

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 116 (2) (d) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations:-

WILDLIFE CONSERVATION AND MANAGEMENT (ACTIVITIES IN PROTECTED AREAS) REGULATIONS, 2015

PART 1- PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Wildlife Conservation and Management (Activities in Protected areas) Regulations, 2015.

(2) These Regulations shall come into force on the date of their publication in the Kenya Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“Act” means the Wildlife Conservation and Management Act, No. 47 of 2013;

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

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

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

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

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

“Service” means the Kenya Wildlife Service established under section 6 of the Act;

“visitor” means any person entering a protected area by means of permit, license, and who is not an employee, representative or agent of the Service or related entity; and

“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 or sanctuary.

Application

3. These Regulations shall apply to activities in protected areas.

PART II- MANAGEMENT OF PROTECTED AREAS

Register of Protected Areas

4. (1) The Service must maintain a register called the Register of Protected Areas as provided for under section 87 (1) (b) of the Act.

(2) The Register must-

- (a) contain a list of all protected areas;
- (b) indicate the category of protected area in each case;
- (c) status of the management plan;
- (d) size of the protected area;
- (e) year of establishment; and
- (f) key conservation targets including the species, habitat type and cultural settings or link to international treaties or conventions.

(3) In addition to sub-regulation (1) and (2) the Service shall-

- (a) maintain a depository of gazette notices of all protected areas;
- (b) maintain a depository of all gazetted management plans; and
- (c) develop a work-plan for review and updating protected areas management plans.

(4) A protected area so declared in terms of county legislation must be included in the Register as a nature reserve or other category of protected area depending on the purpose for which it was declared.

Management of activities in protected areas

5. In management of the activities in protected areas, the Service or the owner in case of a conservancy or sanctuary, shall-
 - (a) issue entry permits to protected areas on such terms as are consistent with the conservancy objectives of the area;

- (b) designate and publish entry points to all protected areas and prescribe the entry fees payable;
- (c) declare and publish closure of entry for any period necessary for maintenance and rehabilitation of a protected area and for any other purpose;
- (d) regulate the acceptable mode of transport in each protected area and post any restriction at all entry points; and
- (e) designate campsites, viewpoints and other recreational areas and provide directions as to their use.

Regulation of activities in protected areas

6. Activities in protected areas are regulated to the extent prescribed in-

- (a) section 45 of the Act on mining in protected areas and the Regulations made thereon under section 45 (2) (f);
- (b) section 32 and 36 of the Act on marine protected and marine conservation areas and the Regulations made thereon under section 32 (4) and 36(4) respectively;
- (c) section 33 on protected wetlands and the Regulations made thereon under section 33(3); and
- (d) any other relevant law regulating protected areas.

Prohibited activities

7. (1) Except with the special permission of the Service, no person shall, in the case of a state-protected area—

- (a) enter or leave any protected area elsewhere than at a designated point of entry or exit;
- (b) be within designated protected areas unless he is in a stopping place, or unless he is in a motor vehicle;
- (c) be within any national park or any portion thereof between the hours of 6.30 pm and 6.00 am unless residing;
- (d) drive, or cause to be driven, a motor vehicle at a speed greater than 40 Kilometers per Hour;
- (e) cause a vehicle to be stopped on any road in the protected area in such a manner as to obstruct or impede the passage of other vehicles;
- (f) drive or cause to be driven, a motor vehicle than on designated roads; or
- (g) alight from or get out of a motor vehicle, except in a stopping place in designated protected areas;
- (h) display any notice or advertisement within a national park, or on any boundary of a national park;

