committed by that person in relation to wildlife resources for which an authority, permit or licence is required under this Act or under any rules made thereunder;
  - (b) require any person found within or without wildlife conservation areas who has in his possession any wildlife specimen, to produce authority, permit or licence authorizing him to possess such wildlife specimens, where no such proof is produced, arrest and take such person before a magistrate;
  - (c) search any person suspected of having committed an offence under this Act or of being in possession of any wildlife specimen in respect of which an offence has been committed, arrest and detain the person, seize and detain any baggage, parcel or house being used to carry or hide the such wildlife specimen by the person or his agent.

- (d) search any vehicle or vessel and seize and detain any wildlife specimens in respect of which there is reason to believe that an offence has been committed, together with any tools, equipments, vessels or vehicles used in the commission of the offence:

Provided that the authorized officer detaining the person and seizing such property shall forthwith take the person and the seizure to the magistrate having jurisdiction over the area where the offence takes place within 48 hours;

- (e) confiscate any equipment or receptacle placed for purposes of capturing, harming or killing wildlife animals.
- (f) conduct investigation and undertake intelligence gathering as appropriate on any land, premises, vessels and vehicles to apprehend suspected offenders of this Act.

(2) Notwithstanding the provisions of sub-section (1) of this section:-

- (a) where anything seized and detained under this section 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; or
- (b) where any apparently unlawful means of hunting cannot be practicably be removed from its location it may forthwith be rendered inoperative.

(3) The Director General or any authorized officer may-

- (a) enter any land, premises, vessel, vehicle, aircraft or trailer in order to assess the condition of wildlife thereof or to perform any such other act which he considers necessary in the circumstances;
- (b) require the production of, inspect, examine and copy licences, registers, records, management plan and other documents relating to this Act; and
- (c) take all reasonable steps to prevent the commission of an offence under this Act.

(4) In exercising his powers under this Act, the authorized officer shall suitably identify himself.

***Erection of a temporary barrier***

72. (1) Any authorized officer of or above the rank of Senior Warden 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 search of his own person and of any vehicle as may appear to the officer to be necessary or expedient.

(2) Any person who:

- (a) fails to stop or allow a search when so required under sub-section (1) of this section ; or
- (b) assaults, resists or willfully 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 of not less fifty thousand

shillings or to imprisonment for a period of not less than six months or to both such fine and imprisonment.

*Use of firearms*

73. (1) The President may, through the Commissioner of Police, make available to the disciplined officers of the Service such firearms as may be necessary for the Service to carry out its functions under this Act.
- (2) The Service shall coordinate and control all wildlife security issues in all the national parks, reserves and community wildlife conservation areas and sanctuaries in collaboration with other law enforcement agencies, local authorities and community wildlife scouts.
- (3) A member of the uniformed and disciplined cadre, after acquiring the requisite training, and when authorized by the Director General, may use firearms for the following purposes:
- (a) in the course of law enforcement against-
    - (i) any person charged with an offence punishable under this Act, when that person is escaping or attempting to escape lawful custody;
    - (ii) any person who, by force, removes or attempts to remove any other person from lawful custody;
    - (iii) any person who, by force, attempts to prevent the lawful arrest of himself or any other person; or
    - (iv) any person unlawfully hunting any wildlife using a firearm.
  - (b) for the protection of people and property against any animal causing destruction to human life or crops or livestock or property;
  - (c) for the protection and safety of visitors in wildlife conservation areas against banditry or animals;
  - (d) in the course of problem animal control.
- (4) Notwithstanding the foregoing, a uniformed and disciplined officer of the Service shall not resort to the use of firearms-
- (a) under paragraph (a)(i) of subsection (3), unless the officer concerned has reasonable grounds to believe that he cannot otherwise prevent the escape, and unless he has given ample warning to such person that he is about to use a firearm against him, and the warning is unheeded; or
  - (b) under paragraph (a)(ii) or (a)(iii) of subsection (3), unless the officer 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 removal, or, as the case may be, effect the arrest.
- (5) When a person has been taken into custody for any offence under this Act, the authorized officer shall, if it does not appear practicable to bring that person to the nearest police station or competent court within 48 hours after he has been so taken into custody, detain the person in appropriate premises at the nearest Service station.
- (6) A person arrested and detained in accordance with subsection (5) of this section shall be brought before a competent court or the nearest police station within 48 hours.
- (7) Any person who, without authorization conveys into a wildlife conservation area, or being within the area thereof, is in possession of, any weapon, ammunition, explosive, trap or poison, shall be guilty of an offence.

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- (8) The Minister may, on recommendation of the Board and in consultation with the minister responsible for local authorities, make rules and regulations in respect of wildlife security operations in national reserves.

***Offences relating to management plans***

74. Any person who-

- (a) contravenes an approved management plan required to be developed under this Act; or
- (b) fraudulently alters the approved management plan under this Act,

commits an offence and is liable upon conviction to a fine of not less than one hundred thousand or to imprisonment for a term of not more than two years or to both such fine and imprisonment.

***Offences relating to pollution***

75. (1) Any person who-

- (a) discharges any dangerous materials, substances, oil into a designated wildlife area contrary to the provisions of this Act and any other written law;
- (b) pollutes wildlife habitats and ecosystems;
- (c) discharges any pollutant detrimental to wildlife into designated wildlife conservation areas contrary to the provisions of this Act or any other written law,

commits an offence and shall be liable upon conviction to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than five years or to both such fine and imprisonment.

- (2) In addition to any sentence that the court may impose upon a polluter under subsection (1) of this section, the court may direct that person to –

- (a) pay the full cost of cleaning up the polluted wildlife habitat and ecosystem and of removing the pollution; and
- (b) clean up the polluted habitats and ecosystems and remove the effects of pollution to the satisfaction of the Service.

