

**THE WILDLIFE CONSERVATION AND MANAGEMENT BILL, 2025**

**A Bill for**

**AN ACT** of Parliament to provide for the protection, conservation, sustainable use and management of wildlife in Kenya and for connected purposes

**ENACTED** by the Parliament of Kenya as follows—

**PART I—PRELIMINARY**

Short title and  
commencement.

**1.** This Act may be cited as the Wildlife Conservation and Management Act, 2025

Application

**2.** This Act shall apply to—

(a) all wildlife resources on public land, community land and private land, and Kenya territorial waters;

(b) all persons, vessels and aircraft on, or in the air space above or the waters referred to;

(c) all organs of state; and

(d) The state trustee of the country’s wildlife biodiversity resources.

Interpretation.

**3.** In this Act, unless the context otherwise requires—

“access” means obtaining, possessing and using Kenya’s wildlife resources whether conserved in in-situ or ex-situ and associated traditional resources, whether derived products and, where applicable, intangible components, for purposes of recreation, research, bioprospecting, conservation, industrial application or commercial use and connected purposes;

“administrator” means the person designated as the Administrator of the Fund under section 49(4) of the Act;

“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; as defined in the Civil Aviation Act, (cap. 394);

“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;

"Assisted reproductive technology" means fertilization in a laboratory of processed sperm with processed eggs which have been obtained from an ovary, whether or not the process of fertilization is completed in the laboratory;

“Authority ” means Kenya Wildlife Regulatory Authority established under section 8 of this Act;

"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;

“beneficiary” means a legal entity that is a recipient of financial support from the Fund;

“benefit” means any gains, proceeds or profits from the utilization of wildlife resources;

“Benefit-sharing” means participation and share in the economic, environmental, scientific, social, or cultural benefits resulting or arising from wildlife resources. associated traditional knowledge and connected environmental Services under mutually agreed terms (MATs);

"biodiversity" includes the variability among living organisms from all sources, ecosystems and the ecological complexes of which they are a part, compassing ecosystem, species and genetic diversity;

"bio-piracy" means obtaining access to genetic resources without authority or unauthorized commercialization resulting from access, derivation of unjustified benefits or failure to provide for equitable benefit sharing;

"bio-prospecting" means the exploration of useful attributes from biological resources for commercial and non-commercial purposes;

"biological resources" includes genetic resources, organisms, genetic materials or parts thereof, Digital Sequence Information, or any other biotic component

of ecosystems with actual or potential use or value for humanity;

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

"bio-trade" means the commercial use and trade of a product or Service sourced from biodiversity in a way that respects and brings benefits to people and nature;

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

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

"community wildlife association" refers to an association established under the provisions of section 98 of this Act;

"County Wildlife Compensation Committee" means the committee established under section 162 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 grant of Prior Informed Consent and Mutually agreed terms on the country's wildlife resources, Kenya wildlife Service;

"conservation area" means an area set aside for wildlife conservation and include national park, national reserve, national sanctuary, conservancies or wildlife critical areas designated as such;

"conservation order" means a wildlife conservation order issued under section 121 of this Act.

"Consumptive Wildlife Utilization" means the suitable utilization of wildlife while ensuring the conservation, suitable and sustainable management of biodiversity

"cropping" means harvesting of wildlife for a range of products;

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

"deal" means—

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

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

(c) to transport or convey a trophy or live species;

(d) to be in possession of any trophy or live species with intent to supply to another; or

(e) to do or offer to do any act preparatory to, in furtherance of, or for the purpose of, an act specified above;

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

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

"Director-General" means the Director-General of the Service appointed under appropriate sections;

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

"domestic animal" means any animal that is not wildlife including 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" includes 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;

"ecosystem Service" means any positive direct or indirect benefit that wildlife or the environment provides to people;

"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 Sixth 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;

"environmental impact assessment" has the meaning assigned to it under the Environmental Management and Co-ordination Act (Cap. 387);

"export" means take out or transfer or removal of any animal, plant, or part thereof, including any product in any processed form, from the Republic of Kenya to another country or region;

"ex-situ conservation" means conservation outside the natural ecosystem and habitat of the biological organism including their genes, pollen and cells;

"fauna" means any wild animal, whether indigenous or exotic, and any derivative thereof;

"flora" means any indigenous or native plant and derivative thereof in the wild or natural habitat or exotic plants and any derivative thereof;

"forest officer" shall have the meaning assigned to it under the Forest Conservation and Management Act (Cap. 385);

"Fund" means Wildlife Conservation Trust Fund established under section 48 of this Act;

"Funding arrangement" "is an agreement between the Fund and a party or parties to exchange resources, such as money or Services;

"genetic material" means any material of plant, animal, microbial or other origins containing functional units of heredity.

"genetic resources" means genetic material of actual or potential value.

"Governing Board" means the governing board of the Wildlife Conservation Trust Fund established under Section 48 of this act.

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

"grantee" means a person, group of persons or institution to whom a grant is made out of funds from the Fund.

"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 person appointed by the Cabinet Secretary as such under section 31

"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;

“Indigenous knowledge” means traditional knowledge arising from indigenous and local Kenyan communities and in this context, it will mean Knowledge resulting from intellectual activity in a traditional context , and includes the know-how, skills, innovation, practices and learning that form part of traditional knowledge systems, and knowledge embodying traditional lifestyles of indigenous and local communities, or contained in codified knowledge systems passed between generations;

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

“Institute” means Wildlife Research and Training Institute established under section 38 of this Act;

"Inspector-General of Police" has the meaning assigned to it under the National Police Service Act (Cap. 84);

"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;

"intra-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;

“license” means authorization to utilize wildlife including permit or license or certificate;



"Live capture" includes the safe restraint, trapping or immobilization of live animals for research, collection or relocation to protected areas.

"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" includes 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" has the meaning assigned in the Traffic Act CAP 403 and includes any other conveyance including the type commonly known as a hovercraft;

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

"Mutually agreed terms (MATs)" means are conditions and provisions of access and benefit-sharing, among others, negotiated between the user and the provider and involving other relevant stakeholders that define modalities agreed under the prior Informed consent.

"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 under this Act;

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

"Non-consumptive wildlife utilization" includes the enjoyment, appreciation and observation of wildlife without direct exploitation.

"Other effective area-based conservation measures ( OECMS)" means a geographically defined area other than a protected area, which is governed and managed by legitimate authority in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity;

"poaching" means illegal hunting, illegal capturing or illegal harvesting of any wildlife but does not include the control of species widely and commonly regarded as pests or noxious weeds;

"pollution" has the meaning assigned to it under the Environmental Management and Co-ordination Act (Cap. 387);

"precautionary principle" means that where there are threats of serious or irreversible damage to wildlife resources, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent degradation;

"Prior informed consent (PIC)" means permission obtained by the user of a biological/ genetic resource from the government and legal providers after fully disclosing all the required information that permits access to their genetic resources, and associated traditional knowledge, under mutually agreed terms (MATs )

"problematic animal" means any animal which has caused or is causing destruction to property or life or is a potential threat to human life, property or the environment;

"property" includes any movable or immovable item or article;

"protected area" includes an area declared to be a National Park, National Reserve and National Sanctuary;

"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;

"quarantine" means the prescribed isolation of animals or plants suspected of carrying diseases and which is necessary to determine the health status and prevent the spread of diseases;

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

"re-export", in relation to a specimen of a listed threatened or endangered species, means the export from the Republic of Kenya of a specimen of a listed threatened or endangered species previously imported into Republic of Kenya;

"rehabilitation" means the reestablishment or functioning of ecological processes, productivity, and Services in a degraded habitat.

"sanctuary" means an area of land or of land and water set aside and maintained for the preservation and protection of one or more species of wildlife;

"Service" means Kenya Wildlife Service established under section

"specially protected species" means those species declared to be so by the Cabinet Secretary under this Act;

"species" means a population of individual organisms capable of mating with one another and producing fertile offspring in a natural setting and includes any plant or animal;

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

"sustainable management" means management that maintains or enhances the long-term health of wildlife resources, ecosystems, and biodiversity for the benefit of present and future generations;

"sustainable use" means present use of resources that does not compromise their future availability and that maintains or enhances the long-term health of ecosystems and biodiversity for the benefit of present and future generations;

"traditional and cultural practices" include knowledge, innovations, technologies, practices and efforts that emphasize the use of resources by indigenous and local communities in a manner that enhances conservation and sustainable use of wildlife;

"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 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);

"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 or tusk of any wild species and any other durable portion whatsoever of any wild species whether processed, added to or changed by the work of man or not, which is recognizable as such;

"translocation" means the capture, transport and release of wild species from one location to another;

"User rights" means the privilege granted to a person, organization or community to access, use and benefit from wildlife resources in a specified area under this Act;

"Vehicle" includes aircraft, hovercraft, train and vessel;

"vessel" includes any ship, boat, dhow, canoe, raft or other means of transport, of any description, on water;

"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 a wild animal for any reason;

"Wetlands" means areas that are permanently, seasonally or occasionally waterlogged with fresh, saline, brackish or marine water with a depth of less than six meters including both natural and man-made areas that support characteristic plants and animals;

"wildlife" means any wild and indigenous animals, plants, and microorganism and their constituent habitats and ecosystems found on land or in water and includes internationally and nationally recognized species and populations of such animals, plants and other organisms, exotic species that have been introduced into or established in Kenya, migratory species, and rare or endangered species;

"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 corridor" means an area or route used by wild animals when migrating from one part of the ecosystem to another periodically; (consider wildlife migratory corridor);

"wildlife economy" means the use of wildlife and wildlife resources as assets to create value in ways that align with conservation objectives and delivers sustainable growth and economic development;

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

"wildlife manager" means a person appointed under the provisions of section xxx of this Act;

"wildlife management area" means an area set aside by the county government or community or private entity for purposes of wildlife conservation;

"wildlife management plan" means a framework guiding the sustainable conservation and utilization of wildlife resources within a specified area;

"wildlife population" means the number of individuals within a given species in a specified area;

"wildlife ranching" means the keeping of wildlife under natural extensive conditions with the intention of engaging in wildlife conservation, recreation and trade.

Object and Purpose.

**4. (1)** Wildlife shall be held in perpetuity as a national asset for the Kenyan people.

- (2) Increase wildlife resource access, provide incentives, and encourage sustainable use while guaranteeing a fair distribution of benefits;
- (3) Promote partnership and incentives for wildlife-based enterprises; and
- (4) The state trustee of the country's wildlife biodiversity resources

Guiding values and principles.

**5.** (1) The implementation of this Act shall be guided by the following principles—

- (a) Wildlife is a public resource owned by the people of Kenya and held in trust by the Government;
- (b) Wildlife conservation and management is participatory and inclusive, and shall be delegated, wherever possible and appropriate, to the owners and managers of land where wildlife occurs;
- (c) Public participation is essential for effective wildlife conservation and management.
- (d) Wildlife conservation and management shall adopt an ecosystem approach;

- (e) Wildlife conservation and management shall be encouraged and recognized as a form of land use on public, community and private land;
- (f) Wildlife shall be conserved and managed in a manner that creates value to people through sustainable utilization to realize long term sustainable development to meet the benefits of present and future generations;
- (g) Benefits of wildlife conservation shall be derived by the land user in order to offset costs and to ensure the value and management of wildlife do not decline;
- (h) Wildlife conservation and management will adopt the use of emerging technologies, science and indigenous (traditional) knowledge;
- (i) Benefits accruing from wildlife conservation and management shall be enjoyed and equitably shared by the people of Kenya;
- (j) Wildlife in Kenya has intrinsic value, which value is not subordinate to any other economic, social, cultural or recreational value of wildlife; and
- (k) Intra generational and inter-generational equity.

## **PART II—WILDLIFE CONSERVATION AND CO-ORDINATION**

National Wildlife Co-ordination.

**6.** (1) The Ministry responsible for wildlife shall under this Act —

- (a) Protect, conserve and Manage wildlife.
- (b) Develop national policies and legislation on wildlife management and conservation
- (c) Formulate the National Wildlife Conservation and Management Strategy;
- (d) Develop a framework for identification, mapping and management of national parks, national reserves, marine national parks,



Marine National Reserves and national sanctuaries, taking cognizance of the country's territorial boundaries within coastal areas that extends to 12 nautical miles from the shore line;

- (e) coordinate implementation of wildlife-related treaties, conventions or agreement;
- (f) review and develop guidelines for census on wildlife species population data and be a repository of wildlife data;
- (g) Establish standards and guidelines on—
  - (i) ex-situ conservation in support of in-situ;
  - (ii) wildlife resources data
  - (iii) benefit sharing framework and a monitoring framework;
  - (iv) promotion and utilization of wildlife resources for the benefit of the Citizens;
  - (v) license and permits for wildlife resources; and
- (h) Build capacity and offer technical assistance to county governments on wildlife management and conservation;
- (i) Wildlife conservation education, research and training;
- (j) Wildlife sector governance and coordination; and
- (k) Promote Human wildlife coexistence—
  - (i) mainstreaming and integration of wildlife conservation in Government plans, strategies and economic blueprints in collaboration with relevant Government agencies;

- (ii) review and approval proposals for the determination and alteration or rationalization of boundaries of national parks and reserves.

### **County wildlife co-ordination**

Responsibilities of  
County government.

**7.** The County government through the County Executive Committee shall—

- (a) Implement national policies and legislation on wildlife management and conservation;
- (b) Implement the national framework for management of national reserves and marine national reserves;
- (c) Develop county wildlife management and conservation policies and legislation;
- (d) Implement the nationally set standards and norms for reporting on regional and international obligations on wildlife management and conservation;
- (e) Manage wildlife in national reserves;
- (f) Implement the national Wildlife benefit sharing framework; and
- (g) Promote bio- trade in line with the set-out standards and guidelines.
- (h) Promote human wildlife coexistence

## **PART III—ADMINISTRATION, MANAGEMENT AND OVERSIGHT OF WILDLIFE**

### **Kenya Wildlife Regulatory Authority**

Establishment Kenya  
Wildlife Regulatory  
Authority

**8.** (1) There is established an Authority to be known as the Kenya Wildlife Regulatory Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing, charging and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate.

Functions of the Authority.

**9.** The Authority will regulate the wildlife sector and shall—

- (a) coordinate the wildlife sector and develop a framework for coordination
- (b) formulate standards for sustainable wildlife conservation and management;
- (c) oversee the compliance with licenses and permits issued under this Act;
- (d) regulate fees for parks, reserves, sanctuaries and conservancies;
- (e) undertake an assessment and audit of wildlife conservation efforts, measures and initiatives at the national level;
- (f) prepare and issue a triennial national wildlife conservation status report every three years;
- (g) develop and maintain a register of all protected areas, community and private conservancies;
- (h) regulate and monitor all practices related to wildlife economy to enhance contribution to the National Economy;
- (i) coordinate all state and non-state actors engaged in wildlife conservation to ensure

compliance with wildlife laws and enhance wildlife ethics;

- (j) regulate wildlife conservation practitioners and maintain a register of all wildlife experts and practitioners;
- (k) promote mainstreaming and integration of wildlife conservation in Government plans, strategies and economic blue prints in collaboration with relevant Government agencies;
- (l) advise the Government on proposals for the determination and alteration or rationalization of boundaries of national parks and reserves;
- (m) develop standards and guidelines for collaborative management of wildlife conservation areas between the Service, county governments, private sector, non-governmental organizations and communities;
- (n) monitor ecosystem-based management plans, and wildlife conservation management plans for all wildlife conservation areas countrywide;
- (o) monitor the status of implementation of biodiversity and wildlife disaster plans, climate change mitigation and adaptation actions and wildlife diseases surveillance;
- (p) develop and monitor implementation of biodiversity and wildlife disaster plans, climate change mitigation and adaptation actions and wildlife diseases surveillance;
- (q) establish monitor and publish standards on professional competence and practice amongst wildlife conservation professionals;
- (r) monitor and regulate wildlife ex-situ facilities;
- (s) establish monitor and publish standards on professional competence and practice amongst wildlife conservation professionals;

- (t) take stock of the wildlife resources in Kenya and their utilization and conservation
- (u) promote mainstreaming and integration of wildlife conservation in Government plans, strategies and economic blue prints in collaboration with relevant Government agencies.
- (v) advise the Government on legislative, policies and other measures for the management of the wildlife resource.
- (w) monitor and regulate wildlife ex-situ facilities;
- (x) perform such other functions as the Board may assign the Authority or as are incidental or conducive to the exercise by the Authority of any or all of the functions provided under this Act

Members of the Board.

**10.** (1) The Authority shall be vested in a Board of Directors who shall consist of—

- (a) a chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the Department for the time being responsible for wildlife or an officer of that Department designated in writing by the Principal Secretary as the designate alternate;

the Principal Secretary in the Department for the time being responsible for finance or an officer of that Department designated in writing by the Principal Secretary;

- (c) the Inspector General of the Police or an officer of that Department designated in writing by the Inspector General;
- (d) a representative from the Council of Governors;

- (e) the Principal Secretary in the Department for the time being responsible for devolution or an officer of that Department designated in writing by the Principal Secretary;
- (f) one representative from the wildlife private sector nominated by the relevant national wildlife sector umbrella association, appointed by the Cabinet Secretary;
- (g) one representative from the conservancies associations nominated by the national umbrella association for conservancies, appointed by the Cabinet Secretary;
- (h) the Director General of the Authority who shall be the secretary to the Board;
- (i) one representative from Attorney General's Office; and
- (j) two other members, not being public officers, appointed by the Cabinet Secretary, taking into account gender parity and experience and expertise in wildlife, finance and management;

Powers of the Board

**11.** (1) The Authority shall have all the powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1) the Authority shall have the power to—

- (a) manage, control administer the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established;
- (b) receive any gifts, grants, donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements therefrom in accordance with the provisions of this Act;

- (c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
- (d) open a banking account or banking accounts for the funds of the Authority; and
- (e) Invest any monies of the Authority not immediately required for the purposes of this Act in such securities as the Treasury may, from time to time, approve.

Remuneration of the Board

**12.** The Authority, in consultation with the Salaries and Remuneration Commission, shall pay the members of the Board such remuneration, fees or allowances for expenses as it may determine.

Conduct of Board Affairs.

**13.** The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule, but subject thereto the Board may regulate its own procedure.

Chief Executive Officer

**14.** (1) The Chief Executive Officer shall be appointed by the Board, through an open and competitive process, on such terms and conditions of Service as may be determined by the Board in the instrument of appointment.

(2) The Chief Executive Officer shall be an ex officio member of the Board but shall have no right to vote at any meeting of the Board.

(3) The Chief Executive Officer shall be the secretary to the Board and subject to the directions of the Board, be responsible for the day-to-day management of the affairs of the Authority.

Qualifications of a Chief Executive Officer.

**15.** (1) A person shall be qualified to be appointed as a Chief Executive Officer, if such a person—

- (a) has satisfied the requirements of Chapter Six of the Constitution;
- (b) holds at least a postgraduate degree in wildlife management; and

(c) has considerable knowledge, competence and at least ten years' experience in wildlife conservation, law, finance, business.

(2) A person appointed as a Chief Executive Officer under subsection (1) shall serve for a term of three years and shall be eligible for re-appointment for a further term of three years.

Common Seal of the Authority.

**16.** (1) The common seal of the Authority shall be kept in such custody as the Board may direct, and shall not be used except on the order of the Board.

(2) The common seal of the Authority, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorisation by the Board under this section shall be presumed to have been duly given.

Staff of the Authority.

**17.** (1) The Board may appoint such officers as are necessary for the proper discharge of the functions of the Authority under this Act or any other written law, upon such terms and conditions of Service as it may determine.

(2) The officers appointed under subsection (1) shall be remunerated in such manner and at such rates as guided by the Salaries and Remuneration Commission, and shall be subject to such conditions of Service, as may be determined by the Authority.

(3) Every officer appointed under subsection (1) shall, subject to this Act, exercise such powers and functions and perform the duties assigned to him or her from time to time by the chief executive.

Liability

**18.** (1) The Authority, its members and officers shall not be personally liable for any act done in good faith or purported to be done, on the direction of the Authority or in the performance or intended performance of any duty or in the exercise of any power under this Act or the regulations guidelines or notices made thereunder.



(2) Any expenses incurred by any person referred to in subsection (1) in any suit or prosecution brought against him or her before any court in respect of any act which is done or purported to be done by him or her under the Act or on the direction of the Authority shall, if the Court holds that such act was done in good faith, be paid out of the general fund of the Authority, unless such expenses are recovered by him or her in such suit or prosecution.

Funds of the Authority.

**19.** The funds of the Authority shall consist of—

- (a) such moneys as may be provided by Parliament for the purposes of the Authority;
- (b) Such moneys or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) such sums as may be payable to the Authority pursuant to this Act or any other written law, or pursuant to any gift or trust;
- (d) such moneys as may be provided by Parliament for the purposes of the Authority;
- (e) a proportion of moneys levied upon wildlife user rights as the Cabinet Secretary may determine; and
- (f) all moneys from any other source provided for or donated or lent to the Authority.

Financial year and annual estimates.

**20.** (1) The financial year of the Authority shall be the period of twelve months ending on the thirtieth of June in each year

(2) At least four months before the commencement of each financial year, the Board shall prepare estimates of revenue and expenditure of the Authority for that year.

(3) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year and in particular, the estimates shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Authority;
- (b) the payment of pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the Authority;
- (c) the proper maintenance of the buildings and grounds of the Authority;
- (d) the maintenance, repair and replacement of the equipment and other property of the Authority;
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(4) The annual estimates shall be prepared at least three months before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after such approval, the Authority shall not increase the annual estimates without the consent of the Cabinet Secretary.

(5) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under this section or in pursuance of an authorisation by the Cabinet Secretary.

Accounts and audit.

**21.** (1) The Authority shall keep all proper books and records of account of the income, expenditure and assets of the Authority.

(2) Within a period of four months after the end of each financial year, the Board shall submit to the Auditor-General or an auditor appointed by the Board under the Authority of the Auditor-General, the accounts of the Authority together with—

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the Authority of the last day of that year.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act (Cap. 412B).

