

**THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL, 2016**

A Bill for

**AN ACT of Parliament to amend the Wildlife Conservation and
Management Act, 2013 and for connected purposes**

ENACTED by the Parliament of Kenya, as follows —

Short title.

1. This Act may be cited as the Wildlife Conservation and Management (Amendment) Act, 2016.

Amendment to
section 3 of
No. 47 of
2013.

2. Section 3 of the Wildlife Conservation and Management Act, 2013, in this Act referred to as “the principal Act”, is amended—

(a) by deleting the definition of “dealer” and substituting therefor the following definition—

““deal” means—

(a) to sell, purchase, distribute, barter, give, receive, administer, supply, or otherwise in any manner deal with a trophy; or

(b) to cut, carve, polish, preserve, clean, mount or otherwise prepare a trophy; or

(c) to transport or convey a trophy; or

(d) to do or offer to do any act preparatory to, in furtherance of, or for the purpose of, an act specified above.”

(b) in the definition of “endangered species” by deleting the word “Fourth” appearing immediately after the words “specified in the” and substituting therefor the word “Sixth”;

(c) in the definition of “game ranching” by deleting the words “recreation and trade” appearing immediately after the word

“conservation” and substituting therefor the words “and recreation”;

- (d) in the definition of “sport hunting” by deleting the word “authorized” appearing immediately after the word “means”;
- (e) in the definition of “threatened species” by deleting the word “Fourth” appearing immediately after the words “specified in the” and substituting therefor the word “Sixth”;
- (f) by deleting the definition of “trophy” and substituting therefor the following definition—

““trophy” means any wild species, plant or animal, alive or dead and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk, and for plant any bark, branch, leaf, log, sip, extract or other durable portion whatsoever of that animal or plant whether processed, added to or changed by the work of man or not, which is recognizable as such;”

- (g) in the definition of “wetlands” by inserting the word “that” immediately after the words “with water”;
- (h) by inserting the following new definitions in their proper alphabetical sequence—

““extractive activity” includes commercial fishing, sand harvesting, quarrying, mining, and logging;

“subsistence hunting” means hunting for domestic use or consumption;

“vulnerable species” means any wildlife species specified in the Sixth Schedule to 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);”

Amendment to section 7 of No. 47 of 2013.

3. Section 7 of the principal Act is amended in paragraph (c) by inserting the words “and compensation” immediately after the words “wildlife conservation”.

Amendment to section 12 of No. 47 of 2013.

4. Section 12 of the principal Act is amended in subsection (1), by inserting the following new paragraph immediately after paragraph (b)—

“(c) any other officer as the Board may deem fit to employ in furtherance of purposes of the Act.”

Amendment to section 16 of No. 47 of 2013.

5. Section 16 of the principal Act is amended in subsection (2) (a) by deleting the words “regional wildlife conservation and compensation committees and community wildlife scouts”.

Amendment to section 22 of No. 47 of 2013.

6. Section 22 of the principal Act is amended—

- (a) in subsection (1) by deleting the word “may” and substituting therefor the word “shall”;
- (b) in subsection (2) by deleting the word “Authority” appearing immediately after the words “may apply to” and substituting therefor the word “Service”;
- (c) in subsection (3) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the word “Service”; and
- (d) in subsection (9) by inserting the words “and shall be liable upon conviction to a fine not exceeding twenty million shillings or imprisonment for a term not exceeding ten years or to both such fine and imprisonment” immediately after the word “offence”.

Amendment to No. 47 of 2013.

7. The principal Act is amended by inserting the following new section immediately after section 22—

Bio-piracy.

22A. (1) A person shall not engage in bio-piracy.

(2) A person who contravenes subsection (1) commits an offence and shall,

on conviction, be liable to—

- (a) imprisonment for a term not exceeding twenty years;
- (b) a fine not exceeding five times the market value of the wildlife resource in question; or
- (c) a fine not exceeding one hundred million shillings,

whichever is higher.

(3) Where an offence is committed by a body corporate within the meaning of section 103, the provisions of this section shall apply.

Amendment to section 25 of No. 47 of 2013.

8. Section 25 of the principal Act is amended in subsection (5) by inserting the words “the Cabinet Secretary shall” immediately after the words “award and”.

Amendment to section 41 of No.47 of 2013.

9. Section 41 of the principal Act is amended—

- (a) in the prefatory statement by inserting the words “and compensation” immediately after the word “conservation”;
- (b) in paragraph (c) by deleting the words “regional wildlife conservation area” appearing immediately after the words “keep the” and substituting therefor the words “county wildlife conservation and compensation”.

Amendment to section 45 of No. 47 of 2013.

10. Section 45 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “national park” appearing immediately after the words “in a” and substituting therefor the words “wildlife conservation area”;
- (b) by deleting subsection (3);
- (c) by deleting subsection (4);
- (d) by inserting the following subsection immediately after subsection (5)—

“(6) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twenty years or to a fine not exceeding one hundred million shillings or five times the market value of the commercial operation in question, whichever is higher.”

Amendment to section 48 of No. 47 of 2013.

11. Section 48 of the principal Act is amended in subsection (1) by deleting the word “may” appearing immediately after the words “A person” and substituting therefor the word “shall”.

Amendment to section 49 of No. 47 of 2013.

12. Section 49 of the principal Act is amended in subsection (5) by inserting the words “and compensation” immediately after the words “wildlife conservation”.

Amendment to section 76 of No. 47 of 2013.

13. Section 76 of the principal Act is amended—

- (a) in subsection (2) by inserting the words “of the” immediately after the word “formulation”;
- (b) by deleting subsection (4) and substituting therefor the following subsection—

“(4) The guidelines on benefit sharing shall provide for allocation of at least five percent of the benefits from a national park to local communities neighboring the park.”

Amendment to section 77 of No. 47 of 2013.

14. Section 77 of the principal Act is amended—

- (a) in subsection (2), by inserting the words “in consultation with the Service” immediately after the words “occupier may”; and
- (b) in subsection (3) by deleting the phrase “subsection (1)” appearing immediately after the words “set out in” and substituting therefor the phrase “subsection (1) and (2)”.

Amendment to section 78 of No. 47 of

15. Section 78 of the principal Act is amended by inserting the following subsection immediately after

2013. subsection (2)—

“(3) A person who kills a wild animal in any of the circumstances under subsection (1) shall, as soon as possible and in any case not later than forty-eight hours after killing the animal—

- (a) report the killing and circumstances leading to the killing of the animal; and
- (b) deliver the trophies of the animal to the nearest wildlife office or police station.”

Amendment to section 80 of No. 47 of 2013.

16. Section 80 of the principal Act is amended in subsection (4) by deleting the words “game ranching” appearing immediately after the words “species in which” and substituting therefor the words “game farming”.

Amendment to section 88 of No. 47 of 2013.

17. Section 88 of the principal Act is amended in subsection (2) by—

- (a) deleting the word “national” appearing immediately after the words “reserve or” in paragraph (a);
- (b) deleting the words “of not less than” wherever they appear and substituting therefor the words “not exceeding”.

Amendment to section 89 of No. 47 of 2013.

18. Section 89 of the principal Act is amended in subsection (1)(c) by deleting the words “of not less than two million shillings or to imprisonment of not less than five years” appearing immediately after the word “fine” and substituting therefor the words “not exceeding twenty million shillings or to imprisonment for a term not exceeding five years”.

Amendment of section 90 of No. 47 of 2013

19. Section 90 of the principal Act is amended by deleting the words “of not less than five hundred thousand shillings or to imprisonment of not less than three years” appearing immediately after the word “fine” and substituting therefor with the words “not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years”.

Amendment to section 91 of No. 47 of

20. Section 91 of the principal Act is amended—

2013.

(a) by deleting paragraph (c) and substituting therefor the following paragraph—

“(c) knowingly or recklessly uses or furnishes a false, falsified, invalid or altered license or permit;”

(b) in the closing statement by deleting the words “of not less than five hundred thousand shillings or to imprisonment of not less than” appearing immediately after the word “fine” and substituting therefor the words “not exceeding five hundred thousand shillings or to imprisonment of for a term not exceeding”.

Repeal and replacement of section 92 of No. 47 of 2013.

21. The principal Act is amended by repealing section 92 and substituting therefor the following section—

Offences relating to endangered and threatened species.

92. A person who—

(a) kills or injures critically endangered, or endangered species as specified in the Sixth Schedule;

(b) keeps, supplies or is found in possession of a wildlife trophy of critically endangered or endangered species as specified in the Sixth Schedule without a permit or exemption issued under this Act; or

(c) manufactures an item from a trophy of critically endangered or endangered species specified under the Sixth Schedule without a permit or exemption issued under this Act,

commits an offence and shall, on conviction, be liable to a fine not exceeding

one hundred million shillings or life imprisonment.

Amendment to section 93 of No. 47 of 2013.

22. Section 93 of the principal Act is amended—

(a) by deleting paragraph (a) and substituting therefor the following paragraph—

“(a) knowingly introduces an invasive species into a wildlife conservation area;”

(b) in paragraph (b) by deleting the words “of not less than three hundred thousand shillings or to imprisonment of not less than one year” appearing immediately after the word “fine” and substituting therefor the words “not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding one year”.

Amendment to section 94 of No. 47 of 2013.

23. Section 94 of the principal Act is amended by inserting the following subsection immediately after subsection (1)—

“(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five million shillings or imprisonment for a term not exceeding one year or to both such fine and imprisonment.”

Amendment to section 95 of No. 47 of 2013.

24. The principal Act is amended by repealing section 95 and substituting therefor the following new section—

Offences relating to trophies and trophy dealing.

95. With regard to non-endangered or non-threatened species, a person who, without a permit or exemption issued under this Act—

- (a) keeps a wildlife trophy;
- (b) is found in possession of a wildlife trophy;
- (c) deals in a wildlife trophy;
- (d) manufactures an item from a wildlife trophy; or
- (e) kills or injures any animal,

commits an offence and shall be liable upon conviction to a fine not exceeding twenty million shillings or imprisonment for a term not exceeding five years or both such fine and imprisonment.

Amendment to section 96 of No. 47 of 2013.