- (3) Without prejudice to the provisions of subsections (1) and (2) of this section, the court may direct the polluter to contribute to a wildlife conservation activity as compensation, restoration and restitution.

***Offences relating to conservation orders and easements***

76. Any person who-

- (a) fails, neglects or refuses to comply with a wildlife conservation order made under this Act;
- (b) fails, neglects or refuses to comply an easement issued under this Act,

commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not less than three years, or to both such fine and imprisonment.

***Offences relating to permits***

77. Any person who, for the purpose of obtaining, whether for himself or another, the issue of a permit or certificate –

- (a) knowingly or recklessly makes a statement or representation which is false in a material particular; or

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- (b) knowingly or recklessly furnishes a document or information which is false in a material particular; or
- (c) for any purpose in connection with this Act, knowingly or recklessly uses or furnishes a false, falsified or invalid permit or certificate or one altered without authorization; or
- (d) knowingly contravenes any condition or requirement of a permit,

commits an offence and shall be liable upon conviction, to a fine of not less than fifty thousand shillings or to imprisonment for a term not less than six months, or to both such fine and imprisonment.

### ***Offences relating to flying aircrafts in wildlife conservation areas***

78. (1) Except as may be necessitated by sudden emergency endangering the safety of any aircraft or persons or carrying out an evacuation, the proof of which shall lay on the pilot thereof, no aircraft:-

- (a) shall be landed in a wildlife conservation area otherwise than at a recognized 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 wildlife conservation area.

(2) The pilot of an aircraft who contravenes the provisions of this section, or fails to comply with any rules made thereunder shall be guilty of an offence and liable to a fine not less than fifty thousand shillings or to imprisonment for a term not less than six months or to both such fine and imprisonment:

Provided that nothing in this sub-section shall apply to the operation of any aircraft, which is, at the time of the contravention, being used for any purpose of the Service and other lead agencies.

### ***Other offences***

79. (1) Any person who-

- (a) commits a breach of, or fails to comply with the provisions of this Act;
- (b) commits a breach of, or fails to comply with any of, the terms or conditions of a licence or permit issued to him under this Act;
- (c) fails to comply with a lawful requirement or demand made or given by an authorized officer;
- (d) obstructs a person in the execution of his powers or duties under this Act;
- (e) makes or is found in possession of any wildlife, wildlife meat or trophy without a licence or permit from the Minister or the Service;
- (f) enters or resides in a national park or reserve otherwise than in the course of his duty as authorized officer or a person lawfully employed in the park or reserve, as the case may be;
- (g) sets fire to any vegetation in any wildlife conservation area or allows any fire lighted by himself or his servants to enter a wildlife conservation area;
- (h) carries out logging in a national park or reserve;
- (g) clears and cultivates any land in the national park or reserve;
- (h) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a wildlife conservation area, or knowingly removes or attempts to remove any such object or any portion thereof in the course of his duty thereof from wildlife conservation areas;
- (i) knowingly introduces any alien species into any wildlife conservation area;
- (j) undertakes any activity in wildlife conservation area contrary to the

provisions of this Act:

commits an offence and is liable on conviction to a fine of not less than fifty thousand shillings or to imprisonment for a term of not less than six months, or to both such fine and imprisonment.

***Offences relating to bodies corporate***

80. (1) When an offence against this Act, is committed by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence.
- (2) Where an offence against this Act is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge or who should have had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.
- (3) A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.
- (4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against his express or standing directions.

***General penalty***

81. Any person found guilty of an offence against the provisions of this Act for which no specific penalty is provided shall be liable to a fine of not less than one hundred thousand or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

***Forfeiture***

82. (1) The Court before which a person is charged for an offence under this Act or any regulations made thereunder may, in addition to any other order:
- (a) upon the conviction of the accused; or
  - (b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of an offence;
  - (c) order that the wildlife trophy, motor vehicle, equipment and appliance or other thing by means whereof the offence concerned was committed or which was used in the commission of the offence be forfeited to the State and be disposed of as the court may direct.
- (2) In making the order to forfeit under subsection (1) the Court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance or any other thing provided for in that subsection be borne by the person convicted thereunder.
- (3) The Court may further order that any licence, permit or any authorization given under this Act, and to which the offence relates, be cancelled.

***Exemptions of the officers of the Service***

83. Nothing in this Act shall be construed as rendering an officer of the Service guilty of an offence under this Act or the rules in respect of anything done by him in the course of 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.

***Prosecutorial powers***

84. An authorized officer may with the leave of the Attorney General given under the Criminal Procedure Code, conduct any prosecution for any offence committed under this Act.

***Restraint of breaches of the Act***

85. (1) Every citizen of Kenya, and any person who is ordinarily resident in Kenya, who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court for-

- (a) a declaration that the provisions of this Act are being, have been, are about to be contravened;
- (b) an injunction restraining any specified person from carrying out such a contravention;
- (c) the writ of mandamus against any officer or person who has failed to perform a duty imposed by or under this Act; and
- (d) any remedy at law or equity for preventing or enforcing the provisions of this Act.

(2) The petition submitted under subsection (1) shall state-

- (a) the particulars of the petitioner;
- (b) the nature of the violation or likely violation;
- (c) the provision(s) of this Act which is or are being violated; and
- (d) the person, agency or body violating or about to violate the said provisions.