Headquarters of the Authority

**22.** The headquarters of the Authority shall be in Nairobi and shall ensure access to its Services in all parts of the Republic.

### **Kenya Wildlife Service**

Kenya Wildlife Service

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

(2) The Kenya Wildlife Service shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—

(a) suing and being sued;

(b) purchasing, holding and disposing of movable and immovable property; and

(c) doing all such other things as may be done by a body corporate;

(d) Borrow money

Functions of the Service.

**24.** Kenya Wildlife Service shall—

(a) conserve, protect and manage wildlife in the country;

(b) manage national parks, national reserves, wildlife conservation areas, and sanctuaries;

(c) enter agreements with other entities to engage in wildlife conservation and management for

the management of underdeveloped national parks, reserves and sanctuaries;

- (d) promote or undertake commercial and other activities for the purpose of achieving sustainable wildlife conservation;
- (e) collect revenue, levies and charges due to the national government from wildlife;
- (f) develop and implement mechanisms for benefit sharing with communities living adjacent to national park and reserves;
- (g) provide paramilitary training as regards to wildlife conservation and management;
- (h) develop a paramilitary training policy on wildlife conservation and management;
- (i) make recommendations to relevant ministries on matters relating to wildlife policy, legislation and strategy;
- (j) prepare, review and implement ecosystem plans for listed ecosystems;
- (k) prepare, review and implement national park management plans;
- (l) assist and advise in the preparation of management plans for community and private wildlife conservancies and sanctuaries;
- (m) 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;
- (n) apply research findings in conservation planning, implementation and decision making;

- (o) advise the Cabinet Secretary and National Land Commission on the establishment of national parks and sanctuaries;
- (p) promote and undertake extension Service programmes intended to enhance wildlife conservation, education and training;
- (q) identify and advise the Cabinet Secretary on user rights;
- (r) grant relevant permits and licenses in accordance to this Act;
- (s) be the national forensic center for wildlife crimes;
- (t) monitor the compliance of terms and conditions of permits and licences;
- (u) administer and implement wildlife related multilateral environmental agreements ratified by the Government;
- (v) undertake wildlife veterinary clinical interventions and capture translocations for management purposes;
- (w) establish an Endowment Fund for purposes of furtherance/ fulfilment of management functions; and
- (x) 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.

Board of the Service

**25.** (1) The Service shall be managed by a Board, which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the State Department for the time being responsible for

matters relating to wildlife, or a designated representative;

(c) the Principal Secretary in the State Department for the time being responsible for finance, or a designated representative;

(d) the Principal Secretary in the State Department responsible for matters relating to county governments or a designated representative;

(e) the Inspector-General of Police;

(f) four other persons with both local and international technical experience in either fundraising, law, wildlife, finance, business or investment matters appointed by the Cabinet Secretary, one of whom shall be from local community wildlife areas;

(2) The Cabinet Secretary shall appoint one-third of the members of the Board under subsection (2) (f) in a staggered manner so that the respective expiry dates of their terms shall fall at different times.

(3) The members of the Board of Trustees shall hold office for a term of three years and shall be eligible for appointment in accordance with subsection (b) for one further term of three years.

(4) The Director General of the Service, shall be the secretary to the Board of Trustees.

Remuneration of the Board.

**26.** (1) The chairperson and members of the Board of Trustees shall be paid such remuneration and allowances as the Salaries and Remuneration Commission may advise.

Power of the Board.

**27.** (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1) the Authority shall have the power to—

- (a) oversee the effective implementation of the national wildlife policy;
- (b) approve the strategic plans operational policies and capital and recurrent budget of the Service; and
- (c) perform such other functions as may be necessary for the fulfilment of its mandate under this Act.

Conduct of Board  
Affairs.

**28.** The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule, but subject thereto the Board may regulate its own procedure.

Director General.

**29.** (1) The Cabinet Secretary in consultation with the Board shall appoint a Director General.

(2) The Director General shall hold office for a term of three years and shall be eligible for re- appointment for one further term of three years.

(3) The Director General shall be the chief executive officer of the Service and shall be responsible to the Board for the day-to-day management of the Service.

(4) A person shall qualify for appointment under subsection (1) if the person—

- (a) is a citizen of Kenya;
- (b) satisfies the requirements of Chapter Six of the Constitution;
- (c) possess a degree in natural resources management from a university recognized in Kenya; and
- (d) has at least fifteen years' professional experience in related field.

Officers of the Service.

**30.** (1) The Board shall on terms and conditions as it deems fit, appoint—

(a) uniformed and disciplined officers of the ranks specified in the Second Schedule;

(b) officers of the Service as are specified in the Second Schedule.

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

(3) The Board shall provide superannuation scheme for the staff of the Service.

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

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

Honorary warden

**31.** An honorary warden shall be appointed by notice in the *Gazette*; and shall perform such functions as may be prescribed by regulations made under this Act.

Staff to acquire  
paramilitary training

**32.** (1) The Service shall be composed of uniformed and disciplined personnel, recruited after having acquired requisite paramilitary training.

(2) The Service shall observe strict paramilitary code of conduct, with clear organizational structure and paramilitary ranks as to be specified in the Second Schedule of the Act.

(3) Every staff recruited under this section shall take and subscribe to the oath of allegiance.

Establishment of offices

**33.** The Service shall establish such offices as it deems necessary to perform its function.

Funds of the Service

**34.** The funds of the Service shall comprise of—



- (a) such monies as may be approved and allocated to the Service by the National Assembly as part of the budget process;
- (b) such monies or proceeds of investments as may vest in the Service from the performance of its duties; and
- (c) any sums lent or donated to the Service revenue from joint partnerships.
- (d) grants and bequests.

Financial year

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

Annual estimates

**36.** (1) At least three months before the commencement of each financial year, the Service shall cause to be prepared estimates of the revenue and expenditure of the Service for that year.

(2) The annual estimates shall make provisions 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) the proper maintenance of the buildings and grounds of the Service;
  - (c) the maintenance, repair and replacement of the equipment and other property of the Service; and the creation of such reserve funds as the Service may deem appropriate to meet the recurrent expenditure and contingent liabilities of the Service.
- (3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the

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.

Accounts and audit

**37.** (1) The Service shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the Service.

(2) Within a period of three months from the end of each financial year, the Service shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the Service in respect of that year together with—

(a) a statement of the income and expenditure of the Service during the year; and

(b) a statement of the assets and liabilities of the Service on the last day of the year.

(3) The accounts of the Service shall be audited in accordance with the Public Finance Management Act (Cap. 412A).

Wildlife Law  
Enforcement Academy

**38.** (1) There is established an academy to be known as the Wildlife Law Enforcement Academy, which shall be an institution within the Service.

(2) The Wildlife Law Enforcement Academy shall provide—

(a) law enforcement and security training; and

(b) any other training as the Service may determine in consultation with stakeholders.

(3) The Board of the Service shall formulate policies for the administration and management of the Academy.

### **Kenya Wildlife Research And Training Institute**

Kenya Wildlife  
Research and Training  
Institute

**39.** (1) There is established an institute to be known as the Kenya Wildlife Research and Training Institute.

(2) The Institute is a body corporate with perpetual succession, and a common seal and shall in its corporate name, be capable of—

- (i) suing and being sued;
- (ii) taking, purchasing and disposing of movable and immovable property;
- (iii) borrowing money;
- (iv) entering into contracts; and
- (v) doing or performing such other things or acts for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

Functions of the  
Institute

**40.** The Institute shall—

- (a) undertake research in wildlife and related emerging issues;
- (b) be the national scientific advisor on wildlife matters; and scientific authority on Wildlife related multi-lateral Environmental Agreements;
- (c) coordinate and promote wildlife research and related emerging issues in support of management and conservation;
- (d) co-ordinate and promote the management of wildlife biodiversity information in the country  
—
  - (i) establish and maintaining a national biodiversity information system;
  - (ii) disseminating biodiversity information to enable research;
  - (iii) use of biodiversity information for policy; and

- (iv) National reporting on biodiversity indicators.
- (e) develop and facilitate programs for training and continuous professional education and development for wildlife professionals;
- (f) undertake technical and vocational training in wildlife conservation and management and related disciplines;
- (g) award diplomas and certificates in wildlife conservation and management and related disciplines;
- (h) monitor and establish the trends, stocking rates, distribution, utilization and threats of wildlife;
- (i) undertake wildlife disease investigations, surveillance and holistic management to ecosystem health;
- (j) grant permits for wildlife research subject to such conditions and payment of such fees as may be prescribed;
- (k) develop wildlife forensic tools and techniques and provide forensic analyses Services;
- (l) provide technical assistance to promote wildlife-based enterprises;
- (m) provide scientific advisory on implementation of wildlife related multilateral environmental agreements;
- (n) develop, monitor and review the national red-list of threatened species and ecosystems;
- (o) be the national scientific authority for wildlife data and information;
- (p) coordinate national wildlife scientific collections including the establishment of national wildlife repository and advise on establishment of regulation of wildlife ex-situ

facilities (zoos, botanical gardens, breeding facilities) as set out in section 91;

- (q) establish linkages and collaboration with other institutions within or outside Kenya, as the Institute may consider necessary or appropriate and in furtherance of wildlife research and training;
- (r) establish with approval of the Cabinet Secretary, such campuses or centres for training and capacity development as are necessary and in the furtherance of wildlife research and training;
- (s) develop national wildlife biodiversity indicators and assess the status and trends in ecosystem, species and genetic level
- (t) assess the status and trends in alien and invasive species, genetically modified organisms and their impacts on wildlife conservation; and
- (u) perform such other functions as the Board may assign the Institute or as are incidental or conducive to the exercise by the Institute of any or all of the functions provided under this Act.

Board of Directors

**41. (1)** There shall be a Board of Directors which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary of the ministry for the time being responsible for matters relating to wildlife or his or her representative;
- (c) the Principal Secretary of the ministry for the time being responsible for matters relating to finance or his or her representative;
- (d) the Principal Secretary of the ministry for the time being responsible for matters relating to science and technology or his or her representative;

- (e) the Director General of the Institute, who shall be the secretary; and
- (f) five other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Cabinet Secretary, of whom—
  - (i) one shall represent community and privately managed wildlife areas;
  - (ii) two shall represent the institutions of higher learning; and
  - (iii) two shall be persons qualified and competent in wildlife, natural resources management, biodiversity and environmental economic related disciplines.

(2) The members of the Board of the Institute shall be appointed in a staggered manner so that the respective expiry dates of their terms shall fall at different times.

(3) A member of Board of Directors, other than an ex-officio member, shall hold office for a term of three years and shall be eligible for re-appointment for one further term not exceeding three years.

(4) A member of the Board of Directors may, at any time, resign from office by giving a notice, in writing, addressed to the appointing authority.

Functions of the Board

**42.** The functions of the Board of Directors shall be to—

- (a) ensure the proper and effective performance of the functions of the Institute.
- (b) develop policies and supervise their implementation;

- (c) approve National Wildlife Research and Training Strategy;
- (d) manage the Institute's assets and funds;
- (e) approve budget and financial estimates;
- (f) perform such other functions as may be necessary for the fulfilment of the Institute's mandate under this Act.

Meetings of the Board

**43.** The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule, but subject thereto the Board may regulate its own procedure.

Appointment of the Director General

**44.** (1) There shall be a Director General of the Institute who shall be appointed by the Cabinet Secretary in consultation with the Board of Directors.

(2) The Director General shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(3) A person shall qualify for appointment under subsection (1) if the person holds a PhD degree in wildlife conservation or life sciences from a recognized university with at least 12 years' experience in wildlife research and training.

(4) The Director General shall be an ex-officio member of the Board for Directors and shall be responsible for the day-to-day management of the Institute.

Sources of funds of the Institute

**45.** The funds of the Institute shall comprise of—

- (a) such moneys as may be approved and allocated to the Institute by the National Assembly as part of the budget process;
- (b) such moneys or proceeds from investments as may vest in the Institute from the performance of its duties;
- (c) any sums lent, grants or donations to the institute revenue from joint partnerships; and

(d) monies from any other source approved by the Cabinet Secretary.

Financial year

**46.** The financial year of the Institute shall be the period of twelve months ending on the thirtieth of June in each year.

Annual estimates

**47.** (1) At least three months before the commencement of each financial year, the Board of Directors 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 Institute 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 Institute, regional wildlife conservation area committees and community wildlife scouts;
- (b) the proper maintenance of the buildings and grounds of the Institute;
- (c) the maintenance, repair and replacement of the equipment and other property of the Institute; and the creation of such reserve funds as the Institute may deem appropriate to meet the recurrent expenditure and contingent liabilities of the Institute.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the 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.

Accounts and Audit

**48.** (1) The Institute shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the Institute.



(2) Within a period of three months from the end of each financial year, the Service shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the Institute in respect of that year together with—

- (a) a statement of the income and expenditure of the Institute during the year; and
- (b) a statement of the assets and liabilities of the Institute on the last day of the year.

(2) The accounts of the Institute shall be audited in accordance with the Public Finance Management Act (Cap. 412A).

### **The Wildlife Conservation Trust Fund**

Wildlife Conservation  
Fund

**49.** (1) There is established a Wildlife Conservation Trust Fund that shall be vested in a governing body established in accordance with subsection (2) and shall provide funds and support for wildlife conservation and management initiatives.

(2) The governing body referred to in subsection (1) shall serve as a public-private partnership and comprise—

- (a) a Chairperson being appointed by the President;
- (b) the Principal Secretary in the State Department for the time being responsible for matters relating to wildlife;
- (c) the Principal Secretary in the State Department for the time being responsible for matters relating to finance;
- (d) the Chief Executive Officer of the Fund who shall be the Secretary
- (e) four representatives from the private sector, who shall have technical experience in either philanthropy, law, natural resources, finance, business and investment matters, one of whom

shall be a representative nominated by an umbrella wildlife conservancy body; and

- (f) a representative from the office of the Attorney-General.

Management of the fund

**50. (1) The Governing Board shall—**

- (a) formulate the Fund's strategic direction, including strategic plans, investment plans, and policies;

- (b) set up administrative, governance, and financial management structures of the Fund;

- (c) consider and approve the procedures relating to eligibility criteria, processes, and access to the Fund;

- (d) oversee the administration and management of the Fund;

- (e) supervise the performance of the Chief Executive Officer of the Fund;

- (f) consider, review, and approve the estimates of revenue and expenditure of the Fund for each financial year;

- (g) consider and approve the opening of a bank account or bank accounts for the Fund and submit the proposal to open the bank account or bank accounts to the Cabinet Secretary responsible for matters wildlife and Cabinet Secretary for matters finance for approval;

- (h) receive, review, and approve statutory and management reports of the Fund before the reports are submitted to the Auditor General, Cabinet Secretary, Commission for Revenue Allocation, and Controller;

- (i) approve, monitor and evaluate the programs and activities of the Fund;

- (j) set fundraising targets and mobilize resources for the Fund;
- (k) approve, the investment policy, investment plan, and risk threshold of the Fund with concurrence of the Cabinet Secretary;
- (l) receive and review reports on the performance of the Fund and make recommendations thereon;
- (m) review the Fund's policies on the management of the Fund's assets, equipment, and properties of the Fund; and
- (n) consider and approve the criteria for funding requirements.

Chief Executive Officer

**51.** (1) There shall be a Chief Executive Officer of the Fund who shall be competitively recruited and appointed by the Governing Board.

(2) A person shall be qualified to be appointed as the Chief Executive Officer if that person—

- (a) is a Kenyan citizen;
- (b) possesses a Bachelor's degree from a university recognized in Kenya;
- (c) possesses at least ten years' relevant experience in financial management and or resource mobilization; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer shall serve for a term of three years and may, upon satisfactory performance, be eligible for reappointment for only one further term of three years.

(4) The Chief Executive Officer shall be the Administrator of the Fund.

Functions of the Chief  
Executive Officer

**52.** (1) The Chief Executive Officer shall, subject to the direction of the Governing Board, be responsible for the day-to-day management of the Fund.

(2) The Chief Executive Officer shall—

- (a) be answerable to the Board;
- (b) open and operate a bank account or bank accounts with the approval of the governing board with the approval of the Cabinet Secretary of matter related to wildlife;
- (c) consult with the Governing Board on matters relating to the administration of the Fund;
- (d) cause to be kept proper books of account and records in relation to the Fund;
- (e) prepare, sign, and submit to the Governing Board, in respect of each financial year and within three months after the end thereof, a statement of account relating to the Fund for consideration and approval;
- (f) prepare quarterly reports on financial and non-financial activities of the Fund in accordance with the provisions of the Act and as may be prescribed by the Public Sector Accounting Standards Board, and submit the reports to the Governing Board for approval and transmission to the Cabinet Secretary responsible for wildlife, the Auditor-General, Commission for Revenue Allocation and Controller of Budget;
- (g) be the custodian of the asset, equipment, and property of the Fund;
- (h) engage the Fund's stakeholders to secure funding commitments;
- (i) develop, with the approval of the Governing Board, the operational and strategic documents of the Fund including strategic plans, communication materials, grant-making framework, and operation manuals;

- (j) facilitate the recruitment or secondment of the staff of the Fund;
- (k) supervise and monitor utilization of funds by beneficiaries of the Fund;
- (l) communicate effectively and in a timely manner to the contributors and beneficiaries of the Fund; and
- (m) provide leadership for the programs and operations of the Wildlife Conservation Trust Fund.

(3) The Administrator may, with the approval of the governing board and the Cabinet Secretary responsible for matters of wildlife conservation, invest any funds of the Fund that are not immediately required for the Fund's purposes.

Source of funds

**53.** (1) There shall be paid into the Wildlife Conservation Trust Fund—

- (a) moneys appropriated by Parliament;
- (b) a per centum of such moneys as may be levied for payment of environmental Services by beneficiaries in productive and Service sectors, and for biodiversity offset schemes that compensate for conservation impacts as a contribution towards the Wildlife Conservation Trust Fund as the Cabinet Secretary may, upon the recommendation of the governing board, determine;
- (c) moneys from debt-for-nature transactions;
- (d) income from investments made by the governing board;
- (e) such grants, donations, bequests or other gifts as may be made to the Fund;

- (f) a per centum from fees charged from wildlife user rights
- (g) percentage of levies from bioprospecting activities and filming;
- (h) innovative funding arrangements with the private sector; and
- (i) any money accruing to or received by the Fund from any other source as may be approved by the Cabinet Secretary.

Purpose of the Fund

**54.** The purpose shall be to provide funds in order to—

- (a) develop wildlife conservation initiatives;
- (b) manage and restore protected areas and conservancies;
- (c) protect endangered species, habitats and ecosystems;
- (d) support wildlife security operations;
- (e) facilitate community based wildlife initiatives;
- (f) award wildlife conservation grants based on criteria to be established by the governing board;
- (g) wildlife research and training; and
- (h) such other purposes as may be provided by the governing board.

### **Wildlife Clubs of Kenya**

Wildlife Clubs of Kenya.

**55.** (1) There shall be collaboration between the State Department of Wildlife and Wildlife Clubs of Kenya.

(2) Wildlife Clubs of Kenya shall be a body corporate with perpetual succession and a common seal and capable in its corporate name of:

- (a) Suing and being sued
- (b) Purchasing, holding, and disposing of movable and immovable property; and
- (c) Doing all such other things as may be done by a body corporate.

Functions of Wildlife  
Clubs of Kenya

**56.** The function of Wildlife Clubs of Kenya shall be to—

- (a) Build conservation understanding, knowledge, skills and interest about wildlife and environment among the school youth of Kenya;
- (b) Establish, register and manage wildlife Clubs in all learning institutions country wide;
- (c) Promote and undertake conservation education and awareness in learning institutions and communities for the purpose of achieving sustainable wildlife and environmental conservation;
- (d) Develop and produce conservation education and awareness resource materials;
- (e) Prepare and implement conservation education frameworks and curriculum to harmonise diverse conservation knowledge;
- (f) Develop careers through training, education and research;
- (g) Initiate wildlife and environmental conservation hands-on activities and projects through school Wildlife Clubs;
- (h) Collaborate with all relevant MDAs on matters relating to wildlife conservation and conservation education; and
- (i) Establish Wildlife Resources Centres countrywide.

Patron

**57.** (1) Wildlife Clubs of Kenya shall have an honorary patron.

(2) An honorary patron shall be a respected conservation figure.

Trustees

**58.** Trustees shall comprise of five members including—

- (a) three members from private sector leaders, conservation experts and philanthropists; and
- (b) two members from the Ministry responsible for matters relating to wildlife.

Governing Council

**59.** (1) The Governing Council shall comprise of—

- (a) Government representatives from the ministries of Wildlife, Tourism, Environment, Education and treasury, Attorney General,
- (b) Regional representatives of Wildlife Clubs, conservation Non-Governmental Organizations, private sector leaders, United Nations agencies (UNESCO & UNEP), youth representatives, Teachers Service Commission; and
- (c) three members appointed by the Cabinet Secretary in the state Department responsible for the matters relating to wildlife.

(2) The Cabinet Secretary in the state Department responsible for the matters relating to wildlife shall appoint the Chairperson of the Governing Council.

Management of  
Wildlife Clubs of  
Kenya

**60.** (1) The management of Wildlife Clubs of Kenya shall be done through a Board of management who shall be responsible for—

- (a) oversee investments, property, and other funds Wildlife Clubs of Kenya;
- (b) review financial statements, approving budgets & ensuring compliance with financial regulations;



- (c) participate in key organizational decisions regarding programmes, policies, and future direction;
  - (d) ensure Wildlife Clubs of Kenya operates within relevant laws and regulations;
  - (e) provide regular updates on the organization's financial health and activities to stakeholders; and
  - (f) act in the best interest of Wildlife Clubs of Kenya mission.
- (2) The Wildlife Clubs of Kenya Board of Management shall comprise of—
- (a) the chairperson of the Governing Council;
  - (b) the Executive Director of Wildlife Clubs of Kenya;
  - (c) three state officers at the time responsible for the Environment, Wildlife, and the National Treasury; and
  - (d) six persons selected on merit and appointed by the Governing Council.
- (3) The Board of management shall elect a chairperson from amongst the members.
- (4) The chairperson shall not be elected from members of the Governing Council or a state officer.