25. Section 96 of the principal Act is amended by deleting subsection (1) and substituting therefor the following subsection—

“(1) A person who engages in sport hunting in relation to categories of wildlife specified in the Ninth Schedule commits an offence and shall, on conviction, be liable—

- (a) for category A, to a fine not exceeding one hundred million shillings or life imprisonment or both such fine and imprisonment;
- (b) for category B, to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment;
- (c) for category C, to a fine not exceeding one million shillings or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Amendment to section 97 of No. 47 of 2013.

26. Section 97 of the principal Act is amended deleting the words “of not less thirty thousand or imprisonment for a term of not less than six months” appearing immediately after the word “fine” and substituting therefor the words “not exceeding thirty thousand shillings or imprisonment for a term not exceeding six months”.

Amendment of section 98 of No. 47 of 2013.

27. Section 98 of the principal Act is amended by deleting the words “in possession of or is dealing in any meat of any wildlife species, commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment for a term not less than one year” appearing immediately after the words “trade, or is” and substituting therefor the words

“found in possession of, with intent to supply, the meat of any wildlife species, commits an offence and shall be liable on conviction to a fine not exceeding one million or imprisonment for a term not exceeding three years or to both such fine and imprisonment.”

Amendment to
section 99 of
No. 47 of
2013.

28. Section 99 of the principal Act is amended—

(a) in sub-section (1) by inserting the words “or product” immediately after the word “specimen”;

(b) by deleting subsection (2) and substituting therefore the following subsection—

“(2) Without prejudice to the generality of subsection (1), a person shall not—

(a) import into Kenya any species or product referred to in subsection (1);

(b) export from Kenya any species or product referred to in subsection (1);

(c) take any species or product referred to in subsection (1) within Kenya or Kenya's territorial waters;

(d) take any species or product referred to in subsection (1) upon the high seas;

(e) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any species or product referred to in subsection (1), taken in violation of paragraphs (b) and (c);

(f) deliver, receive, carry, transport, or ship in county commerce, by any means whatsoever and in the course

of a commercial activity, any species or product referred to in subsection (1); or

(g) sell or offer for sale in commercial transaction within or outside Kenya any species or product referred to in subsection (1).

(c) by deleting subsection (3) and substituting therefor the following subsections—

“(3) A person who contravenes the provisions of this section commits an offence and shall be liable, upon conviction,—

(a) in relation to wildlife or wildlife product under Category A of the Ninth Schedule, to a fine not exceeding one hundred million shillings or life imprisonment;

(b) in relation to any other wildlife species or wildlife product, to a fine not exceeding twenty million shillings or a term of imprisonment not exceeding ten years, or to both such fine and imprisonment;

(4) A person, agent or corporate entity who knowingly or recklessly aids and abets the commission of an offence under this section shall be liable to the penalties specified in section 3.

Amendment to
section 100 of
No. 47 of
2013.

29. Section 100 of the principal Act is amended by deleting the words “shall be committing an offence and is liable upon conviction to a fine of not less than one hundred thousand shillings or to imprisonment for not less than six months” appearing immediately after the word “claim” and substituting therefor the words “commits an offence and is

liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding”

Amendment to
section 101 of
No. 47 of
2013.

30. Section 101 of the principal Act is amended by deleting the words “of not less than one hundred thousand shillings or to imprisonment of not less than six months” appearing immediately after the word “fine” and substituting therefor the words “not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding two years”.

Amendment to
section 102 of
No. 47 of
2013.

31. Section 102 of the principal Act is amended—

(a) in subsection (1) by—

(i) deleting paragraph (a) and substituting therefor the following paragraph—

“(a) enters or resides in a national park, reserve, wildlife sanctuary or marine protected area otherwise than under licence, permit or in the course of his duty as authorized officer or a person lawfully employed in the park, reserve or marine protected area as the case may be;”

(ii) deleting paragraph (g) and substituting therefor the following paragraph—

“(g) undertakes any extractive activity in a national park, reserve, wildlife sanctuary or marine protected area;”

(iii) deleting the words “of not less than two hundred thousand shillings or to imprisonment of not less than two years” appearing immediately after the words “fine of” and substituting therefor the words “not exceeding two hundred thousand

shillings or to imprisonment for a term not exceeding two years”;

- (b) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) A person shall not enter a national park or reserve with livestock without a permit from the Service for the purpose of grazing and watering the livestock in times of drought or other natural disaster.”

- (c) by inserting the following subsection immediately after subsection (2)—

“(2A) The owner of livestock shall be liable for an offence committed by his or her employee, agent or servant in contravention of subsection (2) unless he or she proves that the offence was committed against his or her express directions.”

Amendment to section 103 of No. 47 of 2013.

32. Section 103 of the principal Act is amended by inserting the following subsection immediately after subsection (4)—

“(5) A person convicted of an offence under this section shall be liable to a fine not exceeding ten million shillings or imprisonment for a term not exceeding five years or both such fine and imprisonment.”

Amendment to No. 47 of 2013.

33. The principal Act is amended by inserting the following sections immediately after section 104—

General penalty.

104A. A person who contravenes the provision of this Act for which no express penalty is provided commits an offence and shall, on conviction, be liable to fine of not less than three hundred thousand shillings or imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Application of No. 36 of 2011.

104B. The provisions of the Mutual Legal Assistance Act, 2011 shall apply to this Act.

Protection from personal

104C. An act done by a person

liability. exercising a function under this Act shall not, if the act was done in good faith for carrying out the provisions of this Act, subject the person to any liability, action, claim or demand.

Offences extraditable
Cap. 76.
Cap. 77 **104D.** An offence under this Act is extraditable under the Extradition Act and the Extradition (Contiguous and Foreign Countries) Act.

Amendment to No. 47 of 2013.

34. Section 105 of the principal Act is amended by inserting the following subsection immediately after subsection (3)—

“(4) Where anything other than a trophy is seized and detained under Part XIII of this Act it shall be forfeited to the Service after a period of three months unless within that period a person is charged with an offence under this Act and it is alleged that—

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

Amendment of section 110 of No. 47 of 2013.

35. Section 110 of the principal Act is amended—

- (a) in subsection (1) by inserting the following new paragraph immediately after paragraph (f)—

“(g) seize and detain anything which appears to be a wildlife trophy;”

- (b) by inserting the following new subsection immediately after subsection (1)—

“(1A) The Cabinet Secretary shall make regulations in respect of seizure, analysis, storage and disposal of wildlife trophies.

Amendment of

36. Section 111 of the principal Act is amended in

section 111 of
No. 47 of
2013.

subsection (2) by deleting the words “of not less fifty thousand shillings or to imprisonment for a period of not less than six months” appearing immediately after the word “fine” and substituting therefor the words “not exceeding one million shillings or to imprisonment for a term not exceeding two years”.

Amendment of
section 116 of
No. 47 of
2013.

37. Section 116 of the principal Act is amended in subsection (2)—

(a) by inserting the following paragraph immediately after paragraph (f)—

“(fa) prescribing the content of warnings and customer service information to be placed at the entrances to and within protected areas under the Act.”

(b) in paragraph (h) by deleting the words “regional wildlife conservation area” appearing immediately after the words “and the” and substituting therefor the words “county wildlife conservation and compensation”.

Amendment of
section 119 of
No. 47 of
2013.

38. Section 119 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) any proceedings commenced under the Wildlife (Conservation and Management) Act, 1976 (now repealed), shall be continued as if commenced under this Act”.

Amendment of
the Second
Schedule to
No. 47 of
2013.

39. The Second Schedule to the principal Act is amended by inserting the word “General” immediately after the word “Director” wherever it appears.

Amendment of
the Third
Schedule to
No. 47 of
2013.

40. The Third Schedule to the principal Act is amended in part B on “Crop, livestock and property damage” by deleting the item “Snake Wild dog” and substituting therefor the following items in their proper sequence—

“Snake”

“Wild dog”

Amendment of

41. The Sixth Schedule to the principal Act is

the Sixth
Schedule to
No. 47 of
2013.

amended in Part A—

- (a) in the category of Critically Endangered species, by inserting the following new species in their proper sequence—

Category and species name	Common name
<i>Ceratotherium simum simum</i>	White rhino
<i>Loxodonta Africana</i>	African elephant
<i>Panthera leo</i>	African lion

- (b) in the category of Endangered species, by deleting the following species—

Category and species name	Common name
<i>Ceratotherium simum simum</i>	White rhino
<i>Loxodonta Africana</i>	African elephant
<i>Panthera leo</i>	African lion

Amendment of
the Eighth
Schedule to
No. 47 of
2013.

42. The Eighth Schedule to the principal Act is amended—

- (a) by deleting the word “dealers” wherever it appears and substituting therefor the word “suppliers”;
- (b) in paragraph (8) of Part 1 by deleting the words “on the recommendation of the Service” appearing immediately after the words “the Service”;
- (c) in the heading to Part 2 by deleting the phrase “DEALING IN” and substituting therefor the phrase “SUPPLY OF”.

Amendment of
the Ninth
Schedule to
No. 47 of
2013.

43. The Ninth schedule to the principal Act is amended by deleting the phrase “Fifth Schedule” wherever it appears and substituting therefor the phrase “Sixth Schedule”

Amendment of the Tenth Schedule to No. 47 of 2013.

44. The Tenth Schedule to the principal Act is amended—

- (a) in the heading by inserting the words “AND GAME RANCHING” immediately after the word “FARMING”;
- (b) by deleting the item “Quelea” appearing in the Birds category and substituting therefor the item “Quails”.

Repeal and replacement of the Eleventh Schedule to No. 47 of 2013.