**PART XIII: MISCELLANEOUS**

***Rules***

86. (1) The Minister may, on recommendation of the Board, make rules and regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, rules and regulations may be made under this section for-

- (a) grant of wildlife user rights;
- (b) prescribing the amount of user fees payable under this Act generally or in particular cases;
- (c) specifying the conditions subject to which any licence, permit or authorization may be granted or issued under this Act;
- (d) regulating activities in the national parks, reserves, community wildlife conservation areas and sanctuaries;
- (e) prescribing measures that enhance community participation in the conservation and management of wildlife;
- (f) providing for the protection of endangered and threatened ecosystems, habitats and species; and
- (g) prescribing the manner of nomination of representatives of communities and other stakeholders to the Board, the regional and district wildlife conservation committees.

(3) Rules made under this section may require acts or things to be performed or done to the satisfaction of the Service, and may empower the Board to issue orders imposing conditions and dates upon, within or before which such acts or things shall be performed or done.

(4) Upon recommendation of the Board after consultation with the relevant local authority and regional wildlife conservation committee, the Minister, in consultation

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with the minister for the time being responsible for matters related to local authorities, make rules in respect of any or all national reserves managed by local authorities.

- (5) The provisions of section 27 of the Interpretation and General Provisions Act shall not apply to rules made under this section.

### ***Director General to maintain registers***

87. (1) The Director General shall maintain registers of:

- (a) all licences and permits issued under this Act;
- (b) national parks, national reserves, community wildlife conservation areas and sanctuaries established under this Act and the management thereof;
- (c) all associations participating in conservation and management of wildlife;
- (d) names of all honorary wardens appointed under this Act; and
- (e) all management plans developed pursuant to the provisions of this Act.

- (2) All registers maintained under this section shall be open for inspection at the office of the Director General, or such designated office, by members of the public during official working hours.

### ***Protection of life and property***

88. (1) 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 wildlife which is causing material damage or loss to his land or to any crop or stock.

- (2) Any person who kills any wildlife as prescribed under subsection (1) of this section shall file a report with the nearest Service office, police station or provincial administration within 48 hours.

- (3) Any person who fails to file a report as prescribed under subsection (2) of this section shall be guilty of an offence.

### ***Environmental impact assessments and Tribunal***

89. (1) The provisions of Part VI and Part XII of the Environmental Management and Coordination Act No. 8 of 1999 shall apply, *mutatis mutandis*, to and in respect of a licence under this Act and any environmental impact assessment as well as reference to the National Environment Tribunal required under this Act.

- (2) The provisions of the Environmental Management and Coordination Act No. 8 of 1999 regarding reference to the Tribunal established under that Act shall apply to hearing of appeals arising from the decisions made under this Act.

## **PART XII: TRANSITIONAL PROVISIONS**

### ***Repeal of Cap 376***

90. The Wildlife (Conservation and Management) Act Cap 376 as amended in 1989 is repealed.

### ***Savings***

91. Notwithstanding the repeal of the Wildlife Act-

- (a) any land which, immediately before the commencement of this Act, was a national park, national reserve or sanctuary, shall be deemed to be a national park, national reserve or sanctuary, under this Act;
- (b) any licences or permits granted under that Act and in force immediately before the commencement of this Act shall, with the approval of the Minister on recommendation of the Board, be

deemed to have been granted under the provisions of this Act, and shall remain in force until revoked in accordance with any terms in that regard set out in the licence, as the case may be, or renewed as a licence or permit under this Act; and

- (c) any rules and regulations promulgated under that Act and in force immediately before the commencement of this Act, with the approval of the Minister on recommendation of the Board, be deemed to have been promulgated under the provisions of this Act, and shall remain in force until revoked in accordance with any rules and regulations made under this Act.

**FIRST SCHEDULE**

**PART 1**

**PROVISIONS RELATING TO THE OFFICERS OF THE SERVICE**

*Officers of the Service*

1. (1) The officers of the Service shall hold the ranks specified in subparagraph (2).

(2) The ranks of the officers of the Service referred to in subparagraph (1) in order of seniority shall be as follows:

**(a) Director General**

**(b) Uniformed and Disciplined Officers Cadre**

*(i) Gazetted Officers*

Director  
Deputy Director  
Senior Assistant Director  
Assistant Director  
Senior Warden

*(ii) Senior Officers*

Warden I  
Warden II

*(iii) Junior Officers*

Assistant Warden I  
Assistant Warden II  
Assistant Warden III  
Cadet

*(iv) Rangers*

Sergeant Major  
Senior Sergeant  
Sergeant  
Corporal  
Ranger  
Ranger Recruit

**(c) Scientific Cadre**

Chief Scientist/Director  
Senior Principal Scientist  
Principal Scientist  
Senior Scientist  
Scientist I  
Scientist II  
Scientist III  
Research Assistant I  
Research Assistant II  
Research Assistant III

**(d) Other officers appointed by the Board on specified schemes**

(3) The officers of the Service shall, in the performance of the duties conferred upon them under this Act and any other written law, conform with any lawful instructions, directions or orders which may be given by the Director

General.

- (4) The Director General may, with the consent of the Board, from time to time make and issue administrative orders to be called Service Standing Orders for the general control, direction and information of the officers of the Service.

***Disciplinary Code and Regulations***

2. (1) The Director General shall, with the approval of the Board, issue a Disciplinary Code for Officers of the Service, which shall apply to the uniformed and disciplined officers of the Service and which may provide for the following matters: -

- (a) the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) disciplinary penalties and awards; and
- (c) any other related matters as pertains to the Act.

- (2) The following disciplinary penalties, or any combination thereof, may be included in the Disciplinary Code for infringement of the Code issued under subparagraph (1): -

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

- (3) A Disciplinary Code issued under this paragraph may provide that a disciplined officer of the Service committing a disciplinary offence may be arrested without a warrant by or on the order of an officer senior to him or placed in command over him, who may, if circumstances so warrant, confine that officer or cause that officer to be confined in a building suitable for the purpose, pending the determination of disciplinary proceedings:

Provided that no person shall be confined for more than five days without a warrant being issued for his arrest.