Executive Director

**61.** (1) There shall be an Executive Director, appointed by the Board in consultation with the Governing Council and who shall be the secretary to the Board.

(2) The Executive Director shall be appointed for a term of five years and shall be eligible for renewal subject to performance.

(3) The Executive Director shall be responsible for the day to day Board of Management's affairs.

Qualifications of an Executive Director

**62.** A person shall qualify for appointment as Executive Director of Wildlife Clubs of Kenya, if the person—

- (a) holds a minimum qualification of a postgraduate qualification in a relevant field from a university recognized in Kenya;
- (b) has at least 15 years working in a relevant field;
- (c) has proven experience in international grant mobilization; and
- (d) meets the requirements of Chapter 6 of the Constitution.

Funds of Wildlife Clubs of Kenya

**63.** Funds of the Wildlife Clubs of Kenya shall comprise of—

- (a) Funds Appropriated by Parliament;
- (b) Income from Investments made by the Board;
- (c) Grants, Donations, or Gifts, or Revenue from Partnerships and collaborations; and
- (d) Any Other Levy the Government may impose.

Meetings of the Board of Management

**64.** The Board shall meet four times annually, including the Annual General Meetings.

#### **PART IV: NATIONAL WILDLIFE CONSERVATION POLICY AND MANAGEMENT STRATEGY**

Citizen-led wildlife conservation policy and management.

**65.** (1) The Cabinet Secretary shall—

- (a) review and publish in the *Gazette* a national wildlife conservation and management policy at least once every ten (10) years;

- (b) consult the public when formulating a national wildlife conservation and management policy; and
- (c) report to parliament on the implementation of the wildlife conservation and management policy every 2 years.

National wildlife  
conservation and  
management strategy

**66.** (1) The Cabinet Secretary shall at least once every five (5) years formulate and publish in the *Gazette* a national wildlife conservation and management strategy.

(2) The national wildlife conservation and management strategy shall prescribe the principles, objectives, standards, indicators, procedures and incentives for the protection, conservation, management, sustainable utilization and control of wildlife resources and shall, in particular prescribe—

- (a) measures for the protection of wildlife species and their habitats and ecosystems;
- (b) norms and standards for ecosystem-based conservation plans;
- (c) measures facilitating community-based natural resources management practices in wildlife conservation and management;
- (d) priority areas for wildlife conservation and projections on increasing designated wildlife conservation areas in form of national parks, national reserves, conservancies and sanctuaries;
- (e) innovative schemes and incentives to be applied in securing identified critical wildlife migratory routes, corridors and dispersal areas for sustainable wildlife conservation and management;
- (f) clear targets indicating projection in terms of specific percentage of landscape and seascape to be brought under protected areas,

conservancies and sanctuaries over the next five years;

- (g) prioritization for conservation and protection of identified Minimum Viable Conservation Areas (MVCA);
- (h) national wildlife research and monitoring priorities and information systems, including—
  - (i) research priorities;
  - (ii) the collection and management of data and information regarding the status of wildlife resources;
  - (iii) procedures for gathering wildlife data and the analysis and dissemination of wildlife information;
  - (iv) wildlife management information system
- (i) measures necessary to ensure equitable sharing of benefits;
- (j) guidelines for granting, and monitoring progress on wildlife user rights;
- (k) criteria for listing and measures for protection and management of endangered and threatened species;
- (l) innovative measures for mitigating human wildlife conflict;
- (m) framework for capacity development and training for effective wildlife management;
- (n) measures for wildlife disease surveillance and control;
- (o) adaptation and mitigation measures to avert adverse impacts of climate change on wildlife resources and its habitats;

- (p) set targets for conservation of species, ecosystems, and habitats and securing of wildlife dispersal areas to ensure connectivity of ecosystems;
  - (q) reflection on regional co-operation and common approaches for enhancing protection, conservation and management of shared wildlife resources; and
  - (r) any other matter that the Cabinet Secretary considers necessary to enhance protection, conservation and management of wildlife, resources in the country.
- (3) The Cabinet Secretary shall periodically review the national wildlife conservation and management strategy and may, by notice in the Gazette, publish a revised national wildlife conservation and management strategy.
- (4) The Cabinet Secretary shall publish in the national gazette and submit the national wildlife conservation status report to the National Assembly as soon as reasonably practicable after its publication where the National Assembly is in session, or where not in session, within twenty-one days of the day the National Assembly next sits after such publication.
- (5) The national wildlife conservation status report shall include but is not limited to—
- (a) status of the implementation of the National Wildlife Conservation Strategy;
  - (b) status of wildlife populations;
  - (c) status of the implementation of multilateral environmental agreements on wildlife conservation;
  - (d) status of implementation of the species recovery and ecosystem restoration plans;

(e) status of benefit sharing in the wildlife sector;  
and

(f) status of national parks, reserves and sanctuaries.

## **PART V: CONSERVATION, PROTECTION AND MANAGEMENT**

Wildlife Conservation  
as a form of land use.

**67.** (1) Wildlife conservation and management shall be recognized as a form of land use on public, community, and private land.

(2) Wildlife conservation and management may occur in public, community or private land.

(3) Public land used for wildlife conservation and management include—

(a) National Parks;

(b) National Reserves; and

(c) National Sanctuaries.

(4) Community land used for wildlife conservation and management include—

(a) community conservancies; and

(b) ranches.

(5) Private land used for wildlife conservation and management include—

(a) private conservancies;

(b) private sanctuaries; and

(c) private ranches.

(6) Wildlife conservation and management shall be recognized as a form of land use on public, community, and private land;

(7) The Cabinet Secretary to promote wildlife conservation as a form of land use may—

- (a) in consultation with national treasury, provide monetary and non-monetary incentives to support individuals, communities and other stakeholders to invest in wildlife conservation and management;
  - (b) promote private bequeathing of land and property for purposes of wildlife conservation;
  - (c) foster the integration of wildlife corridors and dispersal areas into national spatial plan;
  - (d) *gazette* approved management plans that incorporate multiple and compatible land-use practices; and
  - (e) Develop and implement regulations on wildlife user rights.
- (8) The Service shall collaborate with County governments to integrate wildlife conservation and management as a form of land use within county integrated development plans and county spatial plans.

Management plans

- 68.** (1) Every ecosystem shall be managed in accordance with an ecosystem management plan that complies with the requirements prescribed by the Fifth Schedule.
- (2) Every wildlife protected area shall be managed in accordance with a management plan that complies with the requirements prescribed in the Fifth Schedule.
- (3) The preparation of management plans shall be in consultation with the Service.
- (4) In the case of protected areas, the formulation and implementation of management plans shall involve the participation of neighboring communities and relevant stakeholders.
- (5) The Cabinet Secretary shall publish management plans by a notice in the *Gazette*.

(6) Development is subject to a *gazetted* management plan.

Offence

**69.** The operation of a wildlife ecosystem without an approved management plan shall be an offence under this Act.

Penalty

**70.** A person who contravenes the provisions of section 67 commits an offence

### **Protected Areas**

Declaration and creation of protected areas.

**71.** (1) The Cabinet Secretary shall, on the recommendation of the Service, the Institute, and in consultation with the National Land Commission and relevant county government designate an area as a protected area by publishing a declaration in the *Gazette*—

(2) A declaration under subsection (1) shall only be published where—

- (a) the relevant provisions of the Environmental Management and Coordination Act (Cap 387) have been complied with;
- (b) public consultation has occurred; and
- (c) there is no outstanding appeal.

(3) Notwithstanding subsection (1), and (2) the Cabinet Secretary shall acquire approval from the National Assembly to declare a protected area.

Management of protected areas.

**72.** (1) The Service shall—

- (a) periodically review protected area management systems to meet the county's terrestrial and marine conservation objectives;
- (b) manage national parks, marine parks and national sanctuaries through approved management plans;
- (c) collaborate with counties to ensure the management and preservation of the ecological



integrity of national parks, marine parks, reserves and national sanctuaries;

- (d) establish and maintain a database on geographical reference of the various protected areas including but not limited to the biodiversity and the physical aspects;
- (e) develop guidelines and standards for infrastructure development within national parks, marine parks, national reserves and national sanctuaries;
- (f) demarcate and secure boundaries in national parks, marine parks and sanctuaries in consultation with National Land Commission;
- (g) in consultation with the relevant county government and National Land Commission, demarcate and secure boundaries in national reserves; and
- (h) ensure appropriate titling of all national parks, marine parks, national reserves, where applicable, and sanctuaries.

(2) protected areas include—

- (a) National Park;
- (b) National Reserves;
- (c) National Sanctuaries;
- (d) Marine National Park; and
- (e) Marine National Reserve.

(3) The cabinet secretary may, on recommendation of the Service enter into public private partnerships for the management of national protected areas.

Public Private  
Partnerships for  
national protected  
areas.

**73.** The cabinet secretary may, on the recommendation of the Service enter into public private partnerships for the management of national protected areas.

## **National parks and national sanctuaries**

Declaration of a national parks and national sanctuaries.

**74.** (1) The Cabinet Secretary shall, upon the recommendation of the Service and Institute, in consultation with the National Land Commission and approval by the National Assembly by notice in the *Gazette*, declare—

- (a) any un-alienated public land; or
  - (b) any land purchased or otherwise acquired by the Government, to be a national park, or national sanctuaries.
- (2) The Cabinet Secretary shall publish by gazette notice rules and regulations for the effective management of national parks, marine parks and sanctuaries.

Management of National Parks and National sanctuaries.

**75.** (1) The Service shall manage and be responsible for the day-to-day management of National Parks and National Sanctuaries.

(2) National Parks, and National Sanctuaries shall be managed in accordance with an up-to-date management plan that complies with the requirements of this Act.

Variation of boundaries for national parks

**76.** (1) The Cabinet Secretary shall upon the recommendation of the Service and in consultation of the National Land Commission and approval from the National Assembly publish a notice varying a National Park's boundary.

(2) A variation of boundaries shall be recommended where—

- (a) the variation does not—
  - (i) endanger any rare, threatened or endangered species;
  - (ii) interfere with the migration and critical habitat of the wildlife;

(iii) adversely affect its value in provision of environmental goods and Services; and

(iv) prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;

(b) the variation proposal has been subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act, (Cap.387); and

(c) public consultation has been undertaken;

Revocation of a  
National Park

**77.** (1) A notice that seeks to—

(a) reclassify the status of National Park to National reserve or national reserve to a national park

(b) transfer functions of management of either national park or national reserve

(c) change of status of the protected area

shall be published by the Cabinet Secretary where a proposal is recommended by the relevant county government after consultation with the National Land Commission, the National Treasury, the Service and the authority in accordance with subsection (2) of this section and approved by resolution of Parliament.

(2) An approval under subsection (1) shall not be issued where the approval—

(a) compromises national interest;

(b) endangers any rare, threatened or endangered species;

(c) interferes with the migration and critical habitat of the wildlife;

- (d) adversely affects its value in provision of environmental goods and Services;
- (e) prejudices biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;
- (f) an environmental impact assessment in accordance with the provisions of the Environmental Management and Co-ordination Act, (Cap.387) has not been issued;
- (g) public consultation has not been done; and
- (h) exposes surrounding communities and livelihoods are to harm.

(3) The transfer shall be subject to an agreement detailing the clear roles and responsibilities of each party, timelines and clear benefit sharing plan.

Declaration and  
creation of national  
reserves

**78.** (1) The Cabinet Secretary shall upon the recommendation of the relevant County government and in consultation with the National Land Commission by notice in the *Gazette* declare any land under the jurisdiction of a county government to be a national reserve where the land is—

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

Management of  
National Reserves

**79.** (1) National Reserves shall be managed by the respective County governments through an approved and *gazetted* management plan;

(2) County governments may, with approval of the Cabinet Secretary and in consultation with the National Land Commission, enter into period specific co-management agreement between the Service or a Management Agent and the respective county governments, in accordance with public-private partnership Act, (Cap. 430).

(3) The co-management agreement shall specify—

- (a) duration of the agreement;
- (b) terms and conditions under which the Service or the management agent shall manage the national reserve;
- (c) management fees and charges payable to the Service or the management agent;
- (d) management plan to be followed by the Service and the management agent;
- (e) mechanism for settlement of disputes arising in respect of the agreement, and
- (f) circumstances under which the agreement may be terminated.

Variation of National  
Reserves

**80.** (1) The Cabinet Secretary shall upon the recommendation of the respective county government and the Service and in consultation of the National Land Commission and approval from the National Assembly publish a notice varying a National Reserve's boundary.

(2) Boundaries of a national reserve may be varied or ceased subject to section 56(1) where—

- (a) does not endanger any rare, threatened or endangered species;
- (b) does not interfere with the migration and critical habitat of the wildlife;
- (c) does not adversely affect its value in the provision of environmental goods and Services;

- (d) does not prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;
- (e) has been subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act, (Cap.387);
- (f) has undergone public consultation; and
- (g) shall not expose the surrounding communities and their livelihoods to any form of harm.

### **Marine Conservation**

Declaration and  
creation of marine  
national parks

**81.** (1) The Cabinet Secretary shall upon the recommendation of the Service and in consultation with the National Land Commission and the relevant county government, by notice in the *Gazette* declare an area to be a marine national park.

Management of marine  
national parks

**82.** The Service Shall—

- (a) ensure effective and integrated management of marine and coastal resources including island ecosystems;
- (b) foster regional cooperation in the conservation and management of marine migratory species;
- (c) develop and implement a marine and coastal zone inter-agency disaster mitigation and recovery action plan;
- (d) enhance the capacity of marine and coastal zone research and management; and
- (e) provide incentives for the establishment of community managed marine conservation areas.

Declaration and  
creation of marine  
national reserves.

**83.** (1) The Cabinet Secretary shall on the recommendation of the Service and in consultation

with the National Land Commission and the relevant county government, by notice in the *Gazette* declare an area to be a marine national reserve.

(2) Marine national reserve shall adopt a system of zoning that caters to multiple uses of marine resources for any or all of the following:

- (a) extraction or no extraction zones in respect of marine resources;
- (b) protection of nesting, breeding and foraging areas;
- (c) no take areas in respect of fisheries;
- (d) areas that may be used by local vessels for passage; and
- (e) any other purposes with respect to specified human activities within the zone.

Management of marine  
national reserves

**84.** (1) The management of marine national reserves may be carried out by the corresponding county governments using approved and *gazetted* management plans.

(2) County governments may, with the approval of the Cabinet Secretary in consultation with the National Land Commission enter into period-specific co-management agreements with the Service or Management Agent for the purpose of managing the Marine national reserve.

(3) The co-management agreement shall specify—

- (a) duration of the agreement;
- (b) terms and conditions under which the Service or management agent shall manage the national reserve;
- (c) management fees and charges payable to the Service or management agent;

- (d) management plan to be followed by the Service and management agent;
- (e) mechanism for settlement of disputes arising in respect of the agreement, and
- (f) circumstances under which the agreement may be terminated.

(4) The county government, in consultation with the Service and the Institute, shall develop regulations and guidelines for the marine reserve.

(5) Marine national reserve shall be managed in accordance with an up-to-date revenue generation plan, and a benefit-sharing plan with local communities that complies with the requirements of this Act.

(6) The Cabinet Secretary, shall *gazette* the management plan provided for under subsection 1 within two years of the commencement of this Act.

(7) No development that has the potential for significant impact on the ecological integrity of a national reserve, shall be carried out in the absence of an approved management plan, and without prior public consultation and environmental and social impact assessment.

Variation of boundaries  
or revocation of marine  
national parks and  
marine reserves

**85.** (1) The Cabinet Secretary shall on the recommendation of the Service and the relevant County government, in consultation with the National Land Commission and approval by the National Assembly by notice in the *Gazette* vary the boundaries of a marine parks or marine reserve.

(2) A proposal on variation of boundaries shall—

- (a) not endanger any rare, threatened or endangered species;
- (b) not interfere with the migration and critical habitat of the protected marine life;



- (c) not adversely affect its value in provision of environmental goods and Services, and,
- (d) not prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;
- (e) be subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act, 387; and
- (f) be subjected to public consultation; and
- (g) not expose surrounding communities and their livelihoods to any form of harm.

Declaration of a marine conservation area

**86.** (1) The Cabinet Secretary shall on the recommendation of the Service and the relevant County government by notice in the *Gazette*, declare any marine area to be a marine conservation area where the area is—

- (a) rich in biodiversity or harbors threatened marine species; or
- (b) a critical habitat for a variety of marine resources.

(2) A marine conservation area established under subsection (1) shall be managed by the relevant County government or the Service or Management Agent under an approved management plan prepared through a consultative process with the relevant lead agencies and communities.

(3) The County government or the Service may enter into management agreements with local communities to co-manage marine conservation areas

(4) Notwithstanding the provisions of subsection (2), a marine conservation area shall adopt a system of zoning that caters to multiple use of marine resources including—

- (a) extraction or no extraction zones in respect of marine resources;
- (b) protection of nesting, breeding and foraging areas;
- (c) no take areas in respect of fisheries; and
- (d) any other purposes with respect to specified human activities within the zone.

### **Conservation and management of wetlands**

Declaration of protected wetlands.

**87.** (1) The Cabinet Secretary shall on the recommendation of the Service, relevant county government and in consultation with the Ministry for the time being responsible for Wetlands by notice in the *Gazette*, declare any wetland as a wetland protected area where the wetland is—

- (a) rich in biodiversity or harbors threatened wildlife species; or
- (b) a critical habitat for a variety of wildlife resources.

(2) A wetland shall be declared a protected wetland under subsection (1) subject to—

- (a) an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act, 387;
- (b) consent from the land owners (Prior Informed Consent); and
- (c) public consultation.

Management of protected wetlands

**88.** (1) A protected wetland shall be managed through an Integrated Wetland Management Plan that shall be prepared by the Service in consultation with the relevant County Government and the community who hold a legal interest in the wetland.

wetland protected

**89.** (1) A wetland protected area established under subsection (1) shall be managed by the relevant County Government or the Service or Management Agent under an approved management plan prepared through a consultative process with the relevant lead agencies and communities.

(2) The County Government or the Service may enter into management agreements with local communities for co-management of wetland protected areas

(3) Notwithstanding the provisions of subsection (2), a wetland protected area shall adopt a system of zoning that caters for multiple use of wildlife resources for any or all of the following—

- (a) extraction or no extraction zones in respect of wildlife resources;
- (b) protection of nesting, breeding and foraging areas;
- (c) no take areas in respect of wildlife; and
- (d) any other purposes with respect to specified human activities within the zone.

(4) The Cabinet Secretary shall, on recommendation of the relevant county government and the Service and the Institute, by notice in the Gazette, issue appropriate rules and regulations for effective management of wetland protected areas.

(5) The Cabinet Secretary shall annually publish in the gazette the status of protected wetlands.

Variations of protected wetlands

**90.** (1) The Cabinet Secretary shall on the recommendation of the Service and in consultation with the National Land Commission and approval by the National Assembly by notice in the *gazette* vary the boundaries of a protected wetland.

(2) Boundaries of a protected wetland shall be varied where—

- (a) the protected wetland is subject to change of user; and
- (b) the protected wetland has been degazetted as a protected area.

### **Conservancies and sanctuaries**

Establishment of private and community wildlife conservancies and sanctuaries

**91.** (1) A wildlife conservancy or sanctuary may be established individually or collectively by any individual, group of individuals, community, or corporate entity that owns or manages land inhabited by wildlife in compliance with the provisions of this Act.

(2) Conservancies and sanctuaries formed under this Act include—

- (a) Private wildlife conservancies;
- (b) Private wildlife sanctuaries;
- (c) Community wildlife conservancies; and
- (d) Community wildlife sanctuaries.

Registration of private and community wildlife Conservancies and sanctuaries.

**92.** (1) Any individual, group of individuals, corporate entity, or community on public or private property that seeks to establish as a wildlife conservancy or sanctuary must submit an application to the Authority by filling out the required form.

(2) The Service shall maintain a register of wildlife conservancies and sanctuaries registered under this Act.

Management of a private and community wildlife conservancy and sanctuary.

**93.** (1) The management of a wildlife sanctuary or conservancy shall comply with a *gazetted* management plan.

(2) The Service and Institute shall on request offer technical support and guidance in the creation of a management plan for a wildlife sanctuary and conservancy.

(3) A conservancy may submit a written request to the Institute or the Service for assistance in developing the management plan.

(4) A wildlife conservancy may in collaboration with the Service engage or employ a conservancy ranger for wildlife security, animal problem control, implement human wildlife mitigation measures and any other conservation activities.

(5) A wildlife conservancy or sanctuary shall provide the Service with the conservancy ranger's details using the prescribed form.

(6) The Service may upon the request of a wildlife conservancy or sanctuary, provide capacity and skills training for conservancy rangers.

(7) The Service shall maintain a register of rangers employed by wildlife conservancy or sanctuary including their national police reserve status as provided by the Inspector General of Police.

### **Conservancy Wildlife Associations**

Establishment  
Conservancy  
Associations of  
Wildlife

**94.** (1) Communities and landowners may establish a wildlife association at the ecosystem or landscape levels and register the under the appropriate law.

(2) A national umbrella organisation may be established to coordinate and promote the governance and management standards of wildlife conservancies and sanctuaries.

(3) The Service shall keep an up to date record of all registered wildlife conservancy associations.

Functions of Wildlife  
Conservancy  
Associations

**95.** (1) A registered wildlife conservancy association shall undertake the following functions—

(a) in accordance with their respective approved constitutions, make sure that the association's members coordinate conservation efforts, including conservancies and sanctuaries within their jurisdictions;

- (b) report any events or changes in development that could have a negative impact on wildlife to the Service and Institute;
- (c) work with the Service and Institute to maintain a database for conservancies; and
- (d) take any additional action required to increase landowners' and the community's involvement in wildlife management, conservation, and protection.