45. The principal Act is amended by repealing the Eleventh Schedule and substituting therefor the following Schedule—

A. National Parks (N.P)

Park Name	Area in Sq. Km
1. Tsavo East N.P	11, 747
2. Tsavo West N.P	9, 065
3. Kora N.P	1,787
4. Sibiloi N.P	1,570
5. Meru N.P	870
6. Aberdares N.P	765.7
7. Mt. Kenya N.P	715
8. Amboseli N.P	392
9. Lake Nakuru N.P	187.9
10. Mt. Elgon N.P	169
11. Nairobi N.P	117
12. Malka Mari N.P	876
13. Chyulu Hills N.P	736
14. Ruma N.P	120
15. Hell’s Gate N.P	68
16. Marsabit N.P	68
17. Mt. Longonot N.P	52
18. South Island N.P	39
19. Oldonyo Sabuk N.P	18
20. Arabuko N.P	6
21. Central Island N.P	5
22. Ndere Island N.P	4.2
23. Saiwa Swamp N.P	2
Marine Parks	
24. Mpunguti N.P	28

25. Mombasa Marine N.P	10
26. Watamu N.P	10
27. Malindi Marine N.P	6

B. National Reserves (N.R)

Reserve Name	Area in Sq. Km
1. Mt. Kenya N.R	2, 124
2. South Kitui N.R	1,833
3. Losai N.R	1,806
4. Marsabit N.R	1,564
5. Masai Mara N.R	1,510
6. Rahole N.R	1,270
7. Boni N.R	1, 339
8. South Turkana N.R	1,091
9. Dodori N.R	877
10. North Kitui N.R	745
11. Nyambene N.R	640.6
12. Bisinadi N.R	606
13. Arawale N.R	533
14. Shaba N.R	239
15. Nga Ndethia N.R	212
16. Tsavo Road & Railways N.R	212
17. Nasalot N.R	194
18. Shimba Hills N.R	192
19. Chepkitalel N.R	178.2
20. Tana River Primate N.R	169
21. Laikipia N.R	165
22. Samburu N.R	165
23. Buffalo Springs N.R	131
24. Lake Bogoria N.R	107
25. Kamnarok N.R	87.7
26. Mwea N.R	68
27. Kerio Valley N.R	66
28. Kakamega N.R	44.7
29. Lake Kanyaboli N.R	41.42
Marine Reserves	

30. Kiunga Marine N.R	250
31. Malindi Marine N.R	213
32. Mombasa Marine N.R	200
33. Diani-Chale Marine N.R	75
34. Watamu Marine N.R	32
35. Mpunguti Marine N.R	11

C. Sanctuary (.S)

Sanctuary Name	Area in Sq. Km
1. Lake Simbi (ha)	41.7
2. Lake Elementaita Wildlife Sanctuary	25.3
3. Ondago Swamp (ha)	24.8
4. Naivasha Wildlife Training Institute Local Sanctuary	6.47
5. Maralala N.S (Km2)	5
6. Kisumu Impala N.S	0.34

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons of the Bill

The object of this Bill is to amend the Wildlife Conservation and Management Act, No. 47 of 2013 to provide clarity for the effective implementation of the Act. The Bill further seeks to provide clearer penalties for the violation of the provisions of the Act. Enactment of the Bill shall ensure the protection of wildlife through effective administration of the Act.

Clause 2 amends section 3 of the Act to correct typographical errors and provide new definitions of the terms “deal”, “extractive activity”, “subsistence hunting”, “trophy” and “vulnerable species”.

Clause 3 amends section 7 of the Act to insert the correct reference to the County Wildlife Conservation and Compensation Committees.

Clause 5 amends section 16 of the Act to delete the reference to regional wildlife conservation and compensation committees and community wildlife scouts as officers to be catered for in the preparation of annual estimates, as they are not employees of the Service.

Clause 6 amends section 22 of the Act to correct typographical errors and insert a penalty for offences relating to bio prospecting.

Clause 8 amends section 25 of the Act to require the County Wildlife Conservation and Compensation Committees to forward claims for compensation and their recommendations on awards to the Kenya Wildlife Service and that the Cabinet Secretary be the person responsible for paying out the claims.

Clause 9 amends section 41 of the Act by inserting the correct references to the County Wildlife Conservation and Compensation Committees.

Clause 10 amends section 45 of the Act to require consent from the Service prior to any mining activity in wildlife conservation areas and to prescribe a penalty of imprisonment for a period not exceeding twenty years or the higher amount between a fine not exceeding one hundred million shillings and five times the market value of the commercial operation in question on persons who contravene the provisions of the section.

Clause 12 amends section 49 of the Act by inserting the correct reference to the County Wildlife Conservation and Compensation Committees.

Clause 13 amends section 76 of the Act to insert missing words and to clear the ambiguity with regard to the guidelines of benefit sharing allocating at least five percent of the benefits from a national park to the local communities neighbouring the park.

Clause 14 amends section 77 of the Act to require a person who destroys a problem animal to report the circumstances of the killing and deliver the trophies of the animal to the nearest wildlife office or police station within forty-eight (48) hours of the incident.

Clause 15 amends section 78 of the Act to require a person who kills a wild animal in self-defense or defense of others to report the circumstances of the killing and deliver the trophies of the animal, to the nearest wildlife office or police station within forty-eight (48) hours of the incident.

Clause 17 amends section 88 of the Act to impose a maximum penalty for offences relating to management plans.

Clause 18 amends section 89 of the Act to impose a maximum penalty for offences relating to pollution of designated wildlife areas.

Clause 19 amends section 90 of the Act to impose a maximum penalty for offences relating to conservation orders and easements.

Clause 20 amends section 91 of the Act to clear an ambiguity created by a typographical error on the use of a false, falsified, invalid or altered license or permit to obtain a fresh licence or permit from the Service.

Clause 21 repeals section 92 of the Act and replaces it with a new section to make clearer provisions on offences relating to endangered or threatened species.

Clause 22 amends section 93 of the Act to correct a typographical error and to impose a maximum penalty for offences relating to introduction of invasive species into protected areas.

Clause 23 amends section 94 of the Act to introduce a penalty for offences relating to the unauthorized flying of aircraft in wildlife conservation areas.

Clause 24 repeals section 95 of the Act and replaces it with a new section to make clearer provisions on offences relating to trophies and dealing in wildlife trophies with regard to non-endangered and non-threatened species.

Clause 25 amends section 96 to clarify the penalties applicable to offences relating to sport hunting.

Clause 26 amends section 97 of the Act to impose a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding six months, or to both such fine and imprisonment for the offence of subsistence hunting.

Clause 27 amends section 98 of the Act to clarify the offence relating to hunting for purposes of trading in bush meat. Under the amended provision, the intention of a person to supply bush meat found in his or her possession will have to be proven by the prosecution.

Clause 28 amends section 99 of the Act to criminalize the import and export of products made from protected wildlife species and enhance the penalties relating to the import and export of protected wildlife species and products made from such species.

Clause 29 amends section 100 of the Act to impose a maximum penalty for offences relating to claims for compensation.

Clause 30 amends section 101 of the Act to impose a maximum penalty for offences relating to failure to comply with a lawful order issued pursuant to the provisions of the Act.

Clause 31 amends section 102 of the Act to insert all categories of protected areas into which unauthorized access is prohibited and to impose a maximum penalty for violation of the restrictions imposed under the section. The Clause further makes the owner of livestock vicariously liable for the offence of an employee, agent or servant entering a protected wildlife area with livestock and without a permit from the Service.

Clause 32 amends section 103 of the Act to provide a penalty for directors of bodies corporate and persons in partnership convicted of offences under the Act. The directors of the bodies corporate and partners are to be, on conviction, liable to a fine of not less than ten million shillings or imprisonment for a term of not less than five years or both such fine and imprisonment.

Clause 33 amends the Act to insert a general penalty provision, subject to the Act to the application of the provisions of the Mutual Legal Assistance Act, 2011, to protect persons acting in good faith for the purposes of carrying out the provisions of the Act from personal liability and make all offences under the Act extraditable.

Clause 34 amends section 105 of the Act to provide administrative forfeiture of things held by the Service for more than three months.

Clause 35 amends section 110 of the Act to allow for the seizure, analysis, storage and disposal of wildlife trophies.

Clause 36 amends section 111 of the Act to impose maximum penalties for offences relating to erection of temporary barriers by authorized officers.

Clause 37 amends section 116 of the Act to allow the Cabinet Secretary to prescribe regulations on the content of warnings and customer service

information to be placed at the entrances to and within protected areas under the Act

Clause 38 amends section 119 of the Act to save criminal proceedings commenced under the repealed Wildlife (Conservation and Management) Act.

Clause 39 amends the Second Schedule of the Act to insert the correct designation of the Director General of the Service.

Clause 40 amends the Third Schedule to the Act to correct a typographical error.

Clause 41 amends the Sixth Schedule to the Act to include the White Rhino, the African Elephant and African Lion under the category of critically endangered species.

Clause 42 amends the Eighth Schedule to the Act to substitute the word “dealing” with the word “supply” and to delete an unnecessary repetition.

Clause 43 amends the Ninth Schedule to the Act to correct an erroneous cross-reference.

Clause 44 amends the Tenth Schedule to the Act to correct typographical errors.

Clause 45 amends the Act by repealing the Eleventh Schedule and replacing it with a new Schedule which reflects the proper area of the various National Parks, National Reserves and Sanctuaries protected under the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

This Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to wildlife. It limits the freedom of movement to the extent of the lawful execution of a sentence passed against a person for offences in contravention of the Act.

Statement that the Bill concerns county governments

The Bill is a Bill concerning County governments. It contains provisions affecting the functions, powers of county governments.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated 2016.