***Insurbordinate behaviour***

3. (1) A uniformed and disciplined officer of the Service who-

- (a) strikes, or otherwise uses violence on, or threatens violence to or incites any other person to use violence on, an officer senior to or placed in command over him or that other person; or
- (b) uses threatening or insubordinate language to an officer 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 General or an officer of or above the rank of Assistant Director,

or an officer above the rank of Principal Scientist to whom power so to do has been delegated by the Director General, may direct that an offence committed under this paragraph be dealt with under the Code.

***Desertion and Absenteeism***

4. (1) A uniformed and disciplined officer of the Service who absents himself from duty without leave or just cause for a period of or exceeding twenty-one days shall, unless he proves the contrary, be deemed to have deserted from the Service.
- (2) A uniformed and disciplined officer who deserts the Service shall forfeit any pay or allowance due to him, and subject to the provisions of the Retirement Benefits Act be paid such pension, provident fund or any other scheme operated by the Service, less liabilities due to the Service and in addition, such member shall be liable to disciplinary action.
- (3) No pay or allowance shall be paid to a uniformed and disciplined officer in respect of any day during which he is absent from duty without leave, unless the Director General otherwise directs.
- (4) Any uniformed and disciplined officer who deserts from the Service for a cumulative and successive period of or exceeding twenty-one days shall be guilty of an offence and liable to disciplinary action.
- (5) Any uniformed and disciplined officer who, upon being dismissed from the Service, or who deserts from the Service for a period of twenty-one days and does not surrender the property of the Service or the Government within a period of or not exceeding seven days from the date of dismissal or desertion, shall be guilty of an offence and liable to imprisonment for one year or a fine not exceeding fifty thousand shillings or both such fine and imprisonment.

***Prohibition from joining trade unions***

5. (1) No uniformed and disciplined officer of the Service shall be or become a member of-
  - (a) a trade union or any body or associate affiliated to a trade 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; or
  - (c) a body or association the objects, or one of the objects of which, is to control or influence pay, pension or conditions the Service other than a staff association established and regulated by rules or regulations made under this Act.
- (2) A uniformed and disciplined officer of the Service who contravenes subparagraph (1) shall be liable to be dismissed from the Service and subject to the provisions of the Retirement Benefits Act be paid such pension, gratuity, provident fund or any other scheme operated by the Service, less liabilities due to the Service.
- (3) If a question arises as to whether a body is a trade union or an association to which this paragraph applies, such question shall be referred to the Minister whose decision thereon shall be final.

***Definition***

6. In this Part, “uniformed and disciplined officer” means an officer specified in subparagraph (2)(b) of paragraph 1.

**PART II**

**OATH OF ALLEGIANCE**

“I,..... do hereby Swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will give faithful and loyal service during my service in Kenya Wildlife Service and that I will bear true allegiance to the President and the Republic of Kenya: that I will subject myself to all Acts, Orders and Regulations now or in the future in force relating to my service in Kenya Wildlife Service; that I will obey all lawful orders of the officers placed over me; and that I will discharge all the duties of a Kenya Wildlife Service officer according to law, without fear, favour, affection or ill-will (so help me God)”

.....  
Signature or thumbprint of Declarant

Personal Number.....

Sworn/affirmed before me.....

On the .....

**SECOND SCHEDULE**

**PROVISIONS RELATING TO THE CONDUCT TO BUSINESS AND  
AFFAIRS OF THE BOARD**

***Tenure of office and conduct of business of the Board***

1. (1) The chairman of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (2) Other than ex-officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.
- (3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.
- (4) A member other than the chairman an ex-officio member may –
  - (a) at any time resign from office by notice in writing to the Minister;
  - (b) be removed from office by the Minister if the member –
    - (i) has been absent from three consecutive meetings of the Board without the permission of the chairman; or
    - (ii) is adjudged bankrupt or enters in to a composition scheme or arrangement with his creditors; or
    - (iii) is convicted of an offence involving fraud or dishonesty; or
    - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
    - (v) is incapacitated by prolonged physical or mental illness; or
    - (vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act; or
    - (vii) fails to comply with the provisions of this Act relating to disclosure; or
    - (viii) is otherwise unable or unfit to discharge his functions as a member of the Board.

***Meetings of the Board***

2. (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairman may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

- (2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.
- (3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

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- (4) The chairman shall preside over all meetings of the Board in which he is present, but in his absence the vice-chairman shall preside, and in his absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.
- (5) At the first meeting of the Board, the members shall elect a vice-chairman, not being a public servant, from among its members.

***Disclosure of Interests***

3. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

***Board may regulate procedure***

4. Save as provided in this Schedule, the Board may regulate its own procedure.

**THIRD SCHEDULE**

**PROVISIONS AS TO PUBLIC CONSULTATION**

1. (1) Where this Act imposes a requirement for public consultation, the responsible authority shall publish a notice in relation to the proposal –
  - (a) in the Gazette;
  - (b) in at least two national newspapers;
  - (c) in at least one newspaper circulating in the locality to which the proposal relates; and
  - (d) in at least one Kenyan radio station broadcasting in the locality.
- (2) The notice shall in each case –
  - (a) set out a summary of the proposal;
  - (b) state the premises at which the details of the proposal may be inspected;
  - (c) invite written comments on or objections to the proposal;
  - (d) specify the person or body to which any such comments are to be submitted; and
  - (e) specify a date by which any such comments or objections are required to be received, not being a date earlier than 60 days after publication of the notice.
2. The responsible authority shall make arrangements for the public to obtain copies, at reasonable cost, of documents relating to the proposal which are in the possession of the responsible authority.
3. The responsible authority shall consider –
  - (a) any written comments or objections received on or before the date specified under paragraph 2(2) (e); and
  - (b) any comments whether in writing or not, received at any public meeting held in relation to the proposal at which the responsible authority was represented, or pursuant to any other invitation, to comment.
4. The responsible authority shall publish, through the same media as were employed pursuant to paragraph 1, notice of the fact a copy of the decision in writing of the responsible authority in relation to the proposal, and of the reasons thereof, is available for public inspection at the same premises as were notified under paragraph 1(2) (b).
5. Where rules made under this Act so require, the responsible authority shall cause a public meeting to be held in relation to a proposal before the responsible authority makes its decision on the proposal.