### **Conservation of wildlife critical areas**

Conservation and  
management of wildlife  
critical areas

**96.** (1) The Cabinet Secretary shall upon the recommendation of the Service and in consultation with the National Land Commission by notice in the *gazette* declare other wildlife area based Measures as Wildlife critical areas outside protected areas.

(2) Other effective Conservation measures include wildlife critical areas are areas as habitats of species outside national parks, reserves, sanctuaries and conservancies that include—

- (a) Corridors, migratory routes and dispersal areas;
- (b) Breeding and nesting sites;
- (c) Cultural spiritual sites;
- (d) Green parks,
- (e) Ecologically or biologically significant marine areas; and
- (f) Cave habitat.

(3) A wildlife critical area shall be managed through a Management Plan that shall be prepared by the Service in consultation with the relevant County Government and the community who hold a legal interest in the wildlife critical area in a through a public consultative process.

Migration of wildlife.

**97.** (1) A Land owners shall facilitate the ease of movement of wildlife from one area to the other considering their migratory nature that attaches to the resource.

(2) Benefits accrued as a result of subsection 1 may be shared among relevant parties on a case by case basis, whether county, conservancy or individual land owner.

(3) The parties under subsection 2 may enter into agreements for the purpose of benefit sharing and related transactions.

(4) The agreements reached under subsection 3 shall within twenty-one days be filed and registered with the Cabinet Secretary which will consider granting approval for the same.

Change of land use earmarked for wildlife migratory routes.

**98.** Land being used for critical wildlife areas shall not be subdivided or sold for other uses without appropriate approvals.

**99.** The Cabinet Secretary shall, on recommendation of the Service after consultation with the relevant bodies, by notice in the *Gazette*, publish regulations for effective conservation and management of the wildlife critical areas.

Exchange of land for wildlife conservation

**100.** (1) The Cabinet Secretary may, on the recommendation of the Service, in consultation with the National Land Commission, and with consent of the land owner or owners' as well as the approval of the National Assembly, exchange land with private or community landowners in an effort to secure important wildlife areas where—

- (a) the exchange enhances efficient wildlife conservation and management;
- (b) the exchange is equitable to conservation and the land owner, according to an independent valuation;
- (c) an environmental impact assessment has been conducted in accordance with the provisions of

the Environmental Management and Co-ordination Act (Cap. 387), and;

- (d) such an exchange will not adversely affect wildlife conservation and the environment in general.

Mining in wildlife  
conservation areas

**101.** (1) A person may prospect, mine or quarry in a national park and national reserve provided that they obtain consent of the Service.

(2) The Service shall approve mining, quarrying, or prospecting where—

- (a) the area is not a threatened ecosystem;
- (b) the area does not contain threatened species;
- (c) the area is not an important catchment area or source of springs;
- (d) 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 (Cap. 306):
- (e) the carrying on of mining or quarrying operations shall not contravene any rules made under this Act;
- (f) an environmental impact assessment has been carried out in accordance with the provisions of the Environmental Management and Co-ordination Act (1999); and
- (g) approval has been obtained from the Cabinet Secretary responsible for matters relating to mining.

(3) Mining and quarrying approved in section (1) shall be in accordance with the *gazetted* management plan of the wildlife conservancy or sanctuary.

(4) Mining contracts for mining operations within wildlife conservation areas shall include benefits of



protected areas and compensation to communities where the mining operations occur.

(5) The landowner shall receive payment of mining royalties at a percentage determined periodically.

(6) Oil or gas extraction in a wildlife conservation area is restricted without the approval of the Cabinet Secretary and the National Assembly.

(7) Any person who contravenes the provisions of this section commits an offence.

(8) The provisions of this section apply *mutatis mutandis* to National reserves, wildlife conservancy and sanctuary.

Ex-situ conservation.

**102.** (1) Wildlife species both in ex-situ and in in-situ conservation areas is property of the State.

(2) The Cabinet Secretary shall establish ex-situ facilities for the purpose of conservation, species recovery, translocation, research and development, education and commercial.

(3) Ex-situ facilities may include repositories, zoos, botanical gardens, aquariums and biobanks.

Establishment of national wildlife ex-situ facilities

**103.** The cabinet secretary with advice of the Service and the institute shall develop regulations, guidelines and standards for establishment of legally recognized wildlife ex-situ facilities in the country.

Declaration of a wildlife ex-situ facilities

**104.** (1) The cabinet secretary in consultation with Cabinet Secretary for the time being responsible for matters relating to Land through a notice in the *gazette* declare any land as a—

(a) national botanical garden;

(b) national zoological garden;

(c) captive facilities; or

(d) part of an existing national botanical garden or a national zoological garden.

(2) The Cabinet Secretary will approve a list of nationally accredited wildlife repositories which include bio-banks.

Use of Ex-situ facilities

**105.** (1) Ex-situ facilities shall be used—

- (a) as a national repository for scientific collection;
- (b) to protect and conserve wildlife species;
- (c) to promote education and research;
- (d) to protect cultural heritage and promote community participation;
- (e) to promote wildlife economy such as tourism;  
and
- (f) to conservation, research and repository of wildlife resources for bioprospecting, restoration and re-introduction to the wild.

Benefit sharing

**106.** Depository, access and utilization of biological resources, genetic resources, derivatives and associated intangibles will be subject to access and benefit sharing approvals

Management of Ex-situ facilities

**107.** (1) Ex-situ facilities shall have clear management plans and guidelines

(2) The regulatory authority shall keep a register of all agreements, licenses and assignments granted under this section.

(3) Where the grant an authorization of use of the conserved material under subsection (4) involves external entities under a collaboration or a research request, the entity granting such authorization—

- (a) shall not grant the authorization before undertaking appropriate and documented consultations with the requesting entity;
- (b) shall comply with the national and international provisions on access to and utilization of the

countries biological resources and the equitable sharing of the benefits arising from their utilization;

(c) shall include levies and fees as prescribed in accordance with this Act or Regulation made hereunder;

(d) shall not grant such authorization if the access will involve all the remaining materials or leave a quantity that cannot be used in subsequent research; and

(4) A License, assignment, authorisation, or access to ex-situ conservation area shall be in writing.

(5) All accessed wildlife scientific collections, germplasm, Derivatives, data, duplicate will be deposited in approved registered ex-situ facilities and databases

Captive Wildlife  
Facilities

**108.** (1) The Service may grant a license to establish a captive facility that shall be renewable annually.

(2) The captive facility may hold wildlife species as may be determined by the Service.

(3) The Service shall develop guidelines for the establishment and management of captive facilities.

Offences and penalties

**109.** A person who operates a wildlife ex-situ facility without a license or permit commits an offence.

Transboundary  
conservation area

**110.** (1) Kenya in consultation with any lead agency shall enter into a cooperative agreement with any country bordering a conservation area.

(2) The cooperative agreement will specify shared governance of wildlife resources outside Kenyan boundaries.

(3) A transboundary conservation area shall be

(a) rich biodiversity areas;

(b) a critical wildlife habitat;

(c) ecologically connected.

Purpose of  
transboundary  
conservation area

**111.** (1) A transboundary conservation area shall be established to—

- (a) preserve and safeguard wildlife habitats and migratory routes by safeguarding ecosystems that cross international borders;
- (b) ensure border-crossing sustainable management techniques that support livelihoods and conservation;
- (c) promote socio-economic benefits such as tourism;
- (d) encourage cooperative resource management to reduce cross-border disputes;
- (e) cultural exchange and community empowerment;
- (f) implement of multilateral environmental agreements; and
- (g) mitigate climate change.

Management of  
transboundary  
conservation areas

**112.** (1) A transboundary conservation area shall be managed in accordance with the signed cooperative agreement.

Purchase of Land for  
wildlife conservation

**113.** The Service, in consultation with the National Land Commission and the Cabinet Secretary, may acquire by purchase any land suitable to be declared a national park, wildlife corridor, migratory route or dispersal area under this Act.

Donations and bequests

**114.** (1) A registered owner of land may donate or bequeath all or part of that land to the national government, county government, a community, an educational institution or an association for purposes of wildlife conservation.

(2) Section (1) shall not apply to any person who is in possession of land solely as—

- (a) the liquidator or administrator of a company that is in liquidation or under administration;
- (b) the bankruptcy trustee or interim trustee of a bankrupt person's estate; or
- (c) the personal representative of a deceased person's estate.

### **Threatened Wildlife Ecosystems and Species**

Threatened ecosystems and species

**115.** (1) The Service and the Institute shall develop and review a list of threatened ecosystems and species that require protection.

(2) Every five years, by a notice in the *Gazette* the Cabinet secretary shall publish a national list of wildlife species or ecosystems that—

- (a) are threatened;
- (b) are in need of conservation or protection.
- (c) require careful consideration when promoting access for traditional, cultural or spiritual use;
- (d) require additional consideration; or
- (e) impose conditions for recovery or improvement

Management of threatened ecosystems and species.

**116.** (1) The Cabinet secretary in relation to listed ecosystems and species issue conditions; for prohibitions or restrictions; activities which require a permit; or other measure

Priority species

**117.** (1) The Cabinet Secretary may publish a list priority species that—

- (a) require preferential protection;
- (b) are vulnerable to organised crime or wildlife trafficking;

(c) require additional compliance and enforcement resources; or

(d) require stricter penalty provisions.

(3) The Cabinet Secretary may impose conditions ranging from prohibitions and restriction which may vary from ecosystem and species

Wildlife species  
translocation

**118.** (1) Translocation of wildlife species will be done for the species' benefit and to support species' destocking, restocking, problem animal control, management tools, and donations through introduction and reintroduction.

(2) Translocation can be done both domestically and internationally, in case of a cross boarder translocation—

(a) Kenya and the recipient country will sign a bilateral agreement; and

(b) The translocation shall be upon recommendation of the Service and Institute and approval by the National Assembly.

Criteria for  
translocations

**119.** (1) A translocation shall be effected where—

(a) species for translocation have been identified and may include threaten or near extinction;

(b) carrying capacity has been established;

(c) human wildlife conflict has been resolved;

(d) environmental impact assessment has been conducted; and

(e) one health has been established.

Management of a  
translocation

**120.** (1) subject to the provisions of subsection (1), a translocation requires—

(a) public participation and consultations; and

- (b) where appropriate prior informed consent from the affected communities.

(2) The Service shall approve all wildlife translocation.

Monitoring and  
evaluation

**121.** (1) Monitoring and evaluation of national translocation shall be informed by national indicators and shall include the following—

- (a) establish framework on data collection;
- (b) data on human wildlife conflicts;
- (c) data on illegal, safe and sustainable use and harvest of wildlife species;
- (d) habitat species connectivity;
- (e) ecosystem recovery;
- (f) degraded areas and endemic species;
- (g) restoration reports; and
- (h) reports on accidental translocations.

(2) A person whose translocate wildlife species without approval from the Service commits an offence.

Donating live animal  
specimens

**122.** The Cabinet Secretary may, on the recommendation of the Service and approval by the National Assembly, donate wildlife as a gift to another country.

Species Recovery  
Action Plans

**123.** (1) The Service in consultation with the Institute shall develop species recovery action plans for the conservation and management for endangered and threatened species.

(2) The Service in developing the species recovery and restoration plans shall—

- (a) give priority to those rare, endangered and threatened species;
- (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 shall implement the species recovery and ecosystem restoration plans and develop mechanism for the assessment monitoring and evaluation.
- (4) Every three years, the Cabinet Secretary shall report to the National Assembly the status of implementation of the species recovery and ecosystem restoration plans through the national wildlife status report.

### **Invasive and Genetically Modified Organisms**

Management of alien  
and invasive species

- 124.** (1) A person shall require a permit to deal, use or import alien and invasive species.
- (2) A permit under subsection (1) will be subject to an Environment Impact Assessment under the Environmental Management and Co-ordination Act (Cap. 387);
- (3) Import and use of genetically modified organisms in wildlife areas is prohibited
- (4) The Service in collaboration with the institute shall develop programs for management of alien and invasive species in the country.
- (5) The Cabinet Secretary in consultation with the Service and the Institute shall publish the status of alien and invasive species in the country.



(6) the Cabinet Secretary may develop regulations to regulate the use of alien species.

**125.** (1) Any person in a protected area who—

(a) introduces any exotic genetic material without authority from the Service;

(b) grows any plant from which narcotic drugs can be extracted; or

(c) extracts, removes, or causes to be removed, any tree, shrub or part thereof for export;

commits an offence and is liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both.

Invasive species

**126.** (1) Any person entering Kenya, must declare any alien or listed invasive species on their possession or in their luggage at ports of entry.

(2) Any landowner, occupier of land, person in control of land or any person in control of a listed invasive species must prevent the escape and spread of the species, including its growth or spread of propagules, and must control any specimen that escapes or spreads in protected areas and wildlife conservation areas.

Invasive Species  
Monitoring and Control

**127.** (1) The Cabinet Secretary shall—

(a) Develop and review through a gazette notice, regulations and guidelines for the Monitoring and Control of Invasive Species for listed invasive species under Seventh Schedule of the Act;

(b) Every three years publish through a notice in the gazette a report on the status of listed invasive species in protected areas. The report shall contain—

(i) summary and assessment of the status of listed invasive species and other species;

- (ii) notifications received from owners of land regarding listed invasive species occurring on their land;
  - (iii) invasive Species monitoring and control measures undertaken by the Service and the Institute;
  - (iv) enforcement actions involving listed invasive species undertaken by the Service; and
  - (v) any other relevant information
- (c) The Institute and the Service shall develop a mitigation strategy and action plan on invasive species.

Control of invasive species

**128.** (1) Every three years, the Institute shall identify and publish the status of invasive species within terrestrial and marine ecosystems through the national wildlife status report.

(2) The Institute shall develop a mitigation strategy and action plans on invasive species.

### **Impact of Infrastructure on Wildlife**

Infrastructure Impact

**129.** (1) The impacts of infrastructure on wildlife under this Act include—

- (a) Roadkill;
- (b) Rail-kill;
- (c) Electrocution of wildlife by powerlines; and
- (d) Injury or death as a result of collision

**130.** (1) The Cabinet Secretary shall—

- (a) within two years of commencement of this Act, and in consultation with lead agencies build animal crossing points on major roads traversing a wildlife habitat ecosystem.

- (b) in consultation with relevant lead agencies cause to be built underpasses or overpasses on major roads, highways and railways traversing a wildlife habitat and ecosystem;
- (c) in consultation with relevant lead agencies cause to be designed and built sustainable wildlife-friendly energy infrastructure in wildlife dispersal areas, migratory corridors and wildlife conservation areas.
- (d) in consultation the Authority, the Land Commission, Conservancy Association, the National Treasury and Commission for Revenue generation; develop guidelines for compensation for infrastructure development in wildlife conservation areas, such as hydrothermal, geothermal, railway, electricity and roads among others. The compensation shall include both monetary and non-monetary benefits.

Control of roadkill incidences

**131.** (1) The Cabinet Secretary shall, within two years of commencement of this Act, and in consultation with lead agencies build animal crossing points on major roads traversing a wildlife habitat ecosystem.

(2) A person whose mechanically propelled vehicle kills a wild animal commits an offence.

Assisted Reproductive Technologies for the conservation of wildlife and endangered species

**132.** (1) The Institute shall conduct and promote research on assisted reproductive technology in the Wildlife.

(3) The use of assisted reproductive technology is prohibited—

- (a) except for the reproduction of wild animals; or
- (b) for experiments intended to alter the species.

(4) Any person who contravenes provisions of section (3) commits an offence.

Regulations for wildlife  
management and  
conservation

**133.** (1) The Cabinet Secretary may, by notice in the *Gazette*, issue general and specific orders, regulations or standards for the management of conservancies

(2) Notwithstanding the generality of subsection (1) of this section, the regulations and guidelines made thereunder shall provide for—

- (a) wildlife user rights;
- (b) management plans;
- (c) procedure and implementation of public private partnerships for the management of national protected areas;
- (d) human wildlife coexistence;
- (e) management of national parks, marine parks and sanctuaries;
- (f) management of marine conservation areas;
- (g) conservation and management of the wetland as a wildlife conservation area;
- (h) registration of conservancies and sanctuaries;
- (i) registration and management of wildlife Associations;
- (j) management of wildlife critical areas;
- (k) exchange of land for wildlife conservation;
- (l) mining operations in protected areas;
- (m) establishment and management of wildlife ex-situ conservation;
- (n) policies and procedures for safeguarding endangered species and ecosystems;
- (o) control of invasive species in wildlife areas;

- (p) assisted reproductive technology in wildlife;
- (q) transboundary conservation area agreements;
- (r) establishment and management of captive facilities; and
- (s) donation of live animal specimens.
- (t) wildlife translocations
- (u) infrastructure in protected areas
- (v) human wildlife conflict compensation

## **PART VI: CONSERVATION ORDERS AND EASEMENTS**

### **Wildlife Conservation Orders and Easements**

Conservation orders and easements

**134.** (1) Conservation easements shall be registered in accordance with the Land Registration Act, (Cap.300).

(2) A court may grant a wildlife conservation order or easement subject to the provisions of this Act.

(3) Without prejudice to the generality of subsection (1), a wildlife conservation order or easement may be created to—

- (a) further the principles of sustainable wildlife conservation and management;
- (b) preserve flora and fauna;
- (c) create or maintain migratory corridors and dispersal areas for wildlife;
- (d) preserve the quality and flow of water in a dam, lake, river or aquifer;
- (e) preserve any outstanding geological, physiographical, ecological, archaeological, cultural or historical features;

- (f) preserve scenic views, topographical features and landscapes;
- (g) prevent or restrict the scope of any mining or mineral or aggregate workings that would adversely affect wildlife conservation;
- (h) prevent or restrict the scope of agricultural or other land use activities that would adversely affect wildlife conservation; and
- (i) prevent or restrict the scope of infrastructural activities that would adversely affect wildlife conservation.

(4) A wildlife conservation order or easement shall be attached to the land in perpetuity or for a term of years or for an equivalent interest under customary law as agreed to by the parties to a private agreement or as determined by the court.

(5) A person or group of people may petition the court for the granting of one or more wildlife conservation orders or easements.

(6) The court may impose such conditions on the grant of a wildlife conservation order or easement as it considers to be best calculated to advance the cause of such order or easement:

In exercising the jurisdiction conferred upon it by this section, the court may require the Service or appoint any persons with special skills or knowledge on wildlife conservation orders or easements to prepare a technical report for proper determination of the matter.

Proceedings to enforce  
wildlife conservation  
orders and easements

**135.** (1) A person issued with an order or easement may begin any enforcement actions.

(2) Proceedings to enforce an easement may request the court to—

- (a) grant a wildlife conservation order; and
- (b) grant any remedy available under the law relating to easements in respect of land.

(3) The court may where necessary modify procedures of enforcing an order's or easement's.

Registration of wildlife conservation orders and easements

**136.** (1) When an order or easement is established on property whose title is registered under a specific land registration system, the easement must be registered in line with the Land Registration Act provisions that apply to that specific registration system.

(2) If an order or easement is established on any land that is not included in the list of land mentioned in subsection 1, the county government of the area where the land is located is required to record the order or easement in a register kept specifically for that purpose.

(3) The registration of a wildlife conservation easement must include the name of the applicant or beneficiary as the person in whose name the easement is registered, in addition to any other information that may be required by any law pertaining to the registration of orders and easements with regard to land.

Compensation for wildlife conservation orders and easements

**137.** (1) Parties to a voluntary easement may negotiate suitable damages to cover any loss or reduction in land value brought about by the easement's establishment.

(2) A person who at the time, a court imposes a wildlife conservation order or easement on a land has an existing right or interest that will be limited by an order or easement shall be paid such compensation as maybe determined by this section.

(3) Any person who has a legal interest in the land which is the subject of an order or easement imposed by the court, shall be entitled to compensation commensurate with the lost value of the use of the land.

(4) A person with legal interest in subsection (3) may apply to the court that granted the order or easement for compensation stating the nature of the legal interest in the burdened land and the compensation sought.

(5) The court may require the applicant for the order or easement to bear the cost of compensating the person described in subsection (3).

(6) The court may, if satisfied that the order or easement sought is of national importance, order that the Government compensate the person described in subsection (3).

## **PART VII: NATIONAL WILDLIFE BIODIVERSITY DATA**

National Wildlife  
database

**138.** (1) There shall be a national wildlife database established by the Institute in collaboration with the Service.

(2) The database established under subsection (1) shall include relevant data arising from all forms of wildlife research and related emerging issues.

(3) The Institute shall ensure that data is collected in accordance with harmonized national standards that may be prescribed under this Act.

(4) The Institute shall, in respect of the data and information that it holds, progressively make the data and information available and accessible, through any means, to all the stakeholders and the general public.

(5) The Institute may request to access any wildlife data or information that maybe in the possession of any person or lead agency as maybe necessary for conservation and management.

(6) A person who fails or refuses to grant the Institute access as requested in subsection (5) commits an offence.

Management and  
utilization of wildlife  
data

**139.** (1) The Cabinet secretary in consultation with the Institute, Service shall develop regulations on accessibly, management and utilization of data and information generated from wildlife.

(2) Regulations on wildlife biodiversity data shall—

(a) provide the best available biodiversity data, information, and knowledge;



- (b) facilitate accessibility of wildlife data for informed decision-making and governance, fostering effective communication, awareness, education, and monitoring making biodiversity-related data accessible to decision-makers, practitioners, and the public;
  - (c) establish a national coordination mechanism through a national system, wildlife biodiversity portal;
  - (d) ensure the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity are is documented, protected, respected and only accessed with their free, prior and informed consent, in accordance with national legislations; and
  - (e) ensure the education and awareness on the country's wildlife resources.
- (3) Cabinet Secretary shall develop national standards and protocols for access management and utilization of wildlife biodiversity data.