AMINA ABDALLA
Member of Parliament

Section 3 of No. 47 of 2013, which it is proposed to amend

3. (1) 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;

“alien species” means a species that is not indigenous to Kenya or an indigenous species translocated to a place outside its natural distribution range in nature and which in its natural habitat is usually found in nature;

“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;

“authorized officer” includes a member of, the Service, a forest officer, a fisheries officer, a police officer, a customs officer, an administrative officer, or any person so designated under this Act;

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

“biological resources” includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

“bio-piracy” means the exploration of biological resources without the knowledge and non-coercive prior consent of the owners of the resources and without fair compensation and benefit sharing;

“kilo-prospecting” means the exploration of biodiversity for commercially valuable genetic and biochemical resources;

“biotechnology” means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;

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

“capture” includes any act immediately directed at the taking alive of wildlife or the taking of nests, eggs or young of any wildlife;

“community” means a group of individuals or families who share a common heritage, interest, or stake in unidentifiable land, land based resources or benefits that may derived therefrom;

“community wildlife association” refers to an association established under the provisions of this Act;

“community wildlife scout” means a person appointed as such under this Act;

“competent authority” means-

- (a) in relation to public land, the National Land Commission;
- (b) 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 area” means a tract of land, lake or sea with notable environmental, natural features, biological diversity, cultural heritage, or historical importance that is protected by law against undesirable changes;

“conservation order” means a wildlife conservation order issued under section 65 of this Act;

“corridor” means an areas used by wild animals when Migrating from one part of the ecosystem to another periodically;

“County Wildlife Conservation and Compensation Committee” means the committee established under section 18 of this Act;

“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;

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

“devolution” means the transfer of rights, authority and responsibilities by the national wildlife agencies to the local delimited geographic and functional domains;

“Director-General” means the Director-General of the Service appointed under section 11;

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

“domestic animal” includes any dog, sheep, pig, goat, cat, guinea pig, donkey, horse, camel, European rabbit, bull, cow, ox, ram or the young of such animal;

“domestic bird” means any chicken, duck, goose, turkey, rock pigeon, or the eggs or young thereof;

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

“endangered ecosystem” means an ecosystem of exceptional biodiversity value or a habitat of endangered or endemic species which has undergone severe degradation;

“endangered species” means any wildlife specified in the Fourth 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);

“endemic species” means species of plants or animals that are found only in Kenya or in only one locality in Kenya, and not in any other place;

“environment impact assessment” has the meaning assigned to it under the Environmental Management and Co-ordination Act, 1999;

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

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

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

“game ranching” means the keeping of wildlife under natural extensive conditions with the intention of engaging in wildlife conservation, recreation and trade;

“government trophy” means a trophy declared to be a Government trophy by or under the provisions of this Act;

“habitat” means a place or site where wildlife naturally occurs and which provides food, cover and water on which wildlife depend directly or indirectly;

“harvesting” means the felling, trimming, docking, splitting, debarking, extracting or uprooting of any plant or plant substance;

“hazardous substance” means any chemical, waste, gas, medicine, drug, plant, animal or micro-organism which is likely to be injurious to human health or the environment;

“honorary warden” means a honorary warden appointed by The Cabinet Secretary under section 12(5);

“hunt” means and includes—

- (a) to kill, injure, shoot at;
- (b) wilfully disturb or molest by any method;
- (c) lie in wait for, or search for, with intent to kill, injure or shoot at, molest a nest or eggs of, any wild animal;

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

"Inspector-General of Police" means Inspector-General within the meaning of the National Police Service Act;

“inter-generational” means the conscious endeavour by the present generation, in the exercise of its right to beneficial use of wildlife resources, to enhance and maintain them for the benefit of future generations;

“infra-generational equity” means the right of the / people within the present generation to benefit equitably from the exploitation of wildlife resources;

“invasive species” means a non-indigenous species trans-located to a place outside its natural distribution range in nature and which dominates other indigenous species or takes over the habitat;

“land” has the meaning assigned to it by the Constitution of Kenya;

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

“marine park” means a protected marine area where no fishing, construction work or any disturbance is allowed unless with written permission of the Director-General;

“marine protected area” means any park or reserve covering the area of intertidal or sub-tidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law, and includes any dry land found within the gazetted boundary;

“marine reserve” means a marine protected area where subsistence fishing is permitted;

“meat” means the fat, flesh or tissue of any wild species whether fresh or dry, 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 in paragraph 1(2)(a) Part 1 of the Second Schedule;

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

"multilateral environmental agreement" means an agreement involving three or more parties regarding sustainable environmental management;

"National Land Commission" means the Commission established under Article 67 of the Constitution;

"national park" means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means;

"national reserve" means an area of community land declared to be a national reserve under this Act or under any other applicable written law;

"poaching" means illegal hunting, illegal capturing and illegal harvesting of any wildlife but does not include the control of species widely and commonly regarded as pests or vermin, as listed in a schedule of this Act;

"problem animal" means any wildlife which has caused or is causing damage to or harm to human life or property;

"protected area" means a clearly defined geographical space, recognized, dedicated and managed through legal or other effective means, to achieve long-term conservation of nature with associated ecosystem services and cultural values;

"public participation" means active involvement by the citizenry in decision making processes through, inter alia, use of the national media, relevant consultative mechanisms and public hearings;

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

"sanctuary" means an area of land or of land and water set aside and maintained by government, community, individual or private entity for the conservation and protection of one or more species of wildlife;

"Service" means the Kenya Wildlife Service established under section 6 of this Act;

"specimen" means a portion of quantity of wildlife material for use in testing, examination, education, study or research;

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

"sustainable use" means present use of the wildlife resources, which does not compromise the use of 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 ecosystem" means an ecosystem of high biodiversity value or habitat of endangered or endemic species that is under threat of degradation;

"threatened species" means any wildlife species specified in the Fourth Schedule to 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);

"trans-frontier/trans-boundary 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 wild species 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;

"Warden" means an officer of the Service above the rank of Sergeant Major;

"weapon" means a tool, implement, firearm, ammunition or any item that may be used to injure or kill animal for any reason;

"wetlands" means areas of marsh, fen, peat land, or water, whether natural or artificial, permanent or temporary, with water is static or flowing, fresh, brackish, salt, including areas of marine water the depth of which does not exceed six meters at low tide;

"wildlife" means any wild and indigenous animal, plant or microorganism 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 conservancy" means land set aside by an individual landowner, body corporate, group of owners or a community for purposes of wildlife conservation in accordance with the provisions of this Act;

"wildlife conservation area" means a tract of land, lake or sea that is protected by law for purposes of wildlife and biological diversity conservation and may include a national park, national reserve, game reserve or sanctuary;

"wildlife manager" means any person registered with the Service for the purpose of managing a wildlife conservancy or sanctuary;

"wildlife user rights" includes user rights exercised by an individual landowner, body corporate, group of owners or a community under the provisions of the Act.

Section 7 of No. 47 of 2013, which it is proposed to amend

7. The functions of the Service shall be to –

- (a) conserve and manage national parks, wildlife conservation areas, and sanctuaries under its jurisdiction;
- (b) provide security for wildlife and visitors in national parks, wildlife conservation areas and sanctuaries;
- (c) set up a county wildlife conservation committee in respect of each county;
- (d) promote or undertake commercial and other activities for the purpose of achieving sustainable wildlife conservation;
- (e) collect revenue and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas;
- (f) develop mechanisms for benefit sharing with communities living in wildlife areas;
- (g) advise the Cabinet Department on matters pertaining to wildlife policy, strategy and legislation.
- (h) coordinate the preparation and implementation of ecosystem plans;
- (i) prepare and implement national park management plans;
- (j) assist and advise in the preparation of management plans for community and private wildlife conservancies and sanctuaries;
- (k) undertake and conduct enforcement activities such as anti-poaching operations, wildlife protection, intelligence gathering,

investigations and other enforcement activities for the effective carrying out of the provisions of this Act;

- (l) conduct and co-ordinate, all research activities in the field of wildlife conservation and management and ensure application of research findings in conservation planning, implementation and decision making;
- (m) advise the National Land Commission, the Cabinet Secretary and the Council on the establishment of national parks, wildlife conservancies and sanctuaries;
- (n) promote and undertake extension service programmes intended to enhance wildlife conservation, education and training;
- (o) identify user rights and advise the Cabinet Secretary thereon;
- (p) grant permits;
- (q) establish forensic laboratories;
- (r) monitor the compliance of terms and conditions of licences; and
- (s) perform such other functions as the Board 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.

Section 12 of No. 47 of 2013, which it is proposed to amend

12. (1) The Board of Trustees may, on such terms and conditions as it deems fit, appoint—

- (a) such uniformed and disciplined officers of the ranks specified in paragraph 1(2)(a) (i) of Part 1 of the Second Schedule;
- (b) such officers of the Service as are specified in paragraph 1(2)(b) of Part 1 of the Second Schedule.

(2) Every person appointed under subparagraph (a) of subsection (1) shall take and subscribe to the oath of allegiance as set out in Part II of the Second Schedule.

(3) The provisions of Part I of the Second Schedule shall have effect with respect to the officers of the Service.

(4) The Board shall provide for a staff superannuation scheme.

(5) The Cabinet Secretary may, on the recommendation of the Board of Trustees appoint suitable persons to be honorary wardens for the purposes of assisting in the carrying out of the provisions of this Act.

(6) The Board of Trustees may appoint persons from communities living in wildlife areas to undertake wildlife protection activities for the effective carrying out of the provisions of this Act.

Section 16 of No. 47 of 2013, which it is proposed to amend

16. (1) At least three months before the commencement of each financial year, the Board or Trustees shall cause to be prepared estimates of revenue and expenditure of the Service for the 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 wildlife conservation area committees and community wildlife scouts;
- (b) payment of salaries, allowances, pensions, gratuities and other charges in respect of the county wildlife conservation and compensation committees, as the case may be;
- (c) payment of allowances in respect of the County Wildlife Conservation and Compensation Committees;
- (d) the proper maintenance of the buildings and grounds of the Service;
- (e) the maintenance, repair and replacement of the equipment and other property of the Service; and
- (f) 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 members of the County Wildlife Conservation and Compensation Committee shall be paid such allowances as may be approved by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.

(4) 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 Cabinet Secretary for approval with the concurrence of the National Treasury, and thereafter the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

Section 22 of No. 47 of 2013, which it is proposed to amend

22. (1) No person may, without a permit from the Cabinet Secretary on the advice of the Service—

- (a) engage in bio-prospecting involving any wildlife resources; or
 - (b) export from Kenya any wildlife resources for the purpose of bio-prospecting or any other kind of research.
- (2) Any person desirous of undertaking bio-prospecting involving any wildlife resources may apply to the Authority for a permit in a prescribed format and on payment of prescribed fees.
- (3) The Authority shall in reviewing the application ensure that any interests of the following stakeholders may have in the proposed bio-prospecting 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) a community—
 - (i) whose traditional uses of the wildlife resources to which the application relates have initiated or will contribute to or form part of the proposed bio-prospecting; and
 - (ii) whose knowledge of or discoveries about the wildlife resource to which the application relates are to be used for the proposed bio-prospecting.
- (4) The Service may, upon approval by the Cabinet Secretary, 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 bio-prospecting 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 bio-prospecting.
- (5) The Service may, upon approval by the Cabinet Secretary, where a community 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 bio-prospecting to the community and on the basis of that disclosure has obtained the prior consent of the community to use

any of the stockholder's discoveries about the indigenous wildlife resources for the proposed bio-prospecting; and

- (b) the applicant and the community have entered into a benefit-sharing agreement that provides for sharing by the community in any future benefits that may be derived from the relevant bio-prospecting.

(6) The Service shall, in all bio-prospecting involving any wildlife resources, be a joint partner on behalf of the people of Kenya.