## FOURTH SCHEDULE

## LISTED ENDANGERED AND THREATENED ECOSYSTEMS

## a) Critically Endangered Ecosystem

Name	Size (Ha)	Location	Major Threat	Status	Interventions
Mara	151,000	The Mara and the adjoining areas	Reducing habitats due land subdivision, Over developments, Impact of Tourism	National Reserve	Trans boundary Management
Amboseli	483,286	02°33' to 02°45'S; 37°06' to 37°24'E	Overgrazing, Impact of tourism, desertification	Man and biosphere reserves; Protected as National Park	Integrated Management Planning
Nairobi	292,500	Nairobi national park, Athi-Kitengela & Kaputei Plains	Blockage of migration route; Land subdivision; urban sprawl	Nairobi National park is protected the rest is Private land	Strategic zoning through Development of Spatial frameworks/Master Plans

## b) Endangered Ecosystems

Name	Size	Location	Major Threat	Status	Interventions
Lake Nakuru	18,800	00°46'S, 036°22'E	Pollution, Siltation, invasive species, fluctuating water levels, Catchments degradation	Protected as National Park Ramsar site;	Concerted stakeholder efforts in the Mau forest catchments
Lake Elementaita	10,880	00°46'S 036°23'E	Declining water levels due to catchments degradation, Encroachment, Water diversion	Ramsar site	Ramsar site; Concerted stakeholder efforts
Sibilo National Park	157,085	4° 00' N, 36° 20' E	Encroachment	World Heritage sites; National Park	Protected as a National Park; World Heritage sites
Tana Delta	60,000 (Ha)	01°75' to 02° 15' S; 41°00' to 41°15' E	Uncontrolled resource Harvesting; Encroachment	Trust Land Mangrove Forest Reserve	Stake holder collaboration; Joint management

## c) Vulnerable Ecosystems

Name	Size (Ha)	Location	Major Threat	Status	Interventions
Eastern Mau,	64,970	35° 09' E; 00° 48' S	Illegal logging Encroachment	Forest reserve	Integrated Management Planning
Western Mau	22,700	35°59' E; 00°26' S	Illegal logging	Forest reserve	Integrated Management Planning
South-western Mau	83,395	35°49' E; 00°49' S	Encroachment	Forest reserve	Integrated Management Planning
Trans-Mara	35,270	35°52' E; 00°69' S	Illegal logging	Forest reserve	Integrated Management Planning
OI Pusimoru	36,947	36°02' E; 00°66' S	Encroachment	Forest reserve	Integrated Management Planning

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### d) Areas of Environmental Significance

Name	Size (Ha)	Location	Major Threat	status	Interventions
Lake Baringo	31,469	00°32'N 036°05'E	Encroachment, Over exploitation, Siltation , invasive species	National Reserve	Ramsar site; Protected as National Reserve
Lake Bogoria	10,700	00°15'N 036°05'E	Encroachment, Eutrophication, Declining water levels over exploitation, Siltation , invasive species	National Reserve	Ramsar site; Protected as National Reserve
Kiunga	60,000	01°75' to 02°15'S; 41°00' to 41°15'E	Overexploitation of mangrove resources	Man and biosphere reserves	Man and biosphere reserves
Malindi-Watamu	19,600	03°14' to 03°25'S; 39°57' to 40°11'E	Overexploitation of mangrove resources	National Park/Reserves	Man and biosphere reserves; Protected as National Park/Reserves
Baomo East	16	40 <sup>0</sup> 14 E,-1.9N	Siltation , Encroachment	Nature reserve	Protected as Nature reserve
Baomo South	206	40 <sup>0</sup> .13E;-1.93N	Siltation , Encroachment	Nature reserve	Protected as Nature reserve
Mt. Elgon	208,821	30°20'49'' E and 0°43'31'' N 35°3'55'' E and 01°02'02'' N	Encroachment Illegal logging	National Park	Man and biosphere reserves; Protected as National Park
Mt. Kenya	71,759	00°10'S; 37°20'E	Encroachment, Illegal logging, Uncontrolled water, abstraction Overgrazing	National Park and ; Forest Reserve	Man and biosphere reserves; Protected as National Park and ; Forest Reserve
Mt. Kulal	700,000	02°25' to 03°25'N; 36°30' to 37°30'E	Encroachment Illegal logging	Man and biosphere reserves	Man and biosphere reserves
Central Island	500	3 <sup>0</sup> 29' N, 30 <sup>0</sup> 36' E	Encroachment	National Park	World Heritage sites
South Island	3,900	N2 37 57 E36 35 41	Encroachment	National Park	World Heritage sites
Lake Naivasha	30,000	00°24'S 036°05'E	Pollution, clearance of riparian vegetation, invasive species, catchments degradation	Non Protected	Ramsar site Concerted Stakeholders efforts
Aberdare Ranges	250,000		Encroachment	National Park	Protected as a National Park