Access to wildlife data

**140.** (1) A person who seeks to access data and information shall make and application to the Institute and pay the prescribed fees.

(2) The Institute shall review the application under subsection (1) and avail the information and data requested in the requested format except where—

- (a) the information is available in another format; or
- (b) the information is already publicly available and easily accessible to the applicant in another format.

(3) A request under subsection (1) may be rejected where the data or information requested is classified or restricted.

(4) The Institute shall inform the applicant that their request has been denied under section (3) in writing and within seven (7) Days.

(5) The Cabinet Secretary may develop regulations for access to wildlife data.

Access wildlife  
resources for research,  
bioprospecting,  
traditional knowledge  
and Benefit Sharing

**141.** (1) Research will be promoted to generate scientific data to inform wildlife resource management, conservation and sustainable utilization.

(2) Access to wildlife resources for research, bioprospecting is subject approvals, permits and licenses under this Act shall be part of user rights categories listed under wildlife Economy PART VIII.

(3) Wildlife resources within or outside a protected areas and being of Kenyan origin held in ex-situ resources; for clarity the scope will include wild biological resources biological, genetic, derivatives, progenies, compounds, extracts, DNA / RNA, Digital Sequence Information and Traditional Knowledge arising from genetic resources, associated biotic and abiotic data.

(4) Grant of user rights for use of wildlife resources for research, bioprospecting, bio-trade and traditional knowledge will be subject to Prior Informed Consent and Mutually agreed terms between Providers and Users.

(5) Resource providers shall be established institutions for resource ownership and management as defined by existing legislations. For Wildlife resource, the National competent authority for PIC and MAT is Kenya wildlife Service and all the Counties and established indigenous people and local community structures in each county as per the Traditional knowledge and cultural expression Act.

(6) A Material transfer Agreement and Data Transfers Agreement shall be entered into by national Competent Authority for wildlife and users

(7) Approvals for Research, bioprospecting, biotrade and traditional knowledge for emergency purposes may require minimum commitments.

(8) The process for Prior Informed Consent and Mutually Agreed Terms shall be—

- (a) Mapping of key stake holders, in the providers both at National, county and local communities and user
- (b) Notification and full disclosure of the intent, relevant documents
- (c) Nature of the wildlife resources and utilization
- (d) Benefits and manner of equitable sharing
- (e) Evidence of approved repository for Ex-situ and management of data Establishment of IPLC structure's

(9) The Institute and the Service will develop guidelines for emergency purposes.

(10) The Cabinet Secretary in consultation with Cabinet Secretary responsible for culture and County Governments will map out ,identify ,and publish a list of approved Community structures at county level for the purpose of engagement and granting of Prior Informed consent.

## **PART VIII—WILDLIFE BIODIVERSITY ECONOMY**

National Wildlife  
Economy Strategy

**142.** (1) The Cabinet secretary in consultation with the Service and the Institute shall develop a national wildlife economy strategy to promote investment in wildlife sector which contribute to wildlife conservation, sustainable utilization, community livelihoods and national development agenda.

(2) The National wildlife economy strategy shall be reviewed in every five years.

Access to wildlife  
resources.

**143.** (1) Wildlife resources will be conserved for recreation, socio-economic, cultural, aesthetic values,

research, educational and religious purposes for the benefit of Kenyan people

(2) Every person in Kenya shall be entitled to access and sustainably utilize wildlife resources for the benefit of present and future generations.

(3) The Cabinet Secretary shall promote the use of wildlife and wildlife resources as assets to generate value in ways that support conservation goals and foster economic and sustainable growth.

(4) Wildlife resource utilization and exploitation shall be sustainable for wildlife conservation.

Sharing Benefits

**144.** (1) Users of the wildlife resources for bio-trade, research, bioprospecting are obligated to share both monetary and non-monetary benefits as defined in the PIC and MAT

(2) The manner of benefits sharing will be in accordance with this Act.

(3) The Cabinet Secretary shall, by notice in the Gazette, issue appropriate rules and regulations as are necessary and appropriate to carry out the purposes of this section.

Wildlife Economic Activities

**145.** (1) Wildlife economic activities include consumptive and non-consumptive utilization activities including, but not limited to—

- (a) Wildlife farming;
- (b) Wildlife ranching;
- (c) Harvesting from the wild;
- (d) Biotrade (non-timber forest products eg honey, gum and resin, live sale);
- (e) Research and development;
- (f) Bioprospecting;

- (g) Wildlife-based tourism/ecotourism;
- (h) Commercial photography and filming;
- (i) Educational purposes;
- (j) Cultural purposes;
- (k) Religious purposes;
- (l) Biodiversity offsets/biodiversity credits;
- (m) Carbon Markets;
- (n) Recreation (bird shooting); and
- (o) Wildlife estates.

(2) Any person conducting Wildlife economic activities in subsection (1) shall be licensed and pay an annual fee where applicable.

(3) The nature of wildlife economic activities listed in subsection (1) shall be in line with land use management and planning.

(4) Wildlife Economic Activities should also comply with international obligations that bind Kenya.

(5) The Cabinet secretary shall periodically review and publish the list of wildlife economic activities and develop guidelines and regulations for sustainable wildlife economy in Kenya.

Assignment of wildlife  
user rights

**146.** (1) The Service shall assign wildlife user rights upon application and payment of prescribed fees.

(2) A person holding a permit or license issued under subsection (1) may, with the approval of the Service and on payment of the prescribed fee, assign any or all wildlife user rights granted under the license to an agent.

(3) The Service shall decline any application under subsection (1) where the purpose of the licence contradicts wildlife user right.

(4) A person holding a wildlife User Right license shall be liable for all activities, acts and omissions of the assignees.

Withdrawal of wildlife  
user rights

**147.** (1) The Service may revoke a wildlife user right where—

- (a) the licensee is in breach of the terms and conditions thereof;
- (b) considers such action as necessary for the purposes of protecting and conserving wildlife; or
- (c) the permittee/licensee so requests.

(2) The Service shall within thirty days, issue a notice to the licensee withdrawing a wildlife user right.

(3) A licensee is aggrieved by the decision of the Service in subsection (2), the licensee shall within thirty day of being notified of the decision, lodge an appeal to the National Wildlife Tribunal.

Wildlife farming

**148.** (1) A person licensed to conduct wildlife farming activities shall have the rights to—

- (a) breed;
- (b) crop;
- (c) harvest;
- (d) conserve the species;
- (e) live trade of the species;
- (f) trade specie products; and
- (g) recreationally use the species

(2) A licensee shall comply with the terms and conditions of the license.

(3) The Service shall withdraw any such license where the licensee fails to comply with subsection (2).

(4) A licensee under this Act shall not be exempt from complying with any other requirements for conservation and environmental management.

Wildlife ranching

**149.** (1) The Service may issue a license for wildlife ranching upon considering—

(a) sustainable resource levels are observed through annual monitored and supervised quotas, by the Service; and

(b) trends in resource use levels and their impacts to wildlife.

(2) Wildlife species, listed as threatened, endangered, or protected under this Act, shall not be raised on wildlife ranches under the terms of this Act.

(3) A person licensed to conduct wildlife ranching activities shall have the rights to—

(a) breed;

(b) crop;

(c) harvest;

(d) conserve the species;

(e) live trade of the species;

(f) trade specie products; and

(g) recreationally use the species

(4) The Service shall issue permits for wildlife economic activities to a private landowners.

(5) The Service/ Authority shall publish in the *gazette* a list of registered ranches.

(4) The Cabinet Secretary may develop regulations to monitor trade of wildlife under this section

Carbon trade

**150.** (1) The Service shall issue a permit to individuals or organization undertaking carbon trade in wildlife conservation areas.

(2) The permit under subsection (1) shall be subject to approvals as specified under the climate change Act 2024

(3) The Service shall before issuing a permit—

- (a) Establish legal ownership of the resources
- (b) Establish evidence of Community governance structures and ownership;
- (c) Receive prior informed consent of the legal community or the right holders of the resource;
- (d) Receive a clear agreement and benefit sharing arrangements; and
- (e) Receive evidence of a transparent consultative process
- (f) Business plan that includes conservation, audit and monitoring plan based on the market rates.

Biodiversity offsets

**151.** (1) The Service shall issue licences to individuals or legal entities engaged in biodiversity offsets.

(2) Biodiversity offsets shall be issued for wildlife conservation areas to promote wildlife conservation and livelihoods.

(3) A biodiversity offsets shall be issued based on—

- (a) Biodiversity assessment reports;
- (b) Flagship wildlife credit products;
- (c) Evidence of the community or legal entities trading in biodiversity offsets products;



- (d) Prior informed consent between the providers and users; and
- (e) Demonstration of a benefit sharing model informed by the market rates.

Biotrade (non-timber forest products eg aloes, gum and resin, live sale)

**152.** (1) The Service shall grant licenses for biotrade.

(2) Bio trade will include both those CITES and non-CITES listed products.

(3) A licence for biotrade shall be based on—

- (a) Demonstration of Conservation of biodiversity conservation
- (b) Certification mechanism, including non detrimental findings, tradable quantities for Sustainable use of biodiversity
- (c) Fair and equitable sharing of benefits arrangement informed by product value chain and market rates
- (d) Socioeconomic sustainability how it contributes to community livelihoods
- (e) Meeting the ethical standards including compliance with all legal requirements

Recreation (bird shooting)

**153.** A person who seeks to film birds in protected areas for ornamental and recreation purpose shall make an application to the Service in the prescribed form.

Wildlife resources in filming

**154.** (1) The Service shall grant user rights on filming for wildlife resources and in wildlife conservation areas

(2) The Service shall grant user rights to film wildlife—

- (a) subject to approval by the relevant lead film regulatory agency;

- (b) upon agreed fair and equitable benefit sharing agreement between the stakeholders and the Service;
- (c) defined ownership rights and responsibility on generated products;
- (d) established on contribution to conservation;
- (e) upon payment of the agreed fees; and
- (f) subject to benefit sharing for filming in accordance with this Act.

(3) The Cabinet Secretary in consultation with Cabinet Secretary in charge of Creative Economy will develop regulations for wildlife filming.

Cultural and religious purposes

**155.** (1) Indigenous people and local communities will be allowed to use wildlife resources for cultural events, ceremonies and religious purposes.

(2) Any one in possession of wildlife resources for cultural events, ceremonies and religious purposes will register with the Service and obtain a registration certificate.

(3) Utilization of wildlife resources registered for cultural purpose in commercial purposes will attract fees from the Service;

(4) Users of wildlife for cultural purposes and materials designed for cultural for commercial purposes will apply to the Service in the prescribed format in the schedules.

(5) The Service will develop guidelines for access and utilization of wildlife resources by IPLC for cultural purposes.

### **Incentives and Benefit Sharing**

Incentives

**156.** (1) Every person has the right to carry out wildlife conservation and management as a form of profitable land use.

(2) Any person utilizing wildlife conservation and management as a profitable land use shall ensure that wildlife is maintained in a healthy, natural and secure manner on land suitable for wildlife practice.

(3) The Cabinet Secretary shall in consultation with the National Treasury, publish tax incentives and fees to ensure proper management of wildlife.

(4) Tax Incentives in subsection (3) may include—

- (a) customs and excise waiver in respect of imported capital supplies for investment in wildlife conservation;
- (b) tax rebates to conservation activities and other Services that promote management and conservation;
- (c) land rates waiver;
- (d) tax disincentives to deter bad conservation activities; and
- (e) user fees to ensure that those undertaking using wildlife resources pay proper value for the conservation Services rendered.

(5) The Cabinet Secretary may, in consultation with the Service, facilitate other incentives to promote conservation, including but not limited to—

- (a) cost-sharing for new conservation technologies or management practices;
- (b) partnership in management of conservation areas
- (c) conservation contracts, including easements, payment for eco-systems, carbon trading and biodiversity credits;
- (d) conservation stewardship incentives;
- (e) debt for nature swaps;

- (f) education and technical assistance;
- (g) providing improved administrative and organizational structures;
- (h) promoting ecotourism; and
- (i) promoting eco-labeling and certification.

Categories of wildlife access eligible for benefit sharing

**157.** a person having a license for the following categories of wildlife access rights shall be eligible to share benefits accrued from utilizing wildlife access rights—

- (a) tourism
- (b) research and development
- (c) bio-trade
- (d) film and photography
- (e) cultural purposes
- (f) biodiversity offsets
- (g) other ecosystem Services

Benefit sharing

**158.** (1) Any person who undertakes wildlife economic activities listed in section 156 (1) shall—

- (a) declare monetary benefits; and
- (b) declare non-monetary benefits.

Purpose of benefits

**159.** Benefits declared under section 157 shall be used to support—

- (a) support conservation and promote coexistence;
- (b) community livelihoods; and
- (c) research and development

Access to benefit sharing

**160.** (1) The benefits declared under subsection 157 shall be distributed as follows—

- (a) the National Government;
- (b) County Government; and
- (c) Indigenous People and Local Communities.

(2) The cabinet secretary may develop regulations for developing a disbursement criteria

Threshold

**161.** (1) The Cabinet Secretary shall in consultation with the National Treasury and the Commission for Revenue Allocation annually, by notice in the *gazette* publish a benefit sharing plan.

(2) a benefit sharing plan shall provide the threshold percentage per sector, guided by the market, to be payable to the established benefit sharing fund.

Benefit sharing  
monitoring framework

**162.** (1) The Cabinet Secretary shall develop the national wildlife benefit sharing indicators and undertake monitoring.

(2) The Authority shall develop an annual status report on benefits sharing and submit to cabinet secretary.

(3) The cabinet secretary shall submit the report to national assembly

## **PART IX— LICENCES AND PERMITS ON TRADE OF WILDLIFE SPECIMEN**

Government trophies

**163.** (1) The Government trophies in this section shall be—

- (a) any trophy found without an owner;
- (b) any animal found dead or killed by accident or mistake;
- (c) any animal killed in defense of life, or in other circumstances
- (d) any animal or trophy in respect of which a breach of any of the

provisions of this Act or regulations  
or the rules has been committed; or

(e) any animal killed by a member of  
the Service in the course of duty.

(2) The provisions of subsection (1) shall not apply  
where such a trophy is kept for cultural purposes.

(3) The Service shall maintain a register of government  
trophies.

(4) The Service shall annually audit and publish in the  
gazette trophies being held by the Government.

(5) The Cabinet Secretary shall by notice in the *gazette*,  
develop regulations for the disposal of Government  
trophies.

Dealing in Government  
trophies

**164.** The Service shall issue a license to  
operate as a trophy dealer for trophies not listed as  
Government trophies.

Import, export or re-  
export of wildlife and  
trophies

**165.** (1) The Service may issue permits for the  
import, export and re-export of wildlife trophies.

Import and export of  
wildlife species

**166.** (1) No person shall trade in, import,  
export, re-export or introduce any specimen or product  
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;

- (e) deliver, receive, carry, transport, or ship in county commerce, by any means whatsoever;
- (f) sell or offer for sale in commercial transaction within or outside Kenya any such species;
- (g) products of listed species; or
- (h) violate any rules and regulations pertaining to such listed species.

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

- (a) in relation to a critically endangered or endangered species, as specified in the Sixth Schedule or listed under CITES Appendix I, to a fine of not less than one hundred million shillings or to imprisonment of not less than twenty years or both such fine and imprisonment; or
- (b) in relation to any other wildlife species or wildlife trophy, to a fine not less than twenty million shillings or a term of imprisonment not less than ten years, or to both such fine and imprisonment.

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

Permits for wildlife research

**167.** (1) The Institute shall issue research permit to any person who seeks to undertake wildlife research.

(2) Under section (1), a permit will be granted to anyone who wants to conduct research on genetic materials and the traditional knowledge related to them, subject to mutually agreed terms and prior informed consent between resource providers and resource users.

(3) Upon the completion of the research approved under subsection (1) a copy of the research report, thesis, or assessment shall be deposited with the Institute in the way that the Institute specifies.

(4) A local cooperating institution registered with the national agency currently in charge of regulating research, science, technology, and innovation shall ensure that any researcher from a sponsoring institution outside of their home country complies with the requirements under this Act.

(5) The Cabinet Secretary may develop, regulations to guide research permits.

Issuance of a permit

**168.** (1) No person shall import, export, re-export, or otherwise trade in any wildlife species without a permit issued by the Service.

(2) Every application for a permit shall specify—

(a) the full names and address of the applicant;

(b) the type of trade to which the application relates;

(c) the species and number of specimens of the species to be traded: Provided that a permit shall only be issued in cases where—

(i) the purpose for which the application is made is not detrimental to the survival of the species;

(ii) compensation has been paid where appropriate, to the concerned communities; and

(iii) permission to export or re-export the subject specimen has been granted by the relevant authority of the country of export or re-exports.

(3) The Service may, issue a permit on such terms and conditions as may be appropriate and necessary to



enhance conservation and management of listed species.

(4) The Cabinet Secretary may, on the recommendation of the Service, by notice in the Gazette, formulate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

Application

**169.** (1) An application under section xxx shall specify—

- (a) the applicants full name;
- (b) type of trade permit being requested;  
and
- (c) the species and number of specimens to be traded.

(2) A permit shall be issued where—

- (a) the purpose is not harmful to the species' survival;
- (b) compensation is paid to affected communities; and
- (c) the permission to export or re-export the specimen has been granted by the relevant authority in the exporting country.

(3) The Service may, issue permits on the terms and conditions that enhance conservation and management of wildlife species.

(4) The Cabinet Secretary may, on the recommendation of the Service develop regulations, and guidelines for trophies.

Revocation of a permit

**170.** The Service may revoke a permit issued under section 123(1) where it finds that the permit holder is not complying with the terms and conditions of the permit.

Records and  
registration of permits  
and licenses.

**171.** (1) The Service shall by notice in the gazette publish a register on-

- (a) all licenses and permits issued under this Act;
- (b) national parks, national reserves, wildlife conservancies and sanctuaries established under this Act;
- (c) all community wildlife scouts involved in conservation and management of wildlife; and
- (d) all management plans developed pursuant to the provisions of this Act.

(2) Members of the public may inspect all registers maintained under this section during official working hours at the Service's premises or such designated office.

## **PART X— HUMAN WILDLIFE COEXISTENCE**

Wildlife Co-existence

**172.** The cabinet secretary will develop strategies to promote human wildlife coexistence.

Problem animals

**173.** (1) A problem animal is a dangerous animal that has previously been wounded or otherwise injured to the extent where the problem animal poses a threat to human life.

(2) An authorised officer of the Service may enter private land with the consent of the owner or occupier to destroy problem animals.

(3) An officer under subsection (2) may pursue a problem animal with the intent of killing it even where the owner or occupier of the land has not given prior consent. The Service shall provide the owner or occupier with a report of what occurred.

(4) The owner or occupier of land, or their agent, may destroy a problem animal under the provisions of this Act.

(5) A problem animal in a protected area shall not be killed, the use of poison, pitfalls or snares is prohibited.

(6) Any person who kills a problem animal in the circumstances set out in subsection (5) 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.

Unlawful wounding of animals

**174.** (1) No person shall, without lawful justification, kill, maim, or wound any wild animal in its natural habitat.

(2) A person who contravenes subsection (1) commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than 10 years, or to both.

(3) The provisions of subsection (1) shall not apply to the following cases, provided that such acts are carried out in accordance with this Act and regulations made thereunder—

- (a) Killing, maiming, or wounding of a wild animal in circumstances where it is reasonably necessary to prevent an imminent threat to human life, and such action is immediately reported to the Service in the prescribed manner;
- (b) Destruction or capture of a problem animal by the Service or a person acting under its written authority, for the purposes of safeguarding public safety, livestock, crops, or property;
- (c) Humane killing of a wild animal by the Service for the purpose of disease control, population management, or ecological balance, based on scientific evidence and in accordance with approved management plans;
- (d) Scientific research or veterinary intervention, including immobilization or euthanasia, carried out by or with express authorization from the Service and in compliance with regulations and other approved protocols.

Burden of Proof

**175.** The burden of proving that an act under subsection (3) was lawfully justified lies with the person asserting such justification.

Duty to Report

**176.** Any person who kills or wounds a wild animal under the provisions of this section shall report the incident to the Service or the nearest police station within forty-eight (48) hours and shall surrender any part of the animal or trophy obtained therefrom, if any, to the Service.

Regulations

**177.** The Cabinet Secretary shall make regulations prescribing the procedures, approvals, and conditions under which lawful exceptions under subsection (3) may be exercised.

Human-wildlife  
conflicts

**178.** (1) Human death, injury, crop destruction, property damage, and livestock predation caused by wildlife shall be compensated

(2) A person shall be eligible for compensation under subsection (1) if the harm is caused by species listed in the Third Schedule.

(3) Notwithstanding the provisions of sub section (2), a person shall not be compensated where the incident occurs in wildlife protected areas.

(4) The Cabinet Secretary shall—

(a) develop strategy to promote human wildlife coexistence; and

(b) develop regulations to guide the compensation process.

Human wildlife  
compensation scheme.

**179.** (1) The Cabinet Secretary shall establish a human-wildlife conflict compensation scheme.

(2) The purpose of the scheme shall be to pay compensation for death, injury or damage to crops and property from wildlife as approved by the Ministerial Wildlife Compensation Committee.

(3) The funds of the scheme shall be—

- (a) such moneys as may be appropriated by Parliament for the purposes of human wild life conflict compensation;
- (b) 2% from conservation and tourism activities; and
- (c) monies from any other source approved by the Cabinet Secretary for the time being responsible for matters relating to finance.

Human wildlife  
compensation scheme  
administrator

**180.** (1) The scheme shall be managed by a human-wildlife conflicts scheme administrator.

(2) The scheme administrator shall be procure in accordance with the Public Procurement and Asset Disposal Act.

(3) The scheme administrator shall create a digital platform for collecting and paying compensation for humans and wildlife.

(4) The Cabinet Secretary shall develop regulations to operationalize and administer the Human wildlife compensation scheme.