(7) The Cabinet Secretary shall, on the recommendation of the Service, require that a particular per centum of the proceeds from the bio-prospecting is contributed to the Wildlife Endowment Fund established under the provisions of this Act.

(8) The Cabinet Secretary may, on recommendation of the Service, 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 commits an offence.

Section 25 of No. 47 of 2013, which it is proposed to amend

25. (1) Where any person suffers any bodily injury or is killed by any wildlife listed under the Third Schedule, the person injured, or in the case of a deceased person, the personal representative or successor or assign, may launch a claim to the County Wildlife Conservation and Compensation Committee within the jurisdiction established under this Act.

(2) The County Wildlife Conservation and Compensation Committee established under section 18 shall verify a claim made under subsection (1) and upon verification, submit the claim to the Cabinet Secretary together with its recommendations thereon.

(3) The Cabinet Secretary shall consider the recommendations made under subsection (2) and where appropriate, pay compensation to the claimant as follows—

- (a) in the case of death, five million shillings;
- (b) in the case of injury occasioning permanent disability, three million shillings;
- (c) in the case of any other injury, a maximum of two million shillings, depending on the extent of injury.

(4) Any person who suffers loss or damage to crops, livestock or other property from wildlife specified in the Seventh Schedule hereof and

subject to the rules made by the Cabinet Secretary, may submit a claim to the County Wildlife Conservation and Compensation Committee who shall verify the claim and make recommendations as appropriate and submit it to the Service for due consideration.

(5) The County Wildlife Conservation and Compensation Committee shall review the claim and award and pay a compensation valued at the ruling market rates:

Provided that no compensation shall be paid where the owner of the livestock, crops or other property failed to take reasonable measures to protect such 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.

(6) A person who is dissatisfied with the award of compensation by either the County Wildlife Conservation and Compensation Committee or the Service may within thirty days after being notified of the decision and award, file an appeal to the National Environment Tribunal and on a second appeal to the Environment and Land Court.

(7) The Cabinet Secretary may, by notice in the Gazette, prescribe such regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

Section 41 of No. 47 of 2013, which it is proposed to amend

41. An association or wildlife manager approved by the Cabinet Secretary on the recommendation of the service in consultation with the county wildlife conservation committees shall:

- (a) ensure that the association membership or the wildlife manager protects, conserves and manages wildlife conservancies and sanctuaries under their jurisdictions pursuant to their respective approved management plans;
- (b) assist the service in combating illegal activities, including poaching and bush meat trade;-
- (c) keep the regional wildlife conservation area committee informed of any development changes and occurrences within their area that may adversely affect wildlife;
- (d) assist in problem animal control through community wildlife scouts drawn from among their membership or employees; and
- (e) do any other act that is necessary to enhance community participation in wildlife protection, conservation and management.

Section 45 of No. 47 of 2013, which it is proposed to amend

45. (1) No person shall mine or quarry in a national park without the approval and consent of the Service.

(2) The Service, shall only approve and give consent for mining or quarrying where—

- (a) the area does not contain endangered or threatened species;
- (b) the area is not a critical habitat and ecosystem for wildlife;
- (c) the area is not an important catchment area or source of springs;
- (d) an environmental impact assessment has been carried out in accordance with the provisions of the Environmental Management and Coordination Act, 1999;
- (e) approval has been obtained from the in accordance with the applicable law regulating mining;
- (f) the miner has undertaken through execution of a bond the value of which will be determined by the Service , to rehabilitate the site upon completion of his operation to a level prescribed by the Service and the Mining Act:

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

- (g) 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 issued by the Service.

(4) The provisions of this section with respect to mining and quarrying shall apply *mutatis mutandis* with respect to wildlife conservancy and sanctuary.

(5) No person shall undertake oil or gas exploration and extraction without the consent of the Cabinet Secretary, and with the prior approval of the National Assembly.

Section 48 of No. 47 of 2013, which it is proposed to amend

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

(2) The Cabinet Secretary 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 permit issued by the Service.

Section 49 of No. 47 of 2013, which it is proposed to amend

49. (1) The Service may develop and implement recovery plans for the conservation and management of all the species listed under the Seventh Schedule.

(2) The Service shall, in developing the recovery plans, to the maximum extent practicable—

- (a) give priority to those rare, endangered and threatened species; and
- (b) incorporate 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 the species being removed from the list; and
 - (iii) estimates of the time required and the cost to carry out those measures needed to achieve the goal of the plan.

(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.

(4) The Cabinet Secretary shall report biannually to the National Assembly through the National Wildlife Conservation Status Report on the status of efforts to develop and implement recovery plans for all nationally listed species and on the status of all species for which such plans have been developed.

(5) The Service shall implement a system, in co-operation with the county wildlife conservation committees, community wildlife associations and wildlife managers, 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 the lists published in the Sixth Schedule.

Section 76 of No. 47 of 2013, which it is proposed to amend

76. (1) The Cabinet Secretary shall, upon advice by the Service, in consultation with the Commission on Revenue Allocation, formulate guidelines regarding incentives and benefit sharing, and the nature and manner in which the same shall be distributed.

(2) The Cabinet Secretary shall publish in the Gazette within twenty-one days of the formulation rules and regulations to govern the regime on incentives and benefits.

(3) The guidelines under this section shall be subjected to public scrutiny at every stage of their formulation within the framework of the laws -In devolution and land management.

(4) The guidelines on benefit sharing shall comply with the minimum conditions that a minimum of five per cent of the benefits from national parks shall be allocated to local communities neighbouring a park.

(5) Subject to Article 66 of the Constitution, private investments in conservancies shall benefit local communities and investors shall provide such benefits by applying various options including infrastructure, education and social amenities.

Section 77 of No. 47 of 2013, which it is proposed to amend

77. (1) Any authorised officer of the Service may, with the consent of the owner or occupier in respect of private land, where it is necessary for the purpose, go onto any land to destroy any animal which, has been deemed a problem animal:

Provided that where the animal is a dangerous animal, which has been previously wounded or otherwise injured so as to make it a potential source of danger to human life, the officer may follow such animal with the intention of killing it on any land notwithstanding that the prior consent of the owner or occupier of the land has not been obtained. The Service shall under such circumstances provide the owner or occupier a subsequent report of what occurred.

(2) Notwithstanding anything to the contrary in this Act, the owner or occupier of land, or any agent of such owner or occupier may, subject to the provisions of this Act, destroy any animal which has been deemed a problem animal:

Provided that nothing in this section shall authorize the killing of a problem animal in a protected area, or the use of any poison, pitfall or snare for the killing of any such animal.

(3) Any person who kills an animal in the circumstances set out in subsection (1) shall, as soon as possible, and in any case not later than forty-eight hours after the event, report the circumstances of such killing and deliver the trophies of such animal, to the nearest wildlife office or police station.

Section 78 of No. 47 of 2013, which it is proposed to amend

78. (1) Notwithstanding anything in this Act, it shall not be unlawful for any person to kill or wound any wild animal in the defense of himself or any other person if immediately and absolutely necessary.

(2) The burden of proving that a wild animal has been killed or wounded in accordance with subsection (1) shall lie with the person who killed or wounded the wild animal.

Section 80 of No. 47 of 2013, which it is proposed to amend

80. (1) The Cabinet Secretary may, upon successful registration of the applicant with the County Wildlife Conservation and Compensation Committee grant a general permit for non-consumptive wildlife user rights, including—

- (a) wildlife-based tourism;
- (b) commercial photography and filming;
- (c) educational purposes;
- (d) research purposes;
- (e) cultural purposes; and
- (f) religious purposes.

(2) The permit shall be in a prescribed manner and may set conditions in regard to duration, infrastructure development and any other aspects as may be appropriate.

(3) The Cabinet Secretary may, upon successful registration of the applicant with the County Wildlife Conservation and Compensation Committee grant a licence in accordance with the provisions set out in the Eighth Schedule with regard to consumptive wildlife use activities, including -

- (a) game farming;
- (b) game ranching;
- (c) live capture;

- (d) research involving off-take;
- (e) cropping; and
- (f) culling.

(4) Subject to subsection (1), the wild species in which game ranching may be allowed shall be as set out in the Tenth Schedule.

Section 88 of No. 47 of 2013, which it is proposed to amend

88. (1) Any person who-

- (a) willfully and without reasonable cause contravenes an approved management plan; or
- (b) fraudulently alters the approved management plan under this Act,

commits an offence.

(2) Any person who commits an offence with respect to this section shall be liable upon conviction to—

- (a) a fine of not less than five hundred thousand shillings or imprisonment for a term of not less than two years or both such fine and imprisonment, where the offence is committed with respect to a national park, national reserve or national sanctuary;
- (b) a fine of not less than one hundred thousand shillings in any other case.

Section 89 of No. 47 of 2013, Which it is proposed to amend—

89. (1) Any person who—

- (a) discharges any hazardous substances or waste or 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 a designated wildlife conservation area 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 two million shillings or to imprisonment 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.

Section 90 of No. 47 of 2013, which it is proposed to amend

90. 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 with an easement issued under this Act,

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

Section 91 of No. 47 of 2013, which it is proposed to amend

91. Any person who, for the purpose of obtaining, whether for himself or another, the issue of a license or permit —

- (a) knowingly or recklessly makes a statement or representation which is false in a material particular; or
- (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 license or permit or one is altered without authorization; or
- (d) knowingly contravenes any condition or requirement of a licence or permit,

commits an offence and shall be liable upon conviction, to a fine of not less than two hundred thousand shillings or to imprisonment of not less than one year or to both such fine and imprisonment.

Section 92 of No. 47 of 2013, which it is proposed to amend

92. Any person who commits an offence in respect of an endangered or threatened species or in respect of any trophy of that endangered or

threatened species shall be liable upon conviction to a fine of not less than twenty million shillings or imprisonment for life or to both such fine and imprisonment.

Section 93 of No. 47 of 2013, which it is proposed to amend

93. Any person who —

- (a) knowingly introduces an invasive species into a wildlife conservation area an invasive species; or
- (b) fails to comply with the measures prescribed by the Cabinet Secretary set out under this Act,

commits an offence and shall be liable upon conviction to a fine of not less than three hundred thousand shillings or to imprisonment of not less than one year or to both such fine and imprisonment.