## FIFTH SCHEDULE

## LISTED ENDANGERED, THREATENED AND VULNERABLE SPECIES

## A) MAMMALS

Category and Species name	Common Name
<b>Critically endangered</b>	
<i>Cephalophus adersi</i>	ADERS' DUIKER
<i>Diceros bicornis</i>	BLACK RHINOCEROS
<i>Beatragus hunteri</i>	HIROLA
<i>Procolobus rufomitratu</i>	EASTERN RED COLOBUS
<b>Endangered</b>	
<i>Ceratotherium simum simum</i>	WHITE RHINO
<i>Balaenoptera borealis</i>	COALFISH WHALE
<i>Balaenoptera musculus</i>	BLUE WHALE
<i>Equus grevyi</i>	GREVY'S ZEBRA
<i>Lycaon pictus</i>	AFRICAN WILD DOG
<i>Grammomys gigas</i>	GIANT THICKET RAT
<i>Otomys barbouri</i>	BARBOUR'S VLEI RAT
<i>Otomys jacksoni</i>	MOUNT ELGON VLEI RAT
<i>Rhynchocyon chrysopygus</i>	GOLDEN-RUMPED ELEPHANT SHREW
<i>Panthera pardus</i>	LEOPARD
<b>Near Threatened</b>	
<i>Tadarida ventralis</i>	AFRICAN GIANT FREE-TAILED BAT
<i>Limnodromus semipalmatus</i>	ASIAN DOWITCHER
<i>Otomys lacustris</i>	TANZANIAN VLEI RAT
<i>Scotophilus nigrita</i>	SCHREBER'S YELLOW BAT
<i>Chaerephon russata</i>	RUSSET FREE-TAILED BAT
<i>Miniopterus natalensis</i>	NATAL LONG-FINGERED BAT
<i>Mops demonstrator</i>	MONGALLA FREE-TAILED BAT
<i>Beamys hindei</i>	LESSER HAMSTER-RAT
<i>Miniopterus minor</i>	LEAST LONG-FINGERED BAT
<i>Otomops martiensseni</i>	LARGE-EARED FREE-TAILED BAT
<i>Glauconycteris beatrix</i>	BEATRIX'S BAT
<i>Hipposideros megalotis</i>	ETHIOPIAN LARGE-EARED ROUNDLEAF BAT
<i>Taphozous hamiltoni</i>	HAMILTON'S TOMB BAT
<i>Saccolaimus peli</i>	PEL'S POUCHED BAT
<i>Praomys delectorum</i>	DELECTABLE SOFT-FURRED MOUSE
<b>Threatened</b>	
<i>Colobus badius</i>	RED COLOBUS
<b>Vulnerable</b>	
<i>Loxodonta Africana</i>	AFRICAN ELEPHANT
<i>Panthera leo</i>	AFRICAN LION
<i>Clootis percivali</i>	PERCIVAL'S TRIDENT BAT
<i>Hippopotamus amphibius</i>	COMMON HIPPOPOTAMUS
<i>Myonycteris relicta</i>	EAST AFRICAN LITTLE COLLARED FRUIT BAT
<i>Megaptera novaeangliae</i>	HUMP WHALE
<i>Dugong dugon</i>	DUGONG (E, F, S)
<i>Physeter macrocephalus</i>	CACHELOT
<i>Bdeogale jacksoni</i>	JACKSON'S MONGOOSE
<i>Rhynchocyon petersi</i>	BLACK AND RUFOUS ELEPHANT SHREW

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<i>Pelomys hopkinsi</i>	HOPKINS'S GROOVE-TOOTHED SWAMP RAT
<i>Taphozous hildegardeae</i>	HILDEGARDE'S TOMB BAT
<i>Gazella soemmerringii</i>	SOEMMERRING'S GAZELLE
<i>Profelis aurata</i>	AFRICAN GOLDEN CAT
<i>Acinonyx jubatus</i>	CHEETAH
<i>Rhinopoma macinnesi</i>	MACINNES'S MOUSE-TAILED BAT
<i>Surdisorex norae</i>	ABERDARE SHREW
<i>Surdisorex polulus</i>	MT. KENYA SHREW

**B) BIRDS**

Category And Species Name	common name
<b>Critically endangered</b>	
<i>Apalis fuscigularis</i>	TAITA APALIS
<i>Turdus helleri</i>	TAITA THRUSH
<i>Fregata andrewsi</i>	CHRISTMAS ISLAND FRIGATEBIRD
<i>Gypaetus barbatus</i>	BEARDED VULTURE
<b>Endangered</b>	
<i>Acrocephalus griseldis</i>	BASRA REED-WARBLER
<i>Anthreptes pallidigaster</i>	AMANI SUNBIRD
<i>Eremomela turneri</i>	TURNER'S EREMOMELA
<i>Anthus sokokensis</i>	SOKOKE PIPIT
<i>Ardeola idea</i>	MADAGASCAR POND-HERON
<i>Cisticola aberdare</i>	ABERDARE CISTICOLA
<i>Falco cherrug</i>	SAKER FALCON
<i>Ploceus golandi</i>	CLARKE'S WEAVER
<i>Otus ireneae</i>	SOKOKE SCOPS-OWL
<i>Macronyx sharpei</i>	SHARPE'S LONGCLAW
<i>Zoothera guttata</i>	SPOTTED GROUND-THRUSH
<i>Zosterops poliogaster silvanus</i>	TAITA MONTANE WHITE-EYE
<b>Threatened</b>	
<i>Apalis thoracica fuscigularis</i>	TAITA-BAR THROATED APALIS
<b>Near Threatened</b>	
<i>Balearica pavonina</i>	BLACK CROWNED-CRANE
<i>Limosa limosa</i>	BLACK-TAILED GODWIT
<i>Glareola nordmanni</i>	BLACK-WINGED PRATINCOLE
<i>Aetobatus narinari</i>	BONNETRAY
<i>Rynchops flavirostris</i>	AFRICAN SKIMMER
<i>Tryngites subruficollis</i>	BUFF-BREASTED SANDPIPER
<i>Crex crex</i>	CORNCRAKE
<i>Coracias garrulus</i>	EUROPEAN ROLLER
<i>Tauraco fischeri</i>	FISCHER'S TURACO
<i>Gallinago media</i>	GREAT SNIPE
<i>Prionops poliophus</i>	GREY-CRESTED HELMET-SHRIKE
<i>Euplectes jacksoni</i>	JACKSON'S WIDOWBIRD
<i>Bulweria fallax</i>	JOUANIN'S PETREL
<i>Phoenicopterus minor</i>	LESSER FLAMINGO
<i>Anthus melindae</i>	MALINDI PIPIT
<i>Encephalartos hildebrandtii</i>	MOMBASA CYCAD
<i>Chlorocnemis pauli</i>	ORANGE-TIPPED THREADTAIL
<i>Circus macrourus</i>	PALLID HARRIER
<i>Laniarius mufumbiri</i>	PAPYRUS GONOLEK
<i>Anthreptes reichenowi</i>	PLAIN-BACKED SUNBIRD
<i>Mobula eregoodootenkee</i>	PYGMY DEVILRAY
<i>Hadrothemis scabrifrons</i>	RED JUNGLE-SKIMMER
<i>Falco vespertinus</i>	RED-FOOTED FALCON
<i>Ficedula semitorquata</i>	SEMICOLLARED FLYCATCHER
<i>Circaetus fasciolatus</i>	SOUTHERN BANDED SNAKE-EAGLE