Reporting

**181.** An incident caused by wildlife that leads to death, personal injury or any loss or damage to crops, livestock or property shall be reported to the Service within forty-eight hours.

County wildlife  
compensation  
committee

**182.** (1) There is established a County Wildlife Compensation Committee.

(2) The County Wildlife Compensation Committee shall review, verify and recommend to the Ministerial Wildlife Compensation Committee payment of compensation on claims resulting from loss or damage caused by wildlife;

(3) The Committee shall comprise of—

- (a) a chairperson appointed by the Cabinet Secretary being the County Commissioner;

- (b) an officer of the Service for the county who shall be the Secretary;
- (c) an officer from the state department for wildlife with relevant knowledge on human wildlife conflict and wildlife conservation matters;
- (d) an agricultural officer based in the respective county;
- (e) a medical officer based in the respective county;
- (f) a livestock officer based in the respective county;
- (g) four persons not being public officers knowledgeable in wildlife matters nominated by the community wildlife associations within the county and appointed by the Cabinet Secretary.

(4) The Cabinet Secretary shall publish by notice in the gazette the members of the county wildlife compensation committee and will serve for a period of three years.

(5) The County Wildlife Compensation Committees shall hold meeting once every month.

(6) The County Wildlife Compensation Committee shall notify all claimants of—

- (a) dates of committee sittings; and
- (b) any additional documentation as may be required.

(6) The County Wildlife Compensation Committee shall have the power to co-opt any other members that they deem necessary

Committee any such allowances as recommended by the Salaries and Remuneration Commission.

Ministerial Wildlife  
Compensation  
Committee.

**184.** (1) There is established a Ministerial Wildlife Compensation Committee.

(2) The Ministerial Wildlife Compensation Committee shall be compromised of—

- (a) a representative of the Cabinet Secretary who shall be the chairperson;
- (b) a representative of the Director –General of the Service;
- (c) two representatives from State Department for Wildlife appointed by principal secretary; and
- (d) two representatives from the Service

(3) The Ministerial Wildlife Compensation Committee shall have the power to co-opt any other members that they deem necessary.

Functions of the  
Ministerial Wildlife  
Compensation  
Committee

**185.** (1) The Ministerial Wildlife Compensation Committee shall consider the recommendations of the County Wildlife Compensation Committee and determine whether to compensate, defer or reject a claim.

(2) The Ministerial Wildlife Compensation Committee shall meet at least once in every three months and more than three months shall not elapse between one meeting of the Committee and the next.

(3) Offer a technical support to the CWCC as deemed necessary

(4) A person dissatisfied with the Ministerial Wildlife Conservation Committee's compensation award, shall within thirty days of receiving an award lodge an appeal to the National Wildlife Tribunal.

(5) The Cabinet Secretary shall consider the recommendations made under subsection (1) 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; or
- (c) in the case of any other injury, a maximum of two million shillings, depending on the extent of injury.

Remuneration of the Committee

**186.** Members of the Ministerial Wildlife Compensation Committee shall be compensated as recommended by the Salaries and Remuneration Commission

Regulations

**187.** The Cabinet Secretary shall, by notice in the Gazette, develop regulations for implementation of this section.

### **Compensation for personal injury or death or damage to property**

Compensation for death

**188.** (1) A personal representative, successors, or assigns of the deceased shall file a death compensation claim.

(2) A death compensation claim must be filed with the County Wildlife Compensation Committee where the incident occurred.

Compensation for bodily injury

**189.** A person who seeks compensation for any bodily injury caused by a wildlife listed under the Third Schedule, shall lodge a claim to the County Wildlife Compensation Committee where the incident occurred.

**190.** (1) A claim for compensation under section 123 and 124 shall be lodged with the County Wildlife Compensation Committee within twelve months from when the injury or death occurred.

(2) The County Wildlife Compensation Committee shall review and verify a claim within six months and make recommendation on whether to compensate, defer, or reject the claim.



(3) The County Wildlife Compensation Committee shall assess claims for death or injury and make recommendations on the amounts payable, taking into account—

- (a) the extent of the injuries sustained;
- (b) permanent disability;
- (c) the age of the deceased or injured;
- (d) the circumstances surrounding such death or injury;
- (e) the extent to which the claimant contributed to the injury or death; and
- (f) the claimant's productivity at the time of death or injury.

(4) The County Wildlife Compensation Committee shall, when recommending compensation for death or injury, recommend the following payments—

- (a) in the case of death, a sum not exceeding five million shillings;
- (b) in the case of injury occasioning permanent disability a sum not exceeding three million shillings; and
- (c) in the case of any other injury, a sum not exceeding one million shillings.

(5) A person who seeks compensation for loss or damage to crops, livestock, or other property caused by wildlife specified in the Third Schedule shall within thirty days from when the incident occurred file a claim with the County Wildlife Compensation Committee where the incident occurred.

(6) The Committee shall within six months review and recommend whether to compensate, defer, or reject a claim.

(7) Compensation shall not be paid where—

- (a) the owner of the livestock, crops, or other property fails to take reasonable measures to protect such crops, livestock, or property from wildlife damage; or
- (b) land use practices are inconsistent with the area's ecosystem-based management plan.

Ministerial Wildlife  
Compensation  
Committee.

**191.** (1) There is established a Ministerial Wildlife Compensation Committee.

(2) The Ministerial Wildlife Compensation Committee shall be comprised of—

- (a) a representative of the Cabinet Secretary who shall be the chairperson;
- (b) a representative of the Director –General of the Service;
- (c) two representatives from State Department for Wildlife appointed by principal secretary; and
- (d) two representatives from the Service

Functions of the  
Ministerial Wildlife  
Compensation  
Committee

**192.** (1) The Ministerial Wildlife Compensation Committee shall consider the recommendations of the County Wildlife Compensation Committee and determine whether to compensate, defer or reject a claim.

(2) The Ministerial Wildlife Compensation Committee shall meet at least once in every three months and more than three months shall not elapse between one meeting of the Committee and the next.

(3) Members of the Ministerial Wildlife Compensation Committee shall be compensated as recommended by the Salaries and Remuneration Commission.

(4) A person dissatisfied with the Ministerial Wildlife Conservation Committee's compensation award, shall within thirty days of receiving an award lodge an appeal to the National Wildlife Tribunal.

Regulations

**193.** The Cabinet Secretary shall, by notice in the Gazette, develop regulations for

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

Multilateral  
Environmental  
Agreements and  
Bilateral Agreements

**194.** (1) The Cabinet Secretary shall—

- (a) negotiate wildlife-related Multilateral Environmental Agreements and Bilateral Agreements for cooperation in wildlife conservation and management;
- (b) promote trans-boundary and trans-frontier wildlife conservation in line with wildlife-related International instruments ratified by Kenya;
- (c) ensure coordinate the implementation of wildlife-related Multilateral Environmental Agreements, and shall keep a register of wildlife-related Multilateral Environmental Agreements;
- (d) formulate regulations for the implementation of wildlife-related Multilateral Environmental Agreements and bilateral cooperation ratified by Kenya;
- (e) be the national coordination focal point for the implementation of wildlife related Multilateral Environmental Agreements; and
- (f) annually submit a report to the National Assembly on the status of the implementation of the wildlife related Multilateral Environmental Agreements and Bilateral cooperation.

Ratification of treaties

**195.** The treaties, conventions and agreements specified under this Act shall be ratified

pursuant to the provision of Treaty-Making and Ratification Act (Cap 4D).

Authorities

**196.** The cabinet secretary shall designate by notice in the gazette—

- (a) Management and Administrative Authority; and
- (b) Scientific Authority.

Management and Administrative Authority

**197.** (1) The Management Administrative Authority designated under section 167 of this Act shall be the Management and Administrative Authority for the implementation of wildlife-related Multilateral Environmental Agreements and bilateral agreements signed and ratified by the Government.

Functions of management administrative authority

(2) The Management Administrative Authority shall—

- (a) be responsible for issuance of permits and certificates for trade of scheduled specimens in accordance with the in accordance with provisions of CITES Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention;
- (b) monitor and evaluate the legal and illegal trade in specimens of listed; and
- (c) prepare and submit annual status implementation reports and national reports.

Scientific Authority.

**198.** The Scientific Authority designated under section 167 of this Act shall provide scientific advice for effectively ensure the implementation of wildlife-related, Multilateral Environmental Agreements signed and ratified by the government

Functions of the Scientific Authority

(2) The Scientific Authority shall—

- (a) monitor and evaluate the legal and illegal trade in specimens of listed;

- (b) advise the Cabinet Secretary and any other interested organs of state in respect to legal and illegal trade of listed species;
- (c) undertake non-detrimental findings as prescribed relating to the international trade in specimens of species; and advise on any appropriate measures to be taken;
- (d) Provide scientific advise on—
  - (i) the registration of ranching operations, nurseries, captive breeding operations and other facilities;
  - (ii) whether an operation or facility meets the criteria for producing species considered to be bred in captivity or artificially propagated;
  - (iii) any recommendations on amendments of CITES, CMS and AEWA appendices and nomenclature of species;
  - (iv) species that require specific management intervention;
  - (v) the setting of any quota;
  - (vi) any other matter as prescribed;
- (e) Provide scientific technical advice on species identification.

Additional Scientific  
Authority

**199.** (1) The Cabinet Secretary in consultation with relevant the relevant lead agencies, may designate additional competent institutions as Scientific Authorities—

- (a) to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora( CITES) ; and
- (b) be lead on Communication, Capacity Development, Education, Participation, and

Awareness (CEPA) for the Ramsar Convention on Wetlands and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) in a Convention, Treaty or Agreement.

Declaration of protected species and duty to abide to international obligations

**200.** (1) A species of animal protected by any Convention, Treaty, or Agreement to which Kenya is a party, found in Kenya, or migrating through Kenya, shall be designated as a protected species under this Act.

(2) The wildlife species listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Appendix I of the Convention on Conservation of Migratory Species of Animals (CMS), and Annex A of the AEWA Agreement are declared protected under this Act.

(3) The Cabinet Secretary shall, by notice in the *gazette*, publish species of wildlife that are internationally protected.

International Trade in CITES listed Wildlife Species

**201.** (1) This Act prohibits the trade of any specimens that violate CITES provisions; any illegally traded specimens shall be seized and confiscated.

(2) A person shall not, except under the terms and conditions of a permit or Certificate issued by the Service in accordance with CITES provisions, export from, import into, transport through, or re-export from Kenya any specimen of wildlife species, whether live, part, or derivative;

(4) The designated management Authority shall before issue a permit to export, import, transport through, and re-export of specimens of wildlife listed in the CITES Appendices satisfy that —

(a) the specimens have been acquired lawfully;

(b) The issuance of a permit or certificate shall not harm the species' survival in the wild;

(c) all wildlife-related Convention, Treaty, or Agreement relating to the export, re-export,

introduction from the sea, and import of specimens of wildlife species to which Kenya is a party have been complied with.

(5) The designated management Authority may grant permits for the export from or import into Kenya of any CITES listed species, introduction from the sea, or re-export from Kenya.

offence

**202.** (1) The Cabinet Secretary shall—

- (a) every six years, by notice in the *gazette* publish a national list of endangered species;
- (b) every three years, by notice in the *gazette* publish CITES-listed species (Appendices I, II, III) as updated in the website of the CITES secretariat;
- (c) every three years by notice in the *gazette* publish CMS-listed migratory species of animals (Appendices I and II ) as updated in the website of the CMS secretariat);
- (d) every three years, by notice in the *gazette* publish AEWA-listed migratory Waterbirds (Annexes I and II ) as updated in the website of the AEWA secretariat);
- (e) every three years, by notice in the *gazette* publish National RAMSAR sites and their status of Ramsar Information as updated in the website of the RAMSAR secretariat; and
- (f) every two years, by notice in the *gazette* publish national UNESCO World Heritage (Natural) sites and their Status listing as updated in the website of the UNESCO World Heritage Centre.

## **PART XI—NATIONAL WILDLIFE CONSERVATION STATUS REPORT**

Status reports

**203.** (1) The Cabinet Secretary shall every three years—

- (a) submit the National Wildlife Conservation status report to the national Assembly; and
  - (b) publish by notice in the *gazette* the National Wildlife Conservation status report.
- (2) The National Wildlife Conservation status report shall contain the status of—
- (a) the implementation of the wildlife-related bilateral or multi-lateral environmental agreements to which Kenya is a party;
  - (b) the implementation of the wildlife-related bilateral agreements;
  - (c) the efforts to develop and implement recovery plans for all nationally listed species;
  - (d) the wildlife populations and habitats;
  - (e) the invasive species and mitigation plans;
  - (f) the wildlife utilization;
  - (g) the wildlife protected areas;
  - (h) the government trophies; and
  - (i) any other relevant information related to wildlife conservation and management

## **PART XII— NATIONAL WILDLIFE TRIBUNAL**

National Wildlife  
Tribunal

**204.** (1) There is established a Tribunal to be known as the National Wildlife Tribunal whose members shall consist of—

- (a) a person nominated by the Judicial Service Commission, who shall be a person qualified for appointment as a judge of the High Court of Kenya;
- (b) an advocate of the High Court of Kenya nominated by the Law Society of Kenya;



- (c) a lawyer with professional qualifications in environmental law appointed by the Cabinet Secretary; and
  - (d) three persons with demonstrated competence in environmental matters, including but not limited to land, energy, mining, water, forestry, wildlife and maritime affairs.
- (2) The Cabinet Secretary shall by notice in the *gazette* publish the members appointed in subsection (1).
- (3) The members of the Tribunal shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.
- (4) The office of a member of the Tribunal shall become vacant—
- (a) at the expiration of three years from the date of his appointment;
  - (b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal;
  - (c) if he is removed from membership of the Tribunal by the Cabinet Secretary for failure to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour; and
  - (d) if he resigns the office of member of the Tribunal.
- (5) The members of the Tribunal shall, in their first meeting, elect from amongst themselves a Chairperson to the Tribunal from amongst the persons appointed under paragraphs (a), (b) and (c) of subsection (1) and a vice-Chairperson to the Tribunal from amongst all members.
- (6) The Chairperson and vice-Chairperson shall be of opposite gender.

(7) In the absence of the Chairperson, the vice-Chairperson shall serve as the acting Chairperson for the duration of the absence of the Chairperson and the acting Chairperson shall perform such functions and exercise such powers as if that person were the Chairperson.

(8) In the absence of both the Chairperson and the vice-Chairperson, the members of the Tribunal present may nominate, from among themselves, a person to act as the Chairperson, which person shall have the training and qualifications in the field of law and such person, while acting as the Chairperson, shall perform such functions and exercise such powers as if that person were the Chairperson.

Proceedings of the  
Tribunal

**205.** (1) The Tribunal shall not be bound by the rules of evidence as set out in Evidence Act (Cap. 80).

(2) The Tribunal shall, upon an appeal made to it in writing by any party or a referral made to it by the Authority on any matter relating to this Act, inquire into the matter and make an award, give directions, make orders or make decisions thereon, and every award, direction, order or decision made shall be notified by the Tribunal to the parties concerned, the Authority or any relevant committee thereof, as the case may be.

(3) The Tribunal shall sit at such times and in such places as it may appoint.

(4) The proceedings of the Tribunal shall be open to the public save where the Tribunal, for good cause, otherwise directs.

(5) Tribunal shall regulate its proceedings as it deems fit.

(6) Any person who is a party to the proceedings before the Tribunal may appear in person or be represented by an Advocate.

Awards of the Tribunal

**206.** (1) The Tribunal may—

(a) make such orders for the purposes of securing the attendance of any person at any place where

the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient;

(b) take evidence on oath and may for that purpose administer oaths; or

(c) on its own motion summon and hear any person as witness.

(2) A person who—

(a) fails to attend the Tribunal after having been required to do so under subsection (1)(a);

(b) refuses to take oath or affirmation before the Tribunal or being a public officer refuses to produce any article or document when lawfully required to do so by the Tribunal;

(c) knowingly gives false evidence or information which he knows to be misleading before the Tribunal; or

(d) at any sitting of the Tribunal—

(i) wilfully insults any member or officer of the Tribunal;

(ii) wilfully interrupts the proceedings or commits any contempt of the Tribunal;

(e) fails or neglects to comply with a decision order, direction or notice confirmed by the Tribunal; commits an offence under this Act.

Quorum for  
determination by  
Tribunal

**207.** (1) The quorum for hearing or determining any cause or matter before the Tribunal under this Act shall be three members.

(2) A member of the Tribunal who has a direct interest in any matter which is the subject of the proceedings

before the Tribunal shall not take part in those proceedings.

Appeals to the Tribunal

**208.** (1) A person aggrieved by—

- (a) the grant of a licence or permit or a refusal to grant a licence or permit, or the transfer of a licence or permit, under this Act or its regulations;
- (b) the imposition of any condition, limitation or restriction on the persons licence under this Act or its regulations;
- (c) the revocation, suspension or variation of the person's licence under this Act or its regulations;
- (d) Compensation for—
  - (i) land exchange;
  - (ii) injury and damage caused by wildlife ;

(2) Unless otherwise expressly provided in this Act, where this Act empowers the Director-General, the Authority or the Service, the Institute , the fund or its agents to make decisions, such decisions may be subject to an appeal to the Tribunal in accordance with such procedures as may be established by the Tribunal for that purpose.

(3) Upon any appeal, the Tribunal may—

- (a) confirm, set aside or vary the order or decision in question;
- (b) exercise any of the powers which could have been exercised by the Authority in the proceedings in connection with which the appeal is brought; or
- (c) make such other order, including orders to enhance the principles of sustainable development and an order for costs, as it may deem just;

(d) if satisfied upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined;

(e) if satisfied upon application by any party, review any orders made under paragraph (a).

Power to appoint  
Environment Assessors

**209.** Where the Tribunal determines that special expertise is necessary for a proper resolution of the matter, the Chairperson of the Tribunal may designate any individual with such expertise in wildlife issues that are the focus of any proceedings or enquiries before the Tribunal to serve as assessors in an advisory capacity.

Appeals from the  
National Wildlife  
Tribunal

**210.** (1) A party aggrieved by the tribunal's decision may file an appeal within thirty days of receiving notification of the decision.

(2) Appeals from the tribunal shall lie in the Environment and Land Court.

Immunity

**211.** (1) The Chairperson or other members of the Tribunal shall not be liable to be sued in a civil court for an act done or omitted to be done or ordered to be done by them in the discharge of their duty as members of the Tribunal, whether or not within the limits of their jurisdiction; provided that they believed they had the authority to do or order the act in question at the time, in good faith; and that no offer made by the Tribunal or by any other individual required to carry out the legal warrants, orders, or other processes of the Tribunal shall be subject to legal action in any court for carrying out a warrant, order, or process that he would have been required to carry out if it had been within the Tribunal's jurisdiction.

(2) It shall be an offence for any person to engage in acts or make omissions amounting to contempt of the Tribunal and the Tribunal may punish such person for contempt in accordance with the provisions of this Act.

Remuneration of  
members of Tribunal

**212.** (1) There shall be paid to the Chairperson and the members of the Tribunal such remuneration and allowances as the Cabinet Secretary on the recommendation of the Salaries and Remuneration Commission shall determine.

(2) The remuneration and allowances referred to in subsection (1) and any other expenses incurred by the Tribunal in the execution of its functions under this Act shall be paid out of monies voted by Parliament for that purpose.

Staff of the Tribunal

**213.** There shall be such other staff of the Tribunal as may be necessary for the performance of its functions.

Appointment of a  
Secretary to the  
Tribunal

**214.** The Cabinet Secretary shall appoint a public officer to be the secretary to the Tribunal who shall be paid such allowances as the Cabinet Secretary shall determine.

### **PART XIII—ENFORCEMENT AND COMPLIANCE**

Forfeiture

**215.** (1) The court in which a person is charged with 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) where an offence was committed, but no one was convicted, the wildlife trophy, vehicle, equipment, livestock, or other item used to commit the offence shall be forfeited to the Service and disposed of as directed by the court.

(2) In issuing a forfeiture order under subsection (1), the court may also order the person convicted to bear the cost of disposing of the substance, motor vehicle, equipment, appliance, livestock, or any other thing specified in that subsection.

(3) The court may also order that any licence, permit, or authorization issued under this Act and related to the offence be cancelled.

- Disposal of contrabands     **216.** (1) The Service may repatriate confiscated and seized live specimens, or parts and derivatives of a species, to the country of export or origin, provided that—
- (a) Repatriation has been requested;
  - (b) Meets the cost of repatriation
  - (c) The species will not enter the international market once repatriated.
- Commission of offence in the course of duty     **217.** (1) An officer shall be personally liable for an offense committed by that officer against the provisions of this Act whether committed by that officer on their own account or as agent or employee:  
Provided that no offense will have been committed where such person was acting in a lawful manner was discharging their functions in the course of duty.
- (2) Where a person has a reason to believe the provisions of this Act are being violated, they can petition the High Court for—
- (a) a declaration that the provisions of this Act are being, have been, or are about to be violated;
  - (b) an injunction restraining any specified person from carrying out the contravention;
  - (c) a writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or any remedy at law or equity for preventing or enforcing the provisions of this Act.
- Prosecutorial powers     **218.** (1) The Director of Public Prosecutions may, in accordance with the Office of the Director of Public Prosecutions Act (Cap. 6B) designate special prosecutors to prosecute wildlife offences under this Part.
- (2) The Director of Public Prosecutions may delegate prosecutorial powers to an authorised officer of the

Service to prosecute offences under this Act, regardless of subsection (1).

Restraint of breaches of the Act

**219.** Any person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the Environment and Land Court as established under the Environment and Land Court Act (Cap. 8D), for appropriate redress.

Powers of authorized officers

**220.** (1) An authorized officer may—

- (a) request the production of an authority, licence, or permit for any act involving wildlife resources that requires one under this Act or its rules;
- (b) require anyone found in or near wildlife conservation areas with wildlife specimens to show proof of ownership. If no proof is provided, the person will be arrested and brought before a magistrate;
- (c) search individuals suspected of violating the Act or possessing wildlife specimens, arrest and detain them, and seize any baggage, parcels, or houses used to transport or conceal such specimens.
- (d) search any vehicle or vessel and seize wildlife specimens suspected of committing an offence, as well as any tools, equipment, vessels, or vehicles used to commit the offence.
- (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.