Section 94 of No. 47 of 2013, which it is proposed to amend

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

- (a) shall land in a wildlife protected area other than at a designated landing area and in accordance with the Park rules;
- (b) shall, except for the purpose of landing at or taking off from a designated landing site, be flown at a height over a wildlife protected area set by the Service in consultation with the Kenya Civil Aviation Authority:

Provided that nothing in this 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 or any other operations authorized by the Service.

Section 95 of No. 47 of 2013, which it is proposed to amend

95. Any person who keeps or is found in Possession of a wildlife trophy or deals in a wildlife trophy, or manufactures any item from a trophy without a permit issued under this Act or exempted in accordance with any other provision of this Act, commits an offence and shall be liable upon conviction to a fine of not less than one million shillings or imprisonment for a term of not less than five years or to both such imprisonment and fine.

Section 96 of No. 47 of 2013, which it is proposed to amend

96. (1) A person who engages in sport hunting or any other recreational hunting commits an offence and shall be liable, on conviction, to—

- (a) a fine of not less than twenty million shillings or imprisonment for life;
- (b) a fine of five million shillings or imprisonment of five years or to both such fine and imprisonment;
- (c) a fine of one million shillings or imprisonment of two years or to both such fine and imprisonment.

(2) The categories of wildlife referred to in subsection (1) shall be those set out in the Ninth Schedule.

Section 97 of No. 47 of 2013, which it is proposed to amend

97. A person who engages in hunting for the purposes of subsistence commits an offence and shall be liable on conviction to a fine of not less than thirty thousand or imprisonment for a term of not less than six months or to both such fine and imprisonment.

Section 98 of No. 47 of 2013, which it is proposed to amend

98. A person who engages in hunting for bush-meat trade, or is in possession of or is dealing in any meat of any wildlife species, commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment for a term not less than one year or to both such fine and imprisonment.

Section 99 of No. 47 of 2013, which it is proposed to amend

99. (1) No person shall trade in, import, export, re-export or introduce any specimen of a wildlife species into or from Kenya without a permit issued by the Service under this Act.

(2) Without prejudice to the generality of the foregoing, no person shall—

- (a) import any such species into, or export any such species from Kenya;
- (b) take any such species within Kenya or Kenya's territorial waters;
- (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
- (f) county commerce, by any means whatsoever and in the course of a commercial activity, any such species;
- (g) sell or offer for sale in commercial transaction within or outside Kenya any such species;
- (h) products of listed species; or violate any rules and regulations pertaining to such listed species.

(3) Any person who contravenes any provisions of this section commits an offence and shall be liable upon conviction for category A wildlife to a fine of not less than ten million shillings or to imprisonment for not less than five years and for other wildlife categories to a fine of not less than one million shillings or to imprisonment of not less

Section 100 of No. 47 of 2013, which it is proposed to amend

100. Any person who makes a false claim or makes a false statement to the County Wildlife Conservation and Compensation Committee or the Service in respect of a wildlife damage claim shall be committing an offence and is liable upon conviction to a fine of not less than one hundred thousand shillings or to imprisonment for not less than six months or both such fine and imprisonment.

Section 101 of No. 47 of 2013, which it is proposed to amend

101. Any person who—

- (a) fails to comply with a lawful requirement or demand made or given by an authorized officer;
- (b) obstructs a person in the execution of his powers or duties under this Act,

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

Section 102 of No. 47 of 2013, which it is proposed to amend

102. (1) Any person who—

- (a) enters or resides in a national park or reserve otherwise than under licence, permit or in the course of his duty as
- (b) authorized officer or a person lawfully employed in the park or reserve, as the case may be;
- (c) sets fire to any vegetation in any wildlife protected area or allows any fire lighted by himself or his servants to enter a wildlife protected area;
- (d) carries out logging in a national park or reserve;
- (e) clears and cultivates any land in the national park or reserve;
- (f) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a wildlife protected area, or knowingly removes or attempts to remove any such object or any portion thereof in the course of his duty thereof from wildlife protected areas;
- (g) conveys into a protected area or is found within a protected area in possession of any firearm, ammunition, arrow, spear, snare, trap or similar device without authorization;
- (h) undertakes any extractive activity in marine protected areas; or,
- (i) undertakes any related activity in wildlife protected areas contrary to the provisions of this Act:

commits an offence and is liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment of not less two years or to both such fine and imprisonment.

(2) No person shall enter into a national park with any livestock for any purpose without authorization.

(3) Any person who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months.

(4) The Cabinet Secretary shall make guidelines in consultation with the Service with respect to accessing national parks for purposes of grazing and watering of livestock in times of drought and other natural disasters.

Section 103 of No. 47 of 2013, which it is proposed to amend

103. (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 or ought to have known 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.

(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 ought to have known 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.

Section 105 of No. 47 of 2013, which it is proposed to amend

105. (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,

order that the wildlife trophy, motor vehicle, equipment and appliance, livestock 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 Service and be disposed of as the court may direct.

(2) In making the order of forfeiture under subsection (1) the court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance, livestock or any other thing provided for in that subsection be borne by the person convicted there-under.

(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.

Section 110 of No. 47 of 2013, which it is proposed to amend

110. An authorized officer may—

(a) demand from any person the production of an authority, license or permit for any act done or committed by that person in relation to wildlife resources for which an authority, permit or license is required under this Act or under any rules made thereunder;

(b) require any person found within or outside 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 such wildlife specimen by the person or his agent; or

(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, equipment, 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 twenty-four hours;

(e) confiscate any equipment or receptacle placed for purposes of capturing, harming or killing wildlife animals; and

(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) 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, permits, 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.

Section 111 of No. 47 of 2013, which it is proposed to amend

111. (1) Any authorized officer of or above the rank of assistant 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,

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

Section 116 of No. 47 of 2013, which it is proposed to amend

116. (1) The Cabinet Secretary may, on recommendation of the Service, make 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) granting 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, national reserves, provisional wildlife conservation areas, wildlife conservancies and sanctuaries and the visitor indemnity;
 - (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;
 - (g) prescribing measures and mechanisms for joint management of protected water towers with other lead agencies; and
 - (h) prescribing the manner of nomination of representatives of communities and other stakeholders to the Board, Trustees and the regional wildlife conservation area 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 Service or the Service to issue orders imposing conditions and dates upon, within or before which such acts or things shall be performed or done.
- (4) The provisions of section 27 of the Interpretation and General Provisions Act shall not apply to rules made under this section.

Section 119 of No. 47 of 2013, which it is proposed to amend—

119. Notwithstanding section 118—

- (a) any land which, immediately before the commencement of this Act, was a reserves or sanctuary as set out in the Eleventh Schedule, shall be deemed to be a national park, marine protected area or sanctuary, under this Act;
- (b) any licenses or permits granted under that Act and in force immediately before the commencement of this Act shall, with the approval of the Service and upon recommendation of the Service, 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 or permit, as the case may be, or renewed as a licence or permit under this Act;

Provided that where the licence or permit in force immediately before the commencement of this Act relates to activity now outlawed under this Act shall cease upon the commencement of this Act;

- (c) the rules and regulations falling within the ambit of the Wildlife (Conservation and Management) Act shall remain in force until replaced under rules and regulations made under this Act; and
- (d) a person who immediately before the commencement of this Act was an employee of the Service under the repealed Act shall continue to hold or act in that office as if appointed to that position under this Act, and all benefits accruing to employees under the repealed Act shall continue accruing to them under this Act.

Second Schedule to No. 47 of 2013, which it is proposed to amend—

SECOND SCHEDULE (s.12)

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) Uniformed and Disciplined Officers Cadre

(i) Gazetted Officers

Director-General

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

(v) Trainees

Management Trainee
Ranger Recruit

(b) Scientific Cadre

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

(c) Other officers appointed by the Trustees on specified schemes

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

(2) The Director may, with the consent of the Trustees, 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 shall, with the approval of the Trustees, 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;

surcharge;

(e) where the offence has occasioned any expense, loss or damage, stoppages of pay or allowances;

(f) extra drills, parades or fatigues;

(g) severe reprimand;

(h) reprimand; and

(i) 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.

Insubordinate behavior

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 or an officer of or above the rank of Assistant Director, to whom power so to do has been delegated by the Director 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 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 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) An officer of the of the Service who contravenes sub-paragraph (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.

2. 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 Cabinet Secretary whose decision thereon shall be final.

Definition

1. 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 (so help me God").

..... Signature of Declarant

Personal Number

Sworn/affirmed before me

On the

Third Schedule of No. 47 of 2013, which it is proposed to amend

THIRD SCHEDULE (S.25)

**WILDLIFE SPECIES IN RESPECT OF WHICH COMPENSATION
MAY BE PAID**

A. Death and Injury

Elephant

Lion

Leopard

Rhino

Hyena

Crocodile

Cheetah

Buffalo

Poisonous snakes

Hippo

Shark

Stone Fish

Whale

Sting ray

Wild dog

Wild pig

B. Crop, livestock and property damage

Elephant

Lion

Leopard

Rhino

Hyena

Crocodile

Cheetah

Buffalo
 Hippo
 Zebra
 Eland
 Wildebeest
 Snake Wild dog

Sixth Schedule of No. 47 of 2013, which it is proposed to amend

SIXTH SCHEDULE (s.47)

**NATIONALLY LISTED CRITICALLY ENDANGERED,
 VULNERABLE, NEARLY THREATENED AND PROTECTED
 SPECIES**

(A) MAMMALS

Category and species name	Common name
Critically Endangered	
<i>Cephalophus adersi</i>	Aders' duiker
<i>Diceros bicornis</i>	Black rhinoceros
<i>Beatragus hunter</i>	Hirola
<i>Procolobus rufomitratu</i>	Eastern red colobus
<i>Cercocebus galeritus</i>	Tana crested mangabey
<i>Hippotragus equines</i>	Roan antelope
<i>Hippotragus niger</i>	Sable antelope
Endangered	
<i>Ceratotherium simunz 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>Tragelaphus eurycerus isaaci</i>	Eastern bongo
<i>Loxodonta Africana</i>	African elephant
<i>Panthera leo</i>	African lion
<i>Acinonyx jubatus</i>	Cheetah
<i>Hyaena Hyaena</i>	Striped hyaena
<i>Tragelaphus spekii</i>	Sitatunga
<i>Panthera pardus</i>	Leopard
<i>Alcelaphus buselaphus</i>	Lelwel hartebeest
<i>Giraffa camelopardalis rothschildi</i>	Rothschild's giraffe
	Giant forest hog
Category and species name	Common name
Vulnerable	
<i>Cloeotis percivali</i>	Percival's trident bat
<i>Hippopotamus amphibious</i>	Common hippopotamus
<i>Myonycteris relicta</i>	East african little collared fruit bat
<i>Megaptera novaeangliae</i>	Hump whale
<i>Dugong dugong</i>	Dugong
<i>Physeter macrocephalus</i>	Sperm whale
<i>Bdec gale jacksoni</i>	Jackson's mongoose
<i>Rhyn.'hocyon petersi</i>	Black and rufous elephant shrew
<i>Pelomys hopkinsi</i>	Hopkins's groove-toothed swamp rat
<i>Tapho-ous hildegardeae</i>	Hildegarde's tomb bat