- (i) collect any money from members of the public, or sell any goods, or offer any goods for sale, or purchase any goods or carry on any trade, within a National Park;
- (j) enter into any protected area with a pet;
- (k) film for commercial purposes within any protected area without a license;
- (l) cause or make any noise or do any act which is likely to disturb or annoy any other person or animal;
- (m) remove or introduce any animal or vegetation dead or alive from the protected area;
- (n) land in a protected area other at a designated airstrip except as provided by section 94(1) of the Act;
- (o) enter into a protected area while in possession of any weapon, ammunition, explosive or trap;
- (p) capture any free ranging fauna, whether terrestrial or marine for holding in captivity;
- (q) erect any temporary or permanent structure in the protected area;
- (r) light or cause any fire within a protected area;
- (s) clear any bushes, make road works, paths in the protected area;
- (t) introduce any type of domestic animal to the area with an intention that it resides therein;
- (u) entry for the purpose of collecting any trophies or plants; or
- (v) capture, feed or in any manner disturb any animal or plant in the area:

provided that the activities prohibited in this Regulation may be permitted if they are-

- i. part of a step taken in the defense of life upon lawful entry into protected areas; or
- ii. carried out by a licensed user of wildlife and other products in the protected area to the extent that it is allowed under the licence.

(2) The registered owner of a conservancy or sanctuary shall, in line with conservancy objectives and in consultation with the Service develop a list of prohibited activities applicable to the protected area.

Authorized activities

8. (1) Any person entering into a state-protected area to engage in any of the following activities shall do so with authorization of the Service-

- (a) Night game viewing
- (b) Filming for commercial purposes
- (c) Research
- (d) Mining
- (e) Restoration of ecosystems
- (f) Infrastructure development

- (g) Collecting samples
- (h) Free entry
- (i) Sport fishing in terrestrial parks

(2) In the case of a conservancy or sanctuary, the activities referred to in sub-regulation (1) shall only be undertaken upon authorization by the owner of the protected area.

Management plan for activities in protected areas

9. (1) The Service shall, within one year of the commencement of these Regulations prepare a management plan specifying the list of prohibited, authorized and permissible activities within state-protected areas.

(2) A conservancy or sanctuary owner shall, within three years or registration, in line with Regulation 16 of the Conservancy Regulations, prepare a management plan specifying the list of prohibited, authorized and permissible activities within the protected area.

(3) The list of activities referred to under this part shall be displayed on a conspicuous place at the entrance into the protected area.

PART III-ENTRY INTO PROTECTED AREAS

Entry into protected areas

10. (1) No person shall, except with the permission of the Service, or the owner in case of a conservancy or sanctuary, enter into a protected area.

(2) A person may enter into a state-protected area-

- (a) upon payment of the applicable conservation fee; or
- (b) if the person is one of the legitimate occupants of a vehicle in respect of which a special pass is in force.

(3) A person entering a protected area must produce proof of identification of citizenship before entry can be allowed:

provided that a minor may enter in the company of an adult, who must produce proof of identification.

(4) The Service or the owner in case of a conservancy or sanctuary retains the authority to refuse permission to any person to enter or remain within a protected area.

(5) Any person entering a state-protected area shall be restricted to the areas and activities stated on the entry permit and or license.

(6) In the case of a conservancy or sanctuary, the owner may, in addition to the rules applicable to the conservancy or sanctuary under this part, formulate further rules to govern entry into the protected areas.

Categories of fees for entry

11. (1) There shall be three categories of fees for entry into state-protected areas as follows-

- (a) citizens of East Africa;
- (b) residents of East Africa; and
- (c) non-residents of East Africa

as specified in the gazetted prescribed fee structure to be published from time to time under the Wildlife Conservation and Management (Prescription of User Fees) Regulations .

(2) The Service may grant annual passes for use in entering into a state-protected area.

Visitor indemnity

12. Any person entering into a protected area as a visitor, tourist, researcher, intern, volunteer, service provider or any other person other than Service employees or in the case of a conservancy or sanctuary, conservancy or sanctuary employees working inside a protected area, shall sign an indemnity form.

Regulated Access to National Reserves

13. (1) The Service may issue a permit, and or allow supervised entry into a national reserve for communities living contiguous to the area for the purposes of-

- (a) collecting medicinal plants and roots;
- (b) collecting papyrus and vines for construction of shelter;
- (c) accessing water points on which the community traditionally depends;
- (d) accessing beehives, food and fish on which the community traditionally depends; and
- (e) for any other purpose that the Service considers reasonable paying due to regard to the safety of the animals and people.