Provided that the authorised officer detaining the person and seizing such property shall within twenty-four hours take the person and the seizure to the



magistrate having jurisdiction over the area where the offence occurs.

(2) Notwithstanding the provisions of subsection (1) of this section—

- (a) where an item seized and detained under this section is likely to decay and cannot be effectively preserved, the officer in charge may destroy or dispose of it without obtaining a court order; or
- (b) where illegal hunting methods cannot be removed from their location they may be rendered ineffective.

(3) Any authorized officer may enter any land, premises, vessel, vehicle, aircraft or trailer in order to assess the condition of wildlife or to perform any such other act which he considers necessary in the circumstances—

- (a) require the production of, inspect, examine and copy licences, permits, registers, records, management plan and other documents relating to this Act; and
- (b) take all reasonable steps to prevent the commission of an offence under this Act.

Erection of a temporary barrier

**221.** (1) An authorised officer above the rank of assistant warden may erect a temporary barrier across a road or place and a person approaching the barrier shall stop and allow the officer to conduct a search of their person and vehicle if deemed necessary.

(2) A person who—

- (a) fails to stop or allow a search as required by sub-section (1) of this section;
- (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 on conviction be liable to a fine of not exceeding fifty thousand shillings or

to imprisonment for a term not exceeding than six months or to both.

Use of firearms

**222.** (1) The Service shall request firearms from the Inspector-General of the National Police Service for uniformed and disciplined officers to fulfil their duties under this Act.

(2) The Service shall collaborate with law enforcement agencies, counties, and community wildlife scouts to manage wildlife security in national parks, reserves, conservancies, and sanctuaries.

(3) Uniformed and disciplined cadre members may use firearms for lawful purposes after receiving necessary training, in the course of performing lawful duties—

(a) of law enforcement against—

(i) any person charged with an offence punishable under this Act who is attempting to flee lawful custody;

(ii) any person who, by force, removes or attempts to remove any other person from lawful custody;

(iii) any person who, by force, attempts to prevent the lawful arrest of himself or any other person; or

(iv) any person unlawfully hunting any wildlife using a firearm;

(b) in self-defense or in defense of another officer or other person;

(c) for the protection of people and property against any animal causing destruction to human life or crops or livestock or property;

(d) for the protection and safety of visitors against banditry or animals;

(e) in the course of problem animal control; and

(f) wildlife veterinary activities.

(4) Notwithstanding the foregoing, a uniformed and disciplined officer of the Service shall not use a firearm—

- (a) under section 3 paragraph (a)(i) except where the officer concerned has reasonable grounds to believe that he cannot otherwise prevent the escape, and unless he has given ample warning to such person that he is about to use a firearm against him, and the warning is unheeded; or
- (b) under section (3) paragraph (a)(ii), (iii) except where the officer concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm, or that he cannot otherwise prevent the removal, effect the arrest or, as the case may be, defend himself or the other officer or person.

(5) A person arrested and detained in accordance with subsection (5) of this section shall be brought before a competent court or the nearest police station within twenty-four hours.

(6) An authorized officer shall detain a person taken into custody at the nearest Service station where it is impracticable to bring such a person before a court or police station within twenty-four hours.

Impersonation of a  
Kenya Wildlife Service  
Officer

**223.** (1) A person other than a uniformed and disciplined cadre members who, without the written authority of the Inspector-General—

- (a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of a Kenya Wildlife Service officer, or a uniform, name or designation, resembling or intended to resemble the uniform, name or designation of a Kenya Wildlife Service Officer; or
- (b) in any way pretends to be a Kenya Wildlife Service officer for any purpose which he would not by law be entitled to do of his own authority,

commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding ten years, or to both.

## **PART XIX— OFFENCES AND PENALTIES**

Management Plan  
violations

**224.** (1) A 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 and shall be liable upon conviction to—
  - (i) a fine of not exceeding one million shillings or imprisonment for a term of not exceeding two years or both, where the offence is committed with respect to a national park, national reserve or national sanctuary; and
  - (ii) a fine of not exceeding five hundred thousand shillings in any other case.

Pollution violations

**225.** (1) A 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 exceeding two million shillings or to imprisonment of not exceeding five years or both.

(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 —

- (a) pays 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 (a) and (b) of this section, the court may direct the polluter to contribute to a wildlife conservation activity as compensation, restoration and restitution.

Violations of easements  
and conservation orders

**226.** (1) A 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 exceeding five hundred thousand shillings or to imprisonment of not exceeding three years or to both.

licenses and permits  
violations

**227.** (1) Any person who, for the purpose of obtaining, whether for himself or another, the issue of a license or permit—

- (a) recklessly makes a statement or representation which is false in a material particular;
- (b) recklessly furnishes a document or information which is false in a material particular;
- (c) for any purpose in connection with this Act, uses or furnishes a false, falsified or invalid license or permit or one is altered without authorization; or

- (d) contravenes any condition or requirement of a license or permit, commits an offence and shall be liable upon conviction, to a fine of not exceeding two hundred thousand shillings or to imprisonment of not exceeding one year or to both.

(2) Any person who conducts wildlife research without a permit as prescribed in this act commits an offence and shall be liable upon conviction to a fine of not exceeding five hundred thousand shillings or to imprisonment of not exceeding one year or to both.

(3) Any person who conducts bioprospecting without a permit as prescribed in this act commits an offence and shall be liable upon conviction to a fine of not exceeding one million or to imprisonment of not exceeding two years or to both.

Endangered species  
violations

**228.** (1) A person who kills or injures, tortures, electrocutes, offers for ingestion any chemical or material in order to capture or molests, or attempts to kill or injure, an endangered species as gazetted by the Cabinet Secretary from time to time commits an offence and shall be liable upon conviction to a term of imprisonment of not exceeding five years.

(2) A person who, without permit or exemption issued under this Act, deals in a wildlife trophy, of any endangered species as gazetted by the Cabinet Secretary from time to time, commits an offence and shall be liable upon conviction to a term of imprisonment of not exceeding seven years.

(3) Any person who, without permit or exemption issued under this Act, deals in a live wildlife species of any of endangered species as gazetted by the Cabinet Secretary from time to time commits an offence and shall be liable upon conviction to a term of imprisonment of not exceeding three years.

(4) Any person without permit or exemption issued under this Act is in possession of any live wildlife species or trophy of any endangered species as gazetted by the Cabinet Secretary from time to time, commits an offence and shall be liable upon conviction

to a fine of not exceeding three million shillings or a term of imprisonment of not exceeding five years or both

(5) Any person who manufactures an item from a trophy of an endangered species that is periodically gazetted by the Cabinet Secretary without a permit or exemption granted under this Act commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or up to life imprisonment or both. .

International trade  
violations

**229.** (1) A person who trades in protected species or a species listed in Appendix I of the CITES Convention or Appendix I of the Convention on Conservation of Migratory Species of Animals or Annex A of the Agreement for the Conservation of African-Eurasian Migratory Water birds as gazetted by the Cabinet Secretary from time to time, commits an offence and shall be liable upon conviction to a fine not exceeding one hundred million shillings or to imprisonment of not exceeding twenty years or both such fine and imprisonment;

(2) A person who trades—

(a) wildlife species listed in Appendix II of CITES or Appendix II of Convention on Conservation of Migratory species of Animals, as gazette by the Cabinet Secretary from time to time, commits an offence and shall be liable upon conviction to a fine not exceeding twenty million shillings or a term of imprisonment not exceeding ten years, or to both such fine and imprisonment; and

(b) other wildlife species as gazette by the Cabinet Secretary from time to time.

(3) A person, agent or corporate entity that, knowingly or recklessly, aids or abets, in the commission of an offence under this section shall be liable to the penalties specified in section 235.

(4) A person or carrier who imports into the country live specimens of internationally listed species of wildlife in violation of the CITES Convention shall be liable for the costs of returning confiscated live specimens to the country of origin or re-export

Invasive species  
violations

**230.** (1) A person who—

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

(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 exceeding three hundred thousand shillings or to imprisonment of not exceeding one year or to both.

Violations of aviation  
laws in National Parks  
and National Reserves

**231.** (1) A pilot shall not—

(a) land an aircraft in a wildlife protected area other than at a designated landing area and in accordance with the Park rules;

(b) 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.

(2) The provisions of subsection (1) shall not apply to any aircraft or person carrying out an evacuation caused by a sudden safety emergency, the pilot of the aircraft shall provide proof of the sudden safety emergency.

(3) No person shall direct, manipulate, fly or otherwise control an unmanned aerial vehicle commonly known as a drone within a national park without a permit from the Service.



(4) Any person who contravenes the provisions of section 163 commits an offence and shall upon conviction be liable to a fine of one hundred thousand or imprisonment for one year.

non-endangered species  
violations

**232.** (1) A person who without a permit or an exemption granted under this Act—

(a) kills or injures, tortures or electrocutes, offers for ingestion any chemical or material in order to capture, molests, or attempts to kill or injure, any wildlife species;

(b) deals in a wildlife trophy;

(c) deals in a live wildlife species;

(d) is in possession of a wildlife trophy or live wildlife species; or

(e) manufactures an item from a wildlife trophy, commits an offence and shall be liable on conviction to a fine of not exceeding one million shillings or a term of imprisonment of not exceeding twelve months or to both

Poisoning of wildlife

**233.** Any person who knowingly and recklessly uses any substance whose effect is to poison any wildlife species commits an offence and shall be liable to a fine of not exceeding five million shillings or a term of imprisonment of not exceeding five years or both.

sport hunting violations

**234.** (1) A person who engages in sport hunting or any other recreational hunting of critically endangered species *gazette* in this Act shall commit an offence and upon conviction be liable to a fine not exceeding twenty million shillings or imprisonment or to both.

(2) A person who engages in sport hunting or any other recreational hunting of all other endangered and vulnerable species *gazette* in this Act shall commit an offence and upon conviction be liable to a fine of one million shillings or imprisonment of two years or to both.

subsistence hunting

**235.** (1) A person who Hunts wildlife species other than those listed as endangered by the Cabinet Secretary for subsistence is commits an offence and shall on conviction be liable to a fine of not exceeding thirty thousand shillings or an imprisonment of not exceeding six months or both.

(2) A person found in possession of meat or a carcass of a wildlife species other than a critically endangered species or an endangered species commits an offense and shall on conviction be liable to a fine of a hundred thousand or imprisonment for a term of not exceeding six months or to both.

Bush-meat trade violations

**236.** (1) No person shall purchase from another person any meat or eggs of any wildlife species.

(2) A person found in possession of meat or the carcass of a wild animal without a permit or an exemption granted under this Act commits an offence and shall on conviction be liable to a fine of one million shillings or imprisonment for three years or both.

(3) Any person who deals in the carcass or meat of any wildlife species commits an offence and shall on conviction be liable to a fine of not exceeding two million shillings or imprisonment for a term not exceeding three years or both.

Violations of import and export of wildlife specimen and products

**237.** (1) A person shall not—

- (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 county commerce, by any means whatsoever

and in the course of a commercial activity, any such species;

(f) sell or offer for sale in commercial transaction within or outside Kenya any such species;

(g) products of listed species; or

(h) violate any rules and regulations pertaining to such listed species.

(2) A person who contravenes the provisions of this section shall—

(a) in relation to a critically endangered or endangered species, as *gazetted* by the Cabinet Secretary, commit an offence and shall on conviction be liable to a fine not exceeding than one hundred thousand shillings or imprisonment for term not exceeding twenty years or both; and

(b) in relation to any other wildlife species or wildlife trophy, commits a an offence and shall on conviction be liable to a fine not exceeding twenty million shillings or imprisonment for a term not exceeding ten years, or to both.

(3) (4) A person, agent or corporate entity that, knowingly or recklessly, aids or abets, in the commission of an offence under this section shall be liable to the penalties specified in subsection (2).

Offences relating to compensation

**238.** Any person who makes a false claim to the County Wildlife Compensation Committee in respect of a damage claim shall commit an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or both.

Failure to comply with a lawful order

**239.** (1) A person who—

(a) fails to comply with a lawful requirement or demand made or given by an authorized officer; or

(b) obstructs a person in the execution of his powers or duties under this Act,  
commits an offence and shall on conviction be liable to a fine of not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

Breach of protected  
area

**240.** A person shall not enter any protected area with livestock without a permit or written permission from the authority responsible.

(2) A person without a licence, a permit or authorization from the responsible Authority in respect of any national park, national reserve, wildlife sanctuary or marine reserve, shall not—

- (a) enters or resides in a protected area otherwise than in the course of his duty as an authorized officer or a person lawfully employed in the protected area, as the case may be;
- (b) 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;
- (c) carries out logging in a national park or reserve;
- (d) clears and cultivates any land in the national park or reserve;
- (e) burns charcoal in any protected area;
- (f) willfully 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 a protected area.

(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 than two years or to both such fine and imprisonment.

(3) A person with a weapon, ammunition, explosive, trap or poison, and without authorization conveys into a wildlife conservation area, commits an offence.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or both.

Impersonation of  
uniformed and  
disciplined officer or  
wearing uniform

**241.** (1) Any person other than a uniformed and disciplined officer of the Service who, without the written authority of the Director-General of the Service

---

(a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of a uniformed and disciplined officer of the Service; or a uniform, name or designation, resembling or intended to resemble the uniform, name or designation of a uniformed and disciplined officer of the Service; or

(b) in any way pretends to be a uniformed and disciplined officer for any purpose,  
commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding five years, or to both.

(2) Notwithstanding subsection (1) a person may, with the approval of the Director-General of the Service use police uniform for artistic purposes.

General Penalty

**242.** Any person found guilty of an offence against the provisions of this Act for which no specific

penalty is provided shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

## **PART XX—MISCELLANEOUS**

Protection from  
personal liability

**243.** No matter or thing done by any member of the Board, officer, employee or agent of the Service, Authority, Institute or Tribunal shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Service, Authority, Institute or Tribunal render the member, officer, employee, agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Liability for damage

**244.** The provisions of this section shall not relieve the Service, Institute or Authority, of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the powers conferred upon the Service, Institute or Authority by this Act or by any other written law or by the failure, whether wholly or partially, or any works.

Regulations

**245.** The Cabinet Secretary may, on the recommendation of the Authority, the Service, the Institute or Tribunal and upon consultation with the relevant lead agencies, make regulations prescribing for matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving full effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), Regulations may be made under this sections for—

Conflict with other  
legislations

**246.** In the event of any conflict between a section of this Act and any other legislation related to wildlife biodiversity this act prevails.

Disputes

**247.** Any dispute that may arise in respect of wildlife conservation, management, utilization or conservation shall in the first instance be referred to the National Wildlife Tribunal for determination, pursuant

**THE  
WILDLIFE**

to which an appeal subsequent thereto shall, where applicable, lie to the Environment and Land Court as established under the Environment and Land Court Act (Cap. 8D).

Repeal of Cap.376

**248.** The Wildlife Conservation and Management Act. Cap 376.

Transitional provisions

**249.** (1) Upon commencement of this Act—

- (a) any land which, immediately before the commencement of this Act, was a national park, national reserve, marine 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 or Institute and upon recommendation of the Service or Institute, 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 license or permit, as the case may be, or renewed as a license or permit under this Act:

Provided that where the license 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;

- (2) A person who immediately before the commencement of this Act was an employee of the Service and the Institute 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.

**CONSERVATION AND MANAGEMENT BILL, 2025**

**A Bill for**

**AN ACT of Parliament to provide for the protection, conservation, sustainable use and management of wildlife in Kenya and for connected purposes**

*The Wildlife Conservation Bill, 2025*

**ENACTED** by the Parliament of Kenya as follows—



**FIRST SCHEDULE**

**[s. 13, 28, 42]**

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

This Schedule shall apply in accordance with the statutory obligations of the State Corporations Act (Cap. 446).

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

(1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(2) Other than ex officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.

(3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

(4) A member other than the chairperson an ex officio member may—

(a) at any time resign from office by notice in writing to the Cabinet Secretary;

(b) be removed from office by the Cabinet Secretary if the member—

(i) has been absent from three consecutive meetings of the Board without the permission of the chairperson; or

(ii) is adjudged bankrupt or enters in to a composition scheme or arrangement with his creditors;

(iii) is convicted of an offence involving fraud or dishonesty;

(iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;

(v) is incapacitated by prolonged physical or mental illness;

(vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act;

(vii) fails to comply with the provisions of this Act relating to disclosure; or

(viii) is otherwise unable or unfit to discharge the functions as a member of the Board.

**2. Meetings of the Board.**

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

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

(2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

(3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(4) The chairperson shall preside over all meetings of the Board in which he is present, but in his absence the vice-chairperson shall preside, and in his absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

**3. Disclosure and conflict of interest.**

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the person shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

**4. The Board may regulate its own procedure.**

**SECOND SCHEDULE**

**[s. 30]**

**Part 1: PROVISIONS RELATING TO THE OFFICERS OF THE SERVICE**

**1. Officers of the Service**

- (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.

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

- (4) 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.

**2. Disciplinary Code and Regulations**

- (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 or 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.

### **3. Insubordinate behavior**

(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.

### **4. Desertion and Absenteeism**

(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 (Cap. 197) 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.

**5. Prohibition from joining trade unions**

- (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 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 (Cap. 197) be paid such pension, gratuity, provident fund or any other scheme operated by the Service, less liabilities due to the Service.
- (3) If a question arises as to whether a body is a trade union or an association to which this paragraph applies, such question shall be referred to the Cabinet Secretary whose decision thereon shall be final.
- (4) Definition
- In this Part, "uniformed and disciplined officer" means an officer specified in subparagraph (2)(b) of paragraph 1.

**Part II - OATH OF ALLEGIANCE**

"I, do hereby Swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will give faithful and loyal Service during my Service in Kenya Wildlife Service and that I will bear true allegiance to the President and the Republic of Kenya: that I will subject myself to all Acts, Orders and Regulations now or in the future in force relating to my Service in Kenya Wildlife Service; that I will obey all lawful orders of the officers placed over me; and that

I will discharge all the duties of a Kenya Wildlife Service officer according to law, without fear, favour, affection or ill-will (so help me God").

.....  
Signature of Declarant Personal Number .....  
Sworn/affirmed before me ..... On the  
.....

**THIRD SCHEDULE**  
**[s. 175 (2), 186, 187 (5) ]**

**WILDLIFE SPECIES IN RESPECT OF WHICH COMPENSATION MAY BE PAID AND  
STRUCTURE AND LIMITS OF HUMAN WILDLIFE CONFLICT COMPENSATION  
CLAIMS**

**A. Death and Injury**

Elephant

Lion

Leopard

Rhino

Hyena

Crocodile

Cheetah

Buffalo

Hippo

Wild dog

**B. Crop, livestock and property damage**

Elephant

Lion

Leopard

Rhino

Hyena

Crocodile

Cheetah

Buffalo

Hippo

Zebra

Eland

Wildebeest

Snake

Wild dog

### **C. Structure and Limits of HWC Compensation Claims**

<b>Incidence</b>	<b>Description</b>	<b>Benefits</b>
Human Death and Injury	Loss or damage to unharvested crop outside protected areas following incident by wild animals	<ul style="list-style-type: none"> <li>▪ Death KES. 5M</li> <li>▪ P.T.D<sup>1</sup> - KES. 3M per Cont. Scale</li> <li>▪ T.T.D<sup>2</sup> – KES. 13,500 p.m. max. 52 weeks / 12 months</li> <li>▪ Medical – KES. 150,000</li> <li>▪ Last Expense – KES. 50,000</li> <li>▪ No TTD for Under 18 Years.</li> </ul>
Property damage	Loss or damage to building and/or stock, fences, water tanks, pipes, granaries, cattle boma, grain storage, solar panels as a result of an accident caused by wildlife	<ul style="list-style-type: none"> <li>▪ Max. KES.150,000 per incident</li> </ul>
Crop damage	Loss or damage to unharvested crop outside protected areas following incident by wild animals	<ul style="list-style-type: none"> <li>▪ Compensation KES. 15,000 per acre – Max. 150,000 on crops outside protected areas only</li> </ul>
Livestock predation and depredation	Predation and/or depredation leading to death or euthanasia on medical grounds.	<ul style="list-style-type: none"> <li>▪ Compensation based on TLU<sup>3</sup> (Tropical Livestock Unit):</li> <li>▪ 1TLU = KES 30,000</li> <li>▪ 1 Cattle = 1 TLU<sup>3</sup> (Ksh 30,000)</li> <li>▪ 1 Camel = 1.4 TLU (Ksh 42,000)</li> <li>▪ 1 Donkey = 0.5 TLU (Ksh 15,000)</li> <li>▪ 1 goat/sheep = 0.15 TLU (Ksh 4,500)</li> </ul>

<sup>1</sup> PTD- Permanent Total Disability

<sup>2</sup> TTD-Temporary Total Disability

<sup>3</sup> TLU- Tropical Livestock Unit

		This is for livestock outside protected areas only.	
--	--	---	--

#### **FOURTH SCHEDULE**

**[s. 70 (2) (c), 75 (2) (c), 76 (2) (g), 79 (2) (f), 95 (3), ]**

#### **PROVISIONS AS TO PUBLIC CONSULTATION**

##### **Requirement for public consultation**

- 1.** (1) Where this Act imposes a requirement for public consultation, the responsible authority shall publish a notice in relation to the proposal—
  - (a) in the *Gazette*;
  - (b) in at least three national newspapers;
  - (c) in at least one newspaper circulating in the locality to which the proposal relates; and
  - (d) in at least one Kenyan radio station broadcasting in the locality.
- (2) The notice shall in each case—
  - (a) set out a summary of the proposal;
  - (b) state the premises at which the details of the proposal may be inspected;
  - (c) invite written and or oral presentations and comments on the proposal;
  - (d) specify the person or body to which any such presentations and comments are to be submitted; and
  - (e) specify a date and place by which any such comments are required to be received, not being a date earlier than sixty days after publication of the notice.
- 2.** The responsible authority shall make arrangements for the public to obtain copies, at reasonable cost, of documents relating to the proposal which are in the possession of the responsible authority.
- 3.** The responsible authority shall consider—
  - (a) any written comments or objections received on or before the date specified under paragraph 1(2) (e); and
  - (b) any comments whether in writing or not, received at any public



meeting held in relation to the proposal at which the responsible authority was represented, or pursuant to any other invitation, to comment.