<i>Gazella soemmerringii</i>	Soemmerring's gazelle
<i>Profelis aurata</i>	African golden cat
<i>Rhinopoma macinnesi</i>	Macinnes's mouse-tailed bat
<i>Surdisorex norae</i>	Aberdare shrew
<i>Surdisorex polulus</i>	Mt. Kenya shrew
<i>Tachyoryctes audax</i>	Audacious mole rat
<i>Mastomys pernanus</i>	Dwarf multimammate mouse
<i>Myonycteris relicta</i>	East african little collared fruit bat
<i>Dendrohyrax validus</i>	Eastern tree hyrax
<i>Crocidura elgonius</i>	Elgon shrew
<i>Crocidura fischeri</i>	Fischer's shrew
<i>Taphozous hamiltoni.</i>	Hamilton's tomb bat
<i>Crocidura allex</i>	Highland shrew
<i>Taphozous hildegardeae</i>	Hildegarde's tomb bat
<i>Tadarida lobata</i>	Kenyan big-eared free-tailed bat
<i>Otomops martiensseni</i>	Large-eared free-tailed bat
<i>Beamys hindei</i>	Lesser hamster-rat
<i>Paraxerus palliates</i>	Red bush squirrel
<i>Crocidura monax</i>	Rombo shrew
<i>Crocidura fumosa</i>	Smoky white-toothed shrew
<i>Physeter catodon</i>	Sperm whale
<i>Lutra maculicollis</i>	Spotted-necked otter
<i>Pedetes capensis</i>	Springhare
<i>Crocidura xantippe</i>	Vermiculate shrew
Category and species name	Common name
<i>Crocuta crocuta</i>	Spotted hyaena
<i>Tragelaphus imberbis</i>	Lesser kudu
<i>Tragelaphus strepsiceros</i>	Greater kudu

B. BIRDS

Category and Species Name	Common Name
Critically Endangered	
<i>Apalis fuscigularis</i>	Taita Apalis
<i>Turdus helleri</i>	Taita Thrush
Endangered	
<i>Ardeola idea</i>	Madagascar Pond-heron
<i>Falco cherrug</i>	Saker Falcon
<i>Neophron percnopterus</i>	Egyptian Vulture
<i>Otus ireneae</i>	Sokoke Scops-owl
<i>Cisticola aberdaro</i>	Aberdare Cisticola
<i>Acrocephalus griseldis</i>	Basra Reed-warbler
<i>Eremomela turneri</i>	Turner's Eremomela
<i>Zoothera guttata</i>	Spotted Ground-thrush
<i>Anthreptes pallidigaster</i>	Amani Sunbird
<i>Ploceus golandi</i>	Clarke's Weaver
<i>Macronyx sharpie</i>	Sharpe's Longclaw
<i>Anthus sokokensis</i>	Sokoke Pipit
Vulnerable	
<i>Falco naumanni</i>	Lesser Kestrel
<i>Trigonoceps occipitalis</i>	White-headed Vulture
<i>Torgos tracheliotos</i>	Lappet-faced Vulture
<i>Aquila clanga</i>	Greater Spotted Eagle
<i>Aquila heliaca</i>	Eastern Imperial Eagle
<i>Glareola ocularis</i>	Madagascar Pratincole
<i>Hirundo atrocaerulea</i>	Blue Swallow

<i>Apalis chariessa</i>	White-winged Apalis
<i>Apalis karamojae</i>	Karamoja Apalis
<i>Chloropeta gracilirostris</i>	Papyrus Yellow Warbler
Category and Species Name	Common Name
<i>Turdoides hindei</i>	Hinde's Pied-babbler
<i>Cinnyricinclus femoralis</i>	Abbott's Starling
<i>Muscicapa lendu</i>	Chapin's Flycatcher
Near Threatened	
<i>Francolinus streptophorus</i>	Ring-necked Francolin
<i>Oxyura maccoa</i>	Maccoa Duck
<i>Phoeniconaias minor</i>	Lesser Flamingo
<i>Falco vespertinus</i>	Red-footed Falcon
<i>Falco -oncolor</i>	Sooty Falcon
<i>Falco fasciinucha</i>	Taita Falcon
<i>Gyps al-icanus</i>	White-backed Vulture
<i>Gyps rueppellii</i>	Rueppell's Vulture
<i>Circaetus fasciolatus</i>	Southern Banded Snake-eagle
<i>Circus macrourus</i>	Pallid Harrier
<i>Neotis denhami</i>	Denham's Bustard
<i>Crex crex</i>	Corncrake
<i>Balearica pavonina</i>	Black Crowned-crane
<i>Charadrius pallidus</i>	Chestnut-banded Plover
<i>Gallinago media</i>	Great Snipe
<i>Limosa limosa</i>	Black-tailed Godwit
<i>Numenius arquata</i>	Eurasian Curlew
<i>Larus leucophthalmus</i>	White-eyed Gull
<i>Rynchops flavirostris</i>	African Skimmer
<i>Streptopelia reichenowi</i>	White-winged Collared-dove

<i>Psittacus erithacus</i>	Grey Parrot
<i>Tauraco fischeri</i>	Fischer's Turaco
<i>Coracias garrulous</i>	European Roller
<i>Prionops poliophus</i>	Grey-crested Helmet-shrike
<i>Laniarius mufumbiri</i>	Papyrus Gonolek
<i>Sheppardia gunning</i>	East Coast Akalat
<i>Ficedula semitorquata</i>	Semi-collared Flycatcher
<i>Anthreptes reichenowi</i>	Plain-backed Sunbird
<i>Euplectes jacksoni</i>	Jackson's Widowbird
<i>Anthus melindae</i>	Malindi Pipit
Protected species	
Category and Species Name	Common Name
<i>Struthio camelus</i>	Ostrich
<i>Sagittarius serpentarius</i>	Secretary Bird
<i>Francolinus streptophorus</i>	Ring-necked Francolin
<i>Podiceps cristatus</i>	Great Crested Grebe
<i>Ephippiorhynchus senegalensis</i>	Saddle-billed Stork
<i>Bostrychia olivacea</i>	Olive Ibis
<i>Ardea alba</i>	Great White Egret
<i>Anhinga rufa</i>	African Darter
<i>Haliaeetus vocifer</i>	African Fish Eagle
<i>Trigonoceps occipitalis</i>	White-headed Vulture
<i>Aquila ayresii</i>	Ayres's Hawk-Eagle
<i>Polemaetus bellicosus</i>	Martial Eagle
<i>Stephanoaetus coronatus</i>	Crowned Eagle
<i>Neotis denhami</i>	Denham's Bustard
<i>Sarothrura affinis</i>	Striped Flufftail
<i>Porzana pusilla</i>	Baillon's Crake

<i>Podica senegalensis</i>	African Finfoot
<i>Balearica regulorum</i>	Grey Crowned Crane
<i>Turnix hottentotus</i>	Black-rumped Buttonquail
<i>Bubo capensis</i>	Cape Eagle-Owl
<i>Glaucidium tephronotum</i>	Red-chested Owlet
<i>Apus niansae</i>	Nyanza Swift
<i>Alcedo quadribrachys</i>	Shining-blue Kingfisher
<i>Phoeniculus castaneiceps</i>	Forest Wood-hoopoe
<i>Phoeniculus damarensis</i>	Violet Wood-hoopoe
<i>Lanius dorsalis</i>	Taita Fiscal
<i>Ptilostomus afer</i>	Piapiac
<i>Galerida theklae</i>	Thekla Lark
<i>Hyltiota australis</i>	Southern Hyltiota
<i>Illadopsis rufipennis</i>	Pale-breasted Illadopsis
<i>Buphagus erythrorhynchus</i>	Red-billed Oxpecker
<i>Buphagus africanus</i>	Yellow-billed Oxpecker
<i>Cinnyris tsavoensis</i>	Tsavo Sunbird
<i>Passer rufocinctus</i>	Kenya Rufous Sparrow
<i>Ploceus castaneiceps</i>	Taveta Golden Weaver
<i>Crithagra koliensis</i>	Papyrus Canary
Category and Species Name	Common Name
<i>Eiythrocerus holochlorus</i>	Yellow flycatcher

(C) Reptiles

Category and Species Name	Common Name
Critically Endangered	
<i>Eretmochelys imbricate</i>	Hawksbill turtle

Petropedetes dutoiti Du Toit's	Torrent Frog
Endangered	
Chelonia mydas	Green turtle
Lepidochelys olivacea	Olive ridley
Python sebae	Rock python
Afrixalus sylvaticus	Shimba Hills banana frog
Hyperolius rubrovermiculatus	Shimba Hills reed frog
Afrixalus sylvaticus	Forest frog
Hyperolius rubrovermiculatus	Treefrog
Phrynobatrachus irangi	Mount Kenya Frog
Threatened	
Malacochersus tornieri	Crevice tortoise
Pelusios broadleyi	Turkana mud turtle
Bufo kerinyagae	Montane toad
Vulnerable .	
Hyperolius cystocandicans	Montane Tree Frog
Atheris desaixi	Mt. Kenya bush viper
Protected species	
Lepidochelys kempii	Kemp's ridley
Chelonia agassiz'	Black turtle
Caretta caretta	Loggerhead
Dermochelys coriacea .	Leatherback
Pelusios castanoides	Yellow-bellied hinged terrapin
Category and Species Name	Common Name
<i>Hemidactylus modestus</i>	tropical geckos
<i>Hemidactylus platycephalus</i>	Baobab gecko
<i>Lygosoma tanae</i>	Writhing skink
<i>Gastropholis prasina</i>	Keel-bellied lizard