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<i>Neotis denhami</i>	STANLEY'S BUSTARD
<i>Falco fasciinucha</i>	TAITA FALCON
<i>Larus leucophthalmus</i>	WHITE-EYED GULL
<i>Streptopelia reichenowi</i>	WHITE-WINGED COLLARED-DOVE
<b>Vulnerable</b>	
<i>Hirundo atrocaerulea</i>	BLUE SWALLOW
<i>Falco naumanni</i>	LESSER KESTREL
<i>Apalis chariessa</i>	WHITE-WINGED APALIS
<i>Turdoides hindei</i>	HINDE'S PIED-BABBLER
<i>Aquila clanga</i>	GREATER SPOTTED EAGLE
<i>Aquila heliaca</i>	IMPERIAL EAGLE
<i>Torgos tracheliotos</i>	LAPPET-FACED VULTURE
<i>Glareola ocularis</i>	MADAGASCAR PRATINCOLE
<i>Muscicapa lendu</i>	CHAPIN'S FLYCATCHER
<i>Chloropeta gracilirostris</i>	PAPYRUS YELLOW WARBLER
<i>Cinnyricinclus femoralis</i>	ABBOTT'S STARLING
<i>Balaeniceps rex</i>	SHOEBILL
<i>Sheppardia gunningi</i>	EAST COAST AKALAT
<i>Cisticola aberrans</i>	TAITA ROCK CISTICOLA

**C) Reptiles**

Category And Species Name	common name
<b>Critically Endangered</b>	
<i>Eretmochelys imbricata</i>	HAWKSBILL TURTLE
<b>Endangered</b>	
<i>Chelonia mydas</i>	GREEN TURTLE
<i>Lepidochelys olivacea</i>	OLIVE RIDLEY
<i>Python natelensis</i>	AFRICAN ROCK PYTHON
<i>Eretmochelys imbricata</i>	HAWKSBILL TURTLE
<b>Vulnerable</b>	
<i>Malacochersus tornieri</i>	CREVICE TORTOISE
<i>Pelusios broadleyi</i>	TURKANA MUD TURTLE

**C) Fish**

Category And Species Name	common name
<b>Critically Endangered</b>	
<i>Oreochromis esculentus</i>	SINGIDIA TILAPIA
<i>Oreochromis hunteri</i>	LAKE CHALA TILAPIA
<i>Oreochromis jipe</i>	JIPE TILAPIA
<i>Oreochromis variabilis</i>	VICTORIA TILAPIA
<i>Ptyochromis sp. nov.</i>	RAINBOW SHELLER
<i>Xenoclarias eupogon</i>	LAKE VICTORIA DEEPWATER CATFISH
<i>Platycephalus amboniensis</i>	MONTANE DANCING-JEWEL
<b>Endangered</b>	
<i>Alcolapia alcalicus</i>	
<i>Cheilinus undulatus</i>	GIANT WRASSE
<i>Marcusenius victoriae</i>	VICTORIA STONEBASHER
<i>Xystichromis nuchisquamulatus</i>	KYOGA FLAMEBACK
<b>Near Threatened</b>	
<i>Carcharhinus macloti</i>	HARDNOSE SHARK
<i>Carcharhinus sealei</i>	BLACKSPOT SHARK
<i>Epinephelus fusco-guttatus</i>	BROWN-MARBLED GROUPER
<i>Epinephelus coioides</i>	ESTUARY COD
<i>Epinephelus malabaricus</i>	MALABAR GROUPER

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<i>Synodontis victoriae</i>	LAKE VICTORIA SQUEAKER
<b>Vulnerable</b>	
<i>Carcharias Taurus</i>	GREY NURSE SHARK
<i>Thunnus obesus</i>	BIGEYE TUNA
<i>Rhincodon typus</i>	WHALE SHARK
<i>Urogymnus asperrimus</i>	PORCUPINE RAY
<i>Carcharhinus longimanus</i>	OCEANIC WHITETIP SHARK
<i>Carcharodon carcharias</i>	GREAT WHITE SHARK
<i>Rhina ancylostoma</i>	BOWMOUTH GUITARFISH
<i>Taeniura meyeni</i>	BLACK-BLOTCHED STINGRAY
<i>Rhynchobatus djiddensis</i>	GIANT GUITARFISH
<i>Pseudoginglymostoma brevicaudatum</i>	SHORTTAIL NURSE SHARK
<i>Epinephelus lanceolatus</i>	BRINDLE BASS
<i>Nothobranchius patrizii</i>	BLUE NOTHO
<i>Nothobranchius bojiensis</i>	BOJI PLAINS NOTHOBRANCH
<i>Nothobranchius elongatus</i>	ELONGATE NOTHOBRANCH
<i>Labeo percivali</i>	EWASO NYIRO LABEO