(2) Any person to whom sub-regulation (1) applies and who intends to access a state-protected area for any of the purposes therein listed shall apply to the Service for an access permit in Form A prescribed in the First Schedule to these Regulations.

(3) The access permit shall be in Form B prescribed in the First Schedule.

Performance audit reports

14. The Service shall once every year, in collaboration with the Committee and other stakeholders, engage the assistance of an independent firm to undertake a performance audit on protection of all classes of wildlife under these Regulations and specifically to-

- (1) Assess the ecological integrity of the protected areas
- (2) Review the monitoring of the species in protected areas,
- (3) Evaluate the management plans for the protected areas, and
- (4) Appraise the resources needed to effectively manage the protected areas.

PART IV-FINAL PART

Complementing laws

15. These Regulations shall-

- (1) be interpreted and applied in accordance with the national environmental management principles; and
- (2) be read with the applicable provisions of the Environmental Management and Coordination Act, No. 8 of 1999.

Offences

16. Any person who contravenes any provision of these Regulations commits an offence and shall be liable on conviction to such penalty as is provided for in Part XI of the Act.

FIRST SCHEDULE
FORMS OF APPLICATION AND PERMIT

FORM A (To be completed in Triplicate)

THE REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013

**Wildlife Conservation and Management (Activities in Protected Areas)
Regulations, 2015**

Regulation 12 (2)

APPLICATION FOR AN ACCESS PERMIT

PART I- DETAILS OF APPLICANT

NAME OF APPLICANT _____

ID NUMBER _____ (First) _____ (Middle) _____ (Surname))

ADDRESS _____ POSTAL CODE _____

TEL. NUMBER _____

SEX M F

Have you ever been convicted of any criminal violation relating to wildlife, in Kenya or in any other jurisdiction? Yes No

If yes, please list and explain type of violation and country in which the violation occurred:

Have you ever had a wildlife- related permit or license suspended or revoked?

Yes No

If yes, explain _____

PART II- DETAILS OF PERMIT

TYPE OF PERMIT _____

TYPE OF APPLICATION:

NEW APPLICATION

RENEWAL

DURATION OF PERMIT _____

(Where applicable, state period during the year in months for which permit is required)

PART III-PROTECTED AREA TO BE ACCESSED

NAME OF PROPECTED AREA _____

REASON FOR ACCESS _____

(E.g. To graze in time of drought, fetch water, firewood)

PART V-FINAL

OTHER DOCUMENTS (Check if attached)

- Copy of ID
- Letter from chief

I hereby apply for an access permit and swear by signature that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to criminal penalties. I further state that I will abide by all applicable laws, those governing wildlife and the terms and conditions of this permit.

SIGNATURE OF APPLICANT _____ DATE _____

OFFICIAL USE ONLY

NAME OF RECEIVING OFFICER _____

DATE _____

STATION _____

PERMIT APPROVED DECLINED

If declined, reason _____

DECLINED

FORM B

THE REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013

**Wildlife Conservation and Management (Activities in Protected Areas)
Regulations, 2015**

Regulation 12 (3)

ACCESS PERMIT

 *Original*

Not Transferable

Permit No. _____

This permit is granted to _____

of ID _____ and address _____

in accordance with Regulation 12 of the Wildlife Conservation and Management
(Activities in Protected areas) Regulations, 2015 for _____

(insert reason for permit)

in the _____

(insert protected area)

This permit is issued subject to the Act and the Regulations and may be suspended, cancelled or revoked should the holder breach any of the conditions of issue and those contained in the Regulations.

_____ being the holder of this permit undertakes to abide by the conditions of this permit and to promptly report to the Kenya Wildlife Service any matter within knowledge that may prejudice the interests, security and welfare of wildlife in Kenya.

Issued on _____

Valid until _____

SIGNED _____

DATE _____

DIRECTOR GENERAL
KENYA WILDLIFE SERVICE

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