<i>Cordylus tropidosternum</i>	Girdled-lizard
<i>Leptotyphlops boulengeri</i>	Worm snakes
<i>Aparallactus turneri</i>	Gunther's centipede-eater
<i>Dasypeltis medici</i>	East African egg eating snakes
<i>Naja ashei</i>	Large brown spitting cobra
<i>Naja nigricollis</i>	Black necked spotters
<i>Varanus albigularis</i>	Savannah monitor lizard
<i>Philothamnus punctatus</i>	Speckled bush snake
<i>Bitis arietans</i>	Puff adder
<i>Dendroaspis angusticeps</i>	Green mamba
<i>Bufo nairobiensis</i>	Nairobi toad
<i>Leptopelis argenteus</i>	Silvery tree frog
<i>Bufo taitanus</i>	Taita toad
<i>Leptopelis flavomaculatus</i>	Yellow-spotted tree frog
<i>Bufo turkanae</i>	Turkana Toad
<i>Afrixalus delicatus</i>	Delicate Spiny Reed Frog
<i>Hyperolius marmoratus</i>	Painted Reed Frog
<i>Hyperolius nasutus</i>	Long Reed Frog
<i>Hyperolius puncticulatus</i>	Spotted Reed Frog
<i>Hyperolius pusillus</i>	Water Lily Reed Frog
<i>Eryx colubrinus</i>	Kenya sand boar
<i>Chamaeleo bitaeniatus</i>	Side-striped chameleon
<i>Chamaeleo dilepis</i>	Flap-neck Chameleon
<i>Chamaeleo ellioti</i>	Elliot's Chameleon
<i>Chamaeleo Hohnelii</i>	High Casqued.Chameleon
<i>Chamaeleo jacksoni</i>	Jackson's Chameleon (Three-horned Chameleon)
<i>Chamaeleo schubotzi</i>	Mount Kenya Chameleon

<i>Bitis gabonica gabonica</i>	Gaboon Viper
	Black and Red Skink

(D). Fish

Category and species name	Common name
Critically Endangered	
<i>Oreochromis esculentus</i>	Singidia tilapia
<i>Oreochromis hunter</i>	Lake chala tilapia
<i>Oreochromis jipe</i>	Jipe tilapia
<i>Oreochromis variabilis</i>	Victoria tilapia
<i>Ptyochromis sp. nov.</i>	Rainbow sheller
<i>Xenoclaris eupogon</i>	Lake victoria deepwater catfish
<i>Platycephalus amboniensis</i>	Montane dancing-jewel
Endangered	
<i>Alcolapia alcalicus</i>	Magadi tilapia
<i>Cheilinus undulates</i>	Giant wrasse
<i>Marcusenius victoriae</i>	Victoria stonebasher
<i>Xystichromis nuchisquamulatus</i>	Kyoga flameback
Vulnerable	
<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>Epitephelus lanceolatus</i>	Brindle bass
<i>Nothobranchius patrizii</i>	Blue notho
<i>Nothobranchius bojiensis</i>	Boji plains nothobranch
<i>Nothobranchius elongates</i>	Elongate nothobranch
<i>Labeo percivali</i>	Ewaso nyiro labeo

(E) TREES

Category and species name	Common name
Endangered	
<i>Encephalartos kisambo</i>	Voi cycad
<i>Osyris lanceolata</i>	East african sandalwood
Vulnerable	
<i>Prunus Africana</i>	Red stinkwood
<i>Vitex keniensis</i>	Meru oak
<i>Ocotea kenyensis</i>	Camphor
<i>Polyscias kikuyuensis</i>	Parasol tree
<i>Aloe ballyi</i>	Rat aloe
<i>Populus ilicifolia</i>	Tana river poplar

Eighth Schedule to No. 47 of 2013, which it is proposed to amend

EIGHTH SCHEDULE (s.80 (3))

LICENSING

PART I—CONSUMPTIVE WILDLIFE UTILISATION

(1) *General*— In considering the license application for consumptive wildlife utilization, the Service shall have regard to the material considerations which include:

- (a) an integrated land use plan of the area;
- (b) the need to protect fragile environmental resources, ecosystems and habitats;
- (c) an environmental impact assessment licence issued under the Environmental Management and Coordination Act, No. 8 of 1999; and
- (d) a recommendation from the Service and the county wildlife conservation area committee whose area of jurisdiction falls wholly or partially within the region.

(2) After considering an application made under this section and all matters appearing relevant thereto, the Service may grant to the applicant the licence or variation applied for or may refuse such grant, and may attach to any licence so granted such conditions as the Service may deem expedient.

(3) Every licence shall expire on the 31st December of the year in respect of which it is issued or on the date specified in the licence.

(4) *Live Sale*—The Cabinet Secretary may, on recommendation of the Service after consultation with the Service, grant sale of live animals in game farming operations: Provided that such sale of live animals shall be done under the supervision of the Service and in consultation with the respective county wildlife conservation area committee.

(5) *Cropping*—Subject to the rules and regulations made under this section, the Cabinet Secretary may, on recommendation of the Service after consultation with the Service, grant cropping to be undertaken in game farming and ranching operations where applicable: Provided that cropping shall not be done in contravention of the provisions of this Act or be in conflict with the long term goal of wildlife conservation and management section.

(6) *Culling*—The Cabinet Secretary may, on recommendation of the Service, authorize culling of wildlife in a wildlife conservation area as a management tool: Provided that such culling shall be done by or under the supervision of the Service as a last resort after such other management tools such as translocation has been explored.

(7) *Maintaining records*—The Service shall keep record of wildlife trophies from the cropping and culling operations to mitigate against poaching and illegal trade in wildlife trophies.

(8) *Processing trophies*—The Service may, on recommendation of the Service, authorize local processing and sale of wildlife trophies from the cropping activities under the supervision of the Service.

(9) *Donating wildlife*—The Cabinet Secretary may on recommendation of the Service and approval by resolution of the National Assembly, donate wildlife as a gift to another state for non-commercial purposes.

(10) *Sport Hunting*—Sport hunting is prohibited and any person engaging in sport hunting or any other recreational hunting will be committing an offence and shall be liable on conviction to a fine or to imprisonment or to both such fine and imprisonment.

(11) *Subsistence Hunting*—Hunting for the purposes of subsistence or facilitating the trade in wildlife products, particularly the bushmeat trade, is prohibited and any person engaging in such activity will be committing an offence and is liable on conviction to a fine or to imprisonment for a term or to both such fine and imprisonment.

PART 2 — DEALING IN TROPHIES

(1) A trophy dealer's license may be issued in respect of certain classes of trophy only, as may be endorsed on the license, and the holder thereof shall not deal in trophies other than those so endorsed.

(2) A trophy dealer's licence shall not be transferable, and no person other than the person to whom it is issued shall make use of such licence

(3) A trophy dealer's license shall be valid for one year from the date at which it is issued, provided that the Service may forthwith cancel the license of any trophy dealer convicted of an offence under this Act

PART 3 — PRESCRIPTION

(1) The Cabinet Secretary may, on recommendation of the Service after consultation with the Service, by notice in the Gazette, prescribe standards, guidelines and rules as are necessary and appropriate, to carry out the purposes of this schedule.

Ninth Schedule of No. 47 of 2013, which it is proposed to amend

NINTH SCHEDULE (s.96 (2))

**WILDLIFE CATEGORIES IN RELATION TO OFFENCES AND
PENALTIES IN SPORT AND RECREATIONAL HUNTING**

Category A

Critically endangered mammals as set out in the Sixth Schedule

Black Rhinoceros

White Rhinoceros

African Elephant

Category B

All other endangered and vulnerable mammals as set out in the Sixth Schedule

All birds listed in fifth schedule

All reptiles listed in fifth schedule

Category C

All other mammals

All other birds

Sea Shells

Tenth Schedule to No. 47 of 2013, which it is proposed to amend

TENTH SCHEDULE (s.80(4))

**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 lanceolata - East African Sandalwood

Mondia whytei - White's Ginger (Mkombera)

Ocimum kilimanscharicum - Camphor Basil

Birds

Ostrich

Pigeon (except those listed in the Fifth Schedule)

Doves (except those listed in the Fifth Schedule)

Ducks

Helmeted Guinea fowl

Vulturine Guinea fowl

Quelea

Eleventh Schedule to No. 47 of 2013, which it is proposed to amend

ELEVENTH SCHEDULE (s.119 (a))

**NATIONAL PARKS, MARINE PROTECTED AREAS AND
SANCTUARIES**

National Parks (N.P)

<i>Park Name</i>	<i>Area in Sq. Km</i>		<i>Park Name</i>	<i>Area in Sq. Km</i>

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.	181	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		Marine Parks	
11.Mt. Longonot N. P.	52	24	Mombasa Marine N. P.	26.093
12. Hell's Gate N. P	68	25	Watamu Marine N. P	10
13. Oldonyo Sabuk N. P.	18	26	Mpunguti N. P.	28
14. Marsabit N. P	68	27	Malindi Marine N.P.	6
15. Sibiloi N. P.	1,570			

National Reserves (NR)

Reserve Name	Area in Sq. Km		Reserve Name	Area in Sq. Km
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. N. R.	1,806	22.	Shimba Hills	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 N. R.	212
9. Rahole N. R.	1,270	27.	Nga Ndethia N. R.	212
10. North Kitui N. R	745	28.	Laikipia N. R.	165
11. Lake Bogoria N. R.	107			
12. Kamnarok N. R.	87.7		Marine Reserves	
13. Kerio Valley N. R.	66			
14. Kakamega N. R.	44.7	29.	Malindi Marine N. R.	213
15. Masai Mara N. R.	1,510	30.	Watamu Marine N. R	32
16. South Kitui N. R.	1,133	31.	Mombasa Marine N. R.	200
17. Mwea N. R.	68	32.	Mpunguti Marine N. R.	11
18. Arawale N. R.	533	33.	Kiunga Marine N. R.	250
		34..	Diani-Chale Marine N. R	165

National Sanctuary (NS)

1. Maralal N.S. (Km2)	5	3. Ondago Swamp (ha)	24.8
2. Lake Simbi (Ha)	41.7	4. Kisumu Impala N. S.	0.34