4. The responsible authority shall publish, through the same media as were employed pursuant to paragraph 1, notice of the fact a copy of the decision in writing of the responsible authority in relation to the proposal, and of the reasons thereof, is available for public inspection at the same premises as were notified under paragraph 1(2)(b).

5. Where rules made under this Act so require, the responsible authority shall cause a public meeting to be held in relation to a proposal before the responsible authority makes its decision on the proposal.

## **FIFTH SCHEDULE**

[s. 67]

### **MANAGEMENT PLANS**

#### **Part I - GENERAL**

(1) A management plan is the instrument in which all the ingredients for active management are described, in particular which organizations will undertake what responsibilities and what actions are intended to achieve what ends. However, despite being a primary tool, management plans often go unused because of a failure to see management plans as a dynamic working document requiring annual updates and because of a tendency to be over elaborate.

(2) The level of planning should be tailored to the capacities of the agencies and communities involved. Management planning should be a practical tool - one that can be created in simple form and built upon over time, using progress reports.

(3) A management plan process includes the production of an annual compliance report and a 5 year third-party management report.

#### **Part 2 - PLANNING FRAMEWORK**

(1) The following are information that should be included as a minimum—

- a legal description of the area covered (whether national, provincial, local or some other designation). A legal description may include or officially recognize customary land boundaries and/or natural boundaries (e.g. rivers, river basins, mountain ranges, etc.);
- a brief statement of the wildlife management goals and objectives;
- the time period for which the plan is valid;
- the species covered by the plan;
- a description of habitat types, amounts, and plant composition (where possible);
- A description of the activities being undertaken;

- A report detailing the participation of neighbouring communities in the preparation of the plan;

- A description of the anticipated benefits and beneficiaries.

(2) As the complexity of the protected area increases in terms of size, habitats, species, proposed activities, then the following incremental information should be included for non-consumptive utilization—

- the provision of zones and the management objectives for each zone;
- the identification of tourist carrying capacities;
- the quality targets to be met in terms of price and volume;
- the provision of tourist management regulations;
- the provisions for the management of habitats and species (particularly important in ‘closed’ ecosystems;
- the management of migratory species;
- the identification of key breeding areas;
- the management of potential conflict with neighbouring communities;
- the scale and location of any infrastructural development;
- the monitoring to be undertaken and its frequency;
- any relevant historical information.

(3) And for consumptive utilization, the following information should be additionally included:

- data on historical wildlife culling, cropping, hunting, where such information is available;
- an approved method for determining sustainable off take levels; and
- proof of compliance with the Eleventh Schedule and any other legal requirement set out in this Act.

## **SIXTH SCHEDULE**

**[s. 160 (3) (a)]**

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

#### **(A) MAMMALS**

Category and species name	Common name Critically Endangered
Cephalophus adersi	Aders' duiker
Diceros bicornis	Black rhinoceros
Beatragus hunter	Hirola
Procolobus rufomitatus	Eastern red colobus

Cercocebus galeritus	Tana crested mangabey
Hippotragus equines	Roan antelope
Hippotragus niger	Sable antelope
Ceratotherium simunz simum	White rhino
Balaenoptera borealis	Coalfish whale
Balaenoptera musculus	Blue whale
Equus grevyi	Grevy's zebra
Lycaon pictus	African wild dog
Grammomys gigas	Giant thicket rat
Otomys barbouri	Barbour's vlei rat
Otomys jacksoni	Mount elgon vlei rat
Golden-rumped elephant shrew	Rhynchocyon chrysopygus
Tragelaphus eurycerus isaaci	Eastern bongo
Loxodonta Africana	African elephant
Panthera leo	African lion
Acinonyx jubatus	Cheetah
Hyaena Hyaena	Striped hyaena
Tragelaphus spekii	Sitatunga
Panthera pardus	Leopard
Alcelaphus buselaphus	Lelwel hartebeest
Giraffa camelopardalis rothschildi	Rothschild's giraffe
Giant forest hog	
Cloeotis percivali	Percival's trident bat
Hippopotamus amphibious	Common hippopotamus
Myonycteris relicta	East african little collared fruit bat
Megaptera novaeangliae	Hump whale
Dugong dugong	Dugong
Physeter macrocephalus	Sperm whale
Bdeogale jacksoni	Jackson's mongoose
Rhynchocyon petersi	Black and rufous elephant shrew
Pelomys hopkinsi	Hopkins's groove-toothed swamp rat
Taphozous hildegardeae	Hildegarde's tomb bat
Gazella soemmerringii	Soemmerring's gazelle
Profelis aurata	African golden cat
Rhinopoma macinnesi	Macinnes's mouse-tailed bat
Surdisorex norae	Aberdare shrew
Surdisorex polulus	Mt. Kenya shrew
Tachyoryctes audax	Audacious mole rat
Mastomys pernanus	Dwarf multimammate mouse
Myonycteris relicta	East african little collared fruit bat

Dendrohyrax validus	Eastern tree hyrax
Crocidura elgonius	Elgon shrew
Crocidura fischeri	Fischer's shrew
Taphozous hamiltoni.	Hamilton's tomb bat
Crocidura allex	Highland shrew
Taphozous hildegardae	Hildegard's tomb bat
Tadarida lobata	Kenyan big-eared free-tailed bat
Otomops martiensseni	Large-eared free-tailed bat
Beamys hindei	Lesser hamster-rat
Paraxerus palliatus	Red bush squirrel
Crocidura monax	Rombo shrew
Crocidura fumosa	Smoky white-toothed shrew
Physeter catodon	Sperm whale
Lutra maculicollis	Spotted-necked otter
Pedetes capensis	Springhare
Crocidura xantippe	Vermiculate shrew
Crocuta crocuta	Spotted hyaena
Tragelaphus imberbis	Lesser kudu
Tragelaphus strepsiceros	Greater kudu
<b>(B) BIRDS</b>	
Category and species name	Common name Critically Endangered
Apalis fuscigularis	Taita Apalis
Turdus helleri	Taita Thrush
Endangered	
Ardeola idea	Madagascar Pond-heron
Falco cherrug	Saker Falcon
Neophron percnopterus	Egyptian Vulture
Otus ireneae	Sokoke Scops-owl
Cisticola aberdare	Aberdare Cisticola
Acrocephalus griseldis	Basra Reed-warbler
Eremomela turneri	Turner's Eremomela
Zoothera guttata	Spotted Ground-thrush
Anthreptes pallidigaster	Amani Sunbird
Ploceus golandi	Clarke's Weaver
Macronyx sharpe	Sharpe's Longclaw
Anthus sokokensis	Sokoke Pipit

Vulnerable

Falco naumanni	Lesser Kestrel
Trigonoceps occipitalis	White-headed Vulture
Torgos tracheliotos	Lappet-faced Vulture
Aquila clanga	Greater Spotted Eagle
Aquila heliaca	Eastern Imperial Eagle
Glareola ocularis	Madagascar Pratincole
Hirundo atrocaerulea	Blue Swallow
Apalis chariessa	White-winged Apalis
Apalis karamojae	Karamoja Apalis
Chloropeta gracilirostris	Papyrus Yellow Warbler

Category and species name

Common name

Turdoides hindei	Hinde's Pied-babbler
Cinnyricinclus femoralis	Abbott's Starling
Muscicapa lendu	Chapin's Flycatcher

Near Threatened

Francolinus streptophorus	Ring-necked Francolin
Oxyura maccoa	Maccoa Duck
Phoeniconaias minor	Lesser Flamingo
Falco vespertinus	Red-footed Falcon
Falco concolor	Sooty Falcon
Falco fasciinucha	Taita Falcon
Gyps africanus	White-backed Vulture
Gyps rueppellii	Rueppell's Vulture
Circaetus fasciolatus	Southern Banded Snake-eagle
Circus macrourus	Pallid Harrier
Neotis denhami	Denham's Bustard
Crex crex	Corncrake
Balearica pavonina	Black Crowned-crane
Charadrius pallidus	Chestnut-banded Plover
Gallinago media	Great Snipe
Limosa limosa	Black-tailed Godwit
Numenius arquata	Eurasian Curlew
Larus leucophthalmus	White-eyed Gull

*The Wildlife Conservation Bill, 2025*

Rynchops flavirostris	African Skimmer
Streptopelia reichenowi	White-winged Collared-dove
Psittacus erithacus	Grey Parrot
Tauraco fischeri	Fischer's Turaco
Coracias garrulous	European Roller
Prionops poliophus	Grey-crested Helmet-shrike
Laniarius mufumbiri	Papyrus Gonolek
Sheppardia gunning	East Coast Akalat
Ficedula semitorquata	Semi-collared Flycatcher
Anthreptes reichenowi	Plain-backed Sunbird
Euplectes jacksoni	Jackson's Widowbird
Anthus melindae	Malindi Pipit
Protected species	
Category and species name	Common name
Struthio camelus	Ostrich
Sagittarius serpentarius	Secretary Bird
Francolinus streptophorus	Ring-necked Francolin
Podiceps cristatus	Great Crested Grebe
Saddle-billed Stork	Ephippiorhynchus senegalensis
Bostrychia olivacea	Olive Ibis
Ardea alba	Great White Egret
Anhinga rufa	African Darter
Haliaeetus vocifer	African Fish Eagle
Trigonoceps occipitalis	White-headed Vulture
Aquila ayresii	Ayres's Hawk-Eagle
Polemaetus bellicosus	Martial Eagle
Stephanoaetus coronatus	Crowned Eagle
Neotis denhami	Denham's Bustard
Sarothrura affinis	Striped Flufftail
Porzana pusilla	Baillon's Crake
Podica senegalensis	African Finfoot
Balearica regulorum	Grey Crowned Crane
Turnix hottentotus	Black-rumped Buttonquail
Bubo capensis	Cape Eagle-Owl
Glaucidium tephronotum	Red-chested Owlet
Apus niansae	Nyanza Swift
Alcedo quadribrachys	Shining-blue Kingfisher
Phoeniculus castaneiceps	Forest Wood-hoopoe

Phoeniculus damarensis	Violet Wood-hoopoe
Lanius dorsalis	Taita Fiscal
Ptilostomus afer	Piapiac
Galerida theklae	Thekla Lark
Hyliota australis	Southern Hyliota
Illadopsis rufipennis	Pale-breasted Illadopsis
Buphagus erythrorhynchus	Red-billed Oxpecker
Buphagus africanus	Yellow-billed Oxpecker
Cinnyris tsavoensis	Tsavo Sunbird
Passer rufocinctus	Kenya Rufous Sparrow
Ploceus castaneiceps	Taveta Golden Weaver
Crithagra koliensis	Papyrus Canary
Eiythrocerus holochlorus	Yellow flycatcher
<b>(C) Reptiles</b>	
Category and species name	Common name Critically Endangered
Eretmochelys imbricate	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
Atherts 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
---------------------------	-------------

Hemidactylus modestus	tropical geckos
Hemidactylus platycephalus	Baobab gecko
Lygosoma tanae	Writhing skink
Gastropholis prasina	Keel-bellied lizard
Cordylus tropidosternum	Girdled-lizard
Leptotyphlops boulengeri	Worm snakes
Aparallactus turneri	Gunther's centipede-eater
Dasypeltis medici	East African egg eating snakes
Naja ashei	Large brown spitting cobra
Naja nigricollis	Black necked spotters
Varanus albigularis	Savannah monitor lizard
Philothamnus punctatus	Speckled bush snake
Bitis arietans	Puff adder
Dendroaspis angusticeps	Green mamba
Bufo nairobiensis	Nairobi toad
Leptopelis argenteus	Silvery tree frog
Bufo taitanus	Taita toad
Leptopelis flavomaculatus	Yellow-spotted tree frog
Bufo turkanae	Turkana Toad
Afrixalus delicatus	Delicate Spiny Reed Frog
Hyperolius marmoratus	Painted Reed Frog
Hyperolius nasutus	Long Reed Frog
Hyperolius puncticulatus	Spotted Reed Frog
Hyperolius pusillus	Water Lily Reed Frog
Eryx colubrinus	Kenya sand boar
Chamaeleo bitaeniatus	Side-striped chameleon
Chamaeleo dilepis	Flap-neck Chameleon
Chamaeleo ellioti	Elliot's Chameleon
Chamaeleo Hohnelii	High Casqued. Chameleon



Chamaeleo jacksoni	Jackson's Chameleon (Three-horned Chameleon)
Chamaeleo schubotzi	Mount Kenya Chameleon
Bitis gabonica gabonica	Gaboon Viper
Black and Red Skink	
<b>(D) Fish</b>	
Category and species name	Common name Critically Endangered
Oreochromis esculentus	Singidia tilapia
Oreochromis hunter	Lake chala tilapia
Oreochromis jipe	Jipe tilapia
Oreochromis variabilis	Victoria tilapia
Ptyochromis sp. nov.	Rainbow sheller
Xenoclaras eupogon	Lake victoria deepwater catfish
Platycypha amboniensis	Montane dancing-jewel
Endangered	
Alcolapia alcalicus	Magadi tilapia
Cheilinus undulates	Giant wrasse
Marcusenius victoriae	Victoria stonebasher
Xystichromis nuchisquamulatus	Kyoga flameback
Vulnerable	
Carcharias Taurus	Grey nurse shark
Thunnus obesus	Bigeye tuna
Rhincodon typus	Whale shark
Urogymnus asperrimus	Porcupine ray
Carcharhinus longimanus	Oceanic whitetip shark
Carcharodon carcharias	Great white shark
Rhina ancylostoma	Bowmouth guitarfish
Taeniura meyeri	Black-blotched stingray
Rhynchobatus djiddensis	Giant guitarfish Pseudoginglymostoma brevicaudatum
Shorttail	Nurse shark
Epithelurus lanceolatus	Brindle bass
Nothobranchius patrizii	Blue notho
Nothobranchius bojiensis	Boji plains nothobranch
Nothobranchius elongates	Elongate nothobranch
Labeo percivali	Ewaso nyiro labeo

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

<b>SEVENTH SCHEDULE</b>	
<b>[s. 126]</b>	
<b>NATIONAL LIST OF INVASIVE SPECIES</b>	
<b>A. Mammals</b>	
Species name	Common name
Myocastor coypus	Coypu rat
<b>B. Birds</b>	
Species name	Common name
Colius striatus	Speckled Mousebird
Phasianus colchicus	Ring-necked pheasant
Cygnus olor	Mute Swan
Fringilla coelebs	Chaffinch
Carpodacus mexicanus	House Finch
Acridotheres tristis	Common Indian Myna
Psittacula krameri	Rose-ringed (Ring-necked) Parakeet
Sturnus vulgaris	Common (European) Starling
Columba livia	Rock Dove (Feral pigeon)
Ptilinopus pulchellus	Beautiful fruit dove
Ptilinopus leclancheri	Black-chinned fruit dove
Ptilinopus coronulatus	Coroneted fruit dove
Ptilinopus roseicapilla	Mariana fruit dove

Ptilinopus perlatius	Pink-spotted fruit dove
Ptilinopus magnificus	Wompoo fruit dove
Colius striatus	Speckled Mousebird
Corvus splendens	House Crow
Quelea quelea	Red-billed Quelea
<b>C. Reptiles and Amphibians</b>	
Species name	Common name
Agama agama	Red-headed agama lizard
Sphenodon guntheri	Brother's Island tuatara lizard
Aspidoscelis hyperythra beldingi	Orange-throated whiptail lizard
Lampropholis delicata,	Rainbow kopje skink
Boiga irregularis	Brown tree snake
Crotalus exsul	Red diamond rattlesnake
Geochelone platynota	Burmese star tortoise
<b>D. Plants</b>	
Species name	Common name
Prosopis juliflora	Mathenge (Velvet mesquite)
Lantana camara	Tickberry
Pistia stratiotes	Nile Cabbage
Thevetia peruviana	Yellow oleander
Caesalpinia decapeltata	Mauritius thorn
Datura stramonium	Jimsonweed
Tecoma stans	Yellow bells
Argemone mexicana	Mexican poppy
Opuntia exaltata	Long spine cactus
Opuntia ficus- indica	Sweet prickly pear
Opuntia vulgaris	Drooping prickly pear
Eichhornia crassipes	Water hyacinth
<b>E Invertebrates</b>	
Acanthaster planci	Crown of thorns starfish

**EIGHTH SCHEDULE**

[s. 142]

## **LICENSING**

### **PART I - CONSUMPTIVE WILDLIFE UTILIZATION**

(1) 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 Co-ordination Act (Cap. 387); 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.

#### **Live Sale**

(4) 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.

#### **B**

(5) 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.

#### **Culling**

(6) 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.

#### **Maintaining records**

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

#### **Processing trophies**

(8) 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.

#### **Donating wildlife**

(9) 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.

**Sport Hunting**

(10) 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.

**Subsistence Hunting**

(11) 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**

**[s. 157]**

**BENEFIT SHARING**

**1. Types of benefits**

**Monetary**

- i. Access fees
- ii. Upfronts. milestones, royalties, license fees
- iii. Research funding, grants and scholarship
- iv. Contributions to national local funds

- v. Salaries
- vi. Joint ventures

**Non-monetary**

- i. Access to and transfer of technologies
- ii. Building human capacity and infrastructure
- iii. Sustainable development ( eg improved food security, livelihoods security)
- iv. Sharing of scientific data, results
- v. Corporate social responsibility activities

**2. Incentives**

- i. Leases
- ii. Tax relief
- iii. Fair pricing of the products and services based on market rates
- iv. Co management Agreements with local communities outlining benefits
- v. Venture capital
- vi. Government enterprises support including subsidies

**3. Share of benefits as per class/wildlife economy category**

**OPTION A: share of revenue from protected areas based per centum of park collection and share with surrounding Counties and communities.**

**i. National parks**

20% of park gate collection is shared with adjacent counties, of which 60% goes to local communities and 40% to counties based on distribution formula.

OR

15% of Annual Park revenue is shared with adjacent counties of which 60% goes to local communities.

**ii. National reserves**

30% of park gate collection is shared with the adjacent local communities and 20% with the national government.

OR

25% of annual park collection is shared with the local communities and 20% with the National government .

**OPTION B: sharing Tourism revenue from the national Treasury**

25% of the annual income from tourism will be allocated for benefit sharing.

Threshold (%)	Tourism	Film & photo	Bio trade/10 %	Bioprospecting /Research/intellectual property	Biodiversity offsets	Cultural purposes	Other ecosystem services
	25%	10% royalties		10% royalties R&D 10%	10%	10%	eg... 10%
National Gvt	20%		20%	60%	25%		
County	30%		30%	15%	30%		
Community	50%		50%	35%	45%		

**4. Benefits on access and use of traditional indigenous knowledge**

- Use of traditional knowledge and practices for wildlife conservation will be documented and be deposited in the national repository as per Traditional knowledge and Cultural Expression Act.
- Share of benefits that is royalties arising from traditional knowledge intellectual assets will be shared through the approved iPLC structures at the County as per TK and CE act.
- Access of community knowledge will be based on ethical standards

**5. IP commodification**

(IPR audits, registers, types of IPRs (Patents, utility models, trademarks, geographical indications GIs, media assets, copyrights Sui generis etc)) Attract Upfront (initial pay e.g. kajama), milestones ( if it works on preclinical, clinical), Royalties (amount % of the gross/net sales).

- Commodification of IK alone where the source of the IK holder or communities is known: 60% to be shared by the IK holder, community and county government as follows, 30% of the 60% goes to the IK holder then 40% goes to the community and 30% to the county for preservation of IPR. The remaining 40% goes to the rest of the users.

- ii. Where IK holders are not known but the community known (60%) goes to the county and community, whereby 70% of the 60% goes to the community and 30% Of 60% goes to the county. The remaining 40% goes to the rest of the users.
- iii. Where IK belongs to various communities in various counties. The overall 60% will be divided pro-rata among communities and 40% goes to the rest of the users.
- iv. Where IK and GR is part of IPR. Community level: TK holder to get 40% of the returns/royalties; Community 30%; County Government 10% ; National Government 20%.
- v. Where IP is generated from GR alone without IK: 30% to the providers and 70% goes to the users.
- vi. Where IP is generated from media assets and copyright, 25% goes to the providers and 75% goes to the users.

## **TENTH SCHEDULE**

[s. 227]

### **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

**ELEVENTH SCHEDULE**

**[s.142 (1) (a)]**

**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

**TWELVTH SCHEDULE**

**[s. 242]**

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

National Parks (N.P)

Park Name      Area  
in Sq. Km

Park Name      Area in Sq. Km

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

1. Marsabit N. R.      Area in Sq. Km 1,564 Reserve Name

19. Boni N. R. Area in Sq. Km 1,339  
 2. South Turkana N. R. 1,019 20. Dodori N. R. 877  
 3. Nasalot N. R. 194 21. Tana River Primate N. R 169  
 4. Losai N. R. 1,806 22. Shimba Hills N. R. 192  
 5. Shaba N. R. 239 23. Chepkital 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.

9. Rahole N. R. 606

1,270 26. Tsavo Road & Railways N. R.

27. Nga Ndethia N. R. 212

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

National Sanctuary (NS)

34. Diani-Chale Marine N. R. 165

1. Maralal N.S. (Km<sup>2</sup>)

5 3. Ondago Swamp (ha)

24.8

2. Lake Simbi (Ha) 41.7 4. Kisumu Impala  
 N. S.

0.34

*The Wildlife Conservation Bill, 2025*