**D) TREES**

Category And Species Name	common name
<b>Endangered</b>	
<i>Encephalartos kisambo</i>	VOI CYCAD
<i>Lovoa swynnertonii</i>	KILIMANJARO MAHOGANY
<i>Gigasiphon macrosiphon</i>	GIGASIPHON
<i>Osyris lanceolata</i>	EAST AFRICAN SANDALWOOD
<b>Vulnerable</b>	
<i>Prunus africana</i>	RED STINKWOOD
<i>Vitex keniensis</i>	MERU OAK
<i>Ocotea kenyensis</i>	MERU OAK
<i>Polyscias kikuyuensis</i>	PARASOL TREE
<i>Aloe ballyi</i>	RAT ALOE
<i>Populus ilicifolia</i>	TANA RIVER POPLAR

**SIXTH SCHEDULE**

**WILDLIFE SPECIES FOR WHICH GAME FARMING MAY BE ALLOWED**

**Animals**

Crocodile

Tortoise

Chameleon

Reptiles (other than snakes)

Snails

Frog

Lizards

Butterfly

Snake (for display and venom extraction, export of live for breeding)

**Plants**

Aloe

Prunus Africana

Osyris

**Birds**

Ostrich

Pigeon

Doves

Ducks

Guinea Fowl

Quail

**SEVENTH SCHEDULE**

**WILDLIFE SPECIES FOR WHICH COMPENSATION MAY BE PAID**

**A. Death and Injury**

Elephant  
Lion  
Leopard  
Rhino  
Hyena  
Crocodile  
Cheetah  
Buffalo  
Snakes  
Hippo  
Shark  
Stone Fish  
Whale  
Sting ray

**B. Crop and property damage**

Elephant  
Lion  
Leopard  
Rhino  
Hyena  
Crocodile  
Cheetah  
Buffalo  
Hippo  
Zebra  
Eland  
Wildebeest

## EIGHTH SCHEDULE

NATIONAL PARKS, NATIONAL RESERVES, COMMUNITY  
CONSERVATION AREAS AND SANCTUARIES

## National Parks (N.P)

<u>Park Name</u>	<u>Area in Sq. Km</u>	<u>Park Name</u>	<u>Area in Sq. Km</u>
1. Tsavo East N. P.	11,747	16. Mt. Elgon N. P	169
2. Tsavo West N. P.	9,065	17. Saiwa Swamp N. P.	2
3. Aberdares N. P.	765.7	18. Ndere Island N.P.	42
4. Mt. Kenya N. P.	715	19. Malka Mari N. P.	876
5. Lake Nakuru N. P.	52	20. Chyulu Hills N. P.	736
6. Amboseli N. P.	392	21. Central Island N. P.	5
7. Nairobi N. P.	117	22. Ruma N. P.	120
8. Meru N. P.	870	23. Arabuko N. P.	6
9. Kora N. P.	1,787		
10. South Island N. P.	39		
11. Mt. Longonot N. P.	52		
12. Hell's Gate N. P	68		
13. Oldonyo Sabuk N. P.	18		
14. Marsabit N. P.	68		
15. Sibiloi N. P.	1,570		

## Marine Parks

24. Mombasa Marine N. P.	26.093
25. Watamu Marine N. P.	10
26. Mpunguti N. P.	28
27. Malindi Marine N.P.	6

## National Reserves (NR)

<u>Reserve Name</u>	<u>Area in Sq. Km</u>	<u>Park Name</u>	<u>Area in Sq. Km</u>
1. Marsabit N. R.	1,564	19. Boni N. R.	1,339
2. South Turkana N. R.	1,019	20. Dodori N. R.	877
3. Nasalot N. R.	194	21 Tana River Primate N. R.	169
4. Losai N. R.	1,806	22. Shimba Hills N. R.	192
5. Shaba N. R.	239	23. Chepkitalel N. R.	178.2
6. Samburu N. R.	165	24. Nyambene N. R.	640.6
7. Buffalo Springs N. R.	131	25.Mt. Kenya N. R.	2,124
8. Bisinadi N. R.	606	26. Tsavo Road & Railways	212
9. Rahole N. R.	1,270	27. Nga Ndethia	212
10. North Kitui N. R	745	28. Laikipia N. R.	165
11. Lake Bogoria N. R.	107		
12. Kamnarok N. R.	87.7		
13. Kerio Valley N. R.	66		
14. Kakamega N. R.	44.7		
15. Masai Mara N. R.	1,510		
16. South Kitui N. R.	1,133		
17. Mwea N. R.	68		
18. Arawale N. R.	533		

## Marine Reserves

29. Malindi Marine N. R.	213
30. Watamu Marine N. R	32
31. Mombasa Marine N. R.	200
32. Mpunguti Marine N. R.	11
33. Kiunga Marine N. R.	250
34. Diani-Chale Marine N. R.	165

## National Sanctuary (NS)

1. Maralal N.S. (Km <sup>2</sup> )	5	3. Ondago Swamp (ha)	24.8
2. Lake Simbi (Ha)	41.7	4. Kisumu Impala N. S.	0.34