

NO. 6 OF 2006

THE NATIONAL MUSEUMS AND HERITAGE ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. The National Museums and Heritage (Private Museums) (Licensing) Regulations.....	3
2. The Uhuru Garden Historical Site (Car Entry) Fees Rules.....	9
3. The Loyangalani Desert Museum (Admission Fees) Rules.....	11
4. Confirmation of Sites and Monuments.....	13
5. The National Museums (Open Spaces and Areas of National Heritage) (Protection and Management) Rules.....	17
6. The National Museums and Heritage (Antiquities Dealers) (Licensing) Rules.....	23
7. The National Museums and Heritage (Exploration Licenses and Export Permits) Rules.....	29
8. The National Museums and Heritage (Admission Fees) Regulations.....	33

**THE NATIONAL MUSEUMS AND HERITAGE
(PRIVATE MUSEUMS) (LICENSING) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Requirement for licence
4. Application for licence
5. Form of application
6. Acquisition and care of collections
7. Employment of staff
8. Curator
9. Conservation
10. Security
11. Financial Management
12. Consideration by Minister
13. Action by Minister
14. Licence fees
15. Issue of licence
16. Register of collections
17. Variation or cancellation of licence
18. Closure of museum by licensee
19. Appeal to the High Court
20. Inspection
21. Offences

SCHEDULES

**THE NATIONAL MUSEUMS AND HERITAGE
(PRIVATE MUSEUMS) (LICENSING) REGULATIONS**

[Legal Notice 65 of 2008]

1. Citation

These Regulations may be cited as the National Museums and Heritage (Private Museums) (Licensing) Regulations, 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"collection" means objects and materials of cultural, scientific, natural, biological, palaeontological or historic interest which are exhibited in a museum;

"museum" means a private museum;

"private museum" means a privately owned museum other than a national museum, which is open to the public.

3. Requirement for licence

A licence for the operation of a museum shall be issued in accordance with the provisions of these Regulations.

4. Application for licence

An application for a licence shall be made to the Minister in the form set out in the Schedule.

5. Form of application

An application under Regulation 4 shall be in writing and shall provide evidence—

- (a) that the application has a facility which qualifies to be used as a museum within the meaning of the Act;
- (b) that the applicant already has in his possession a substantial collection for exhibition;
- (c) that the applicant is able to provide professional and authoritative expertise and advice in relation to the proposed activities of the museum to the public;
- (d) of the tenure building in which the proposed museum is located; and
- (e) of the name and qualifications of the proposed curator for the museum.

6. Acquisition and care of collections

(1) An application shall contain a description of the applicant's existing collection, and the mode of acquisition thereof, whether by purchase or on loan.

(2) The applicant shall set out the museum's proposed acquisition policy, which shall be subject to the approval of the Minister.

(3) An application shall provide adequate documentation setting out the proposed museum's methods of storing, handling, and displaying of its collections.

7. Employment of staff

The applicant shall employ adequate staff, to fulfil the museum's mandate.

8. Curator

(1) An applicant shall have in his employment a professional curator for purposes of managing the museum.

(2) A curator shall have the following qualifications—

[Subsidiary]

- (a) a relevant degree from a recognized university or specialized knowledge of the subjects covered by the museum; or
- (b) a diploma in museum studies from a recognized institution of learning or equivalent qualifications from an accredited institution of learning; and
- (c) relevant experience of the principles and practice of museum operations and management.

9. Conservation

An applicant shall demonstrate access to full time professional conservation advice for the maintenance of the museum.

10. Security

The applicant shall provide evidence that the museum has taken adequate steps to ensure the safety and security of the collection.

11. Financial Management

The applicant may be required to demonstrate that the museum has a sound financial basis by submitting—

- (a) its budget;
- (b) accounts for the previous two years; and
- (c) supporting documents for the long-term security of the museum building, including the tenure.

12. Consideration by Minister

In considering an application for a licence, the Minister shall have regard to—

- (a) the legal status of the applicant, including, in the case of a corporate person;
- (b) whether the items collected and exhibited in the proposed museum shall be alive or non-live;
- (c) whether the materials are secured in the long-term for the public benefit;
- (d) whether the applicant has formal arrangements to manage and exhibit the collection; and
- (e) whether the materials in the collection were acquired following the appropriate law.

13. Action by Minister

The Minister shall consider all applications made under these Regulations, and may—

- (a) grant the licence without conditions;
- (b) grant the licence, subject to such conditions as he may consider appropriate;
- (c) direct that the premises in respect of which the application is made be modified in a specified manner and the application for the licence resubmitted; or
- (d) refuse the application, and shall in respect of paragraphs (a), (c) and (d) give reasons for his decision.

14. Licence fees

There shall be payable a fee of ten thousand shillings for the issuance and renewal of a licence under these Regulations.

15. Issue of licence

(1) A licence issued under these Regulations shall be in the form set out in the Schedule, and shall indicate—

- (a) the name of the licensee;

- (b) the premises in respect of which it is issued;
- (c) the charges payable for the issuance and renewal of the licence.

(2) The licensee shall be required to make a firm commitment in writing—

- (a) to adhere to such directions, if any, as the Minister may prescribe; and
- (b) to honour and protect the heritage represented in the licensed premises.

(3) A licence issued under these Regulations shall be valid for a period of one year, after which it shall be renewed.

16. Register of collections

(1) It shall be a condition of a licence issued under these Regulations that the holder should maintain a register containing details of the collections exhibited in the museum.

(2) The register shall be maintained in such a way as to ensure that the museum shall at all times have records of all the specimens it is responsible for, and their exact location.

17. Variation or cancellation of licence

A licence may be varied or cancelled by the Minister after giving three months, written notice to the holder thereof with reasons for such variation or cancellation and giving such holder an opportunity to make representations to the Minister regarding such notice:

Provided that the Minister may with immediate effect and without notice cancel a licence where the holder breaches any of the conditions attached thereto.

18. Closure of museum by licensee

(1) A licensee shall where he intends to close down a licensed museum notify the Minister accordingly, specifying the manner in which he proposes to deal with the collection.

(2) The Minister may, in the interests of conservation of heritage, direct the Board to take over the management of any materials in a museum to which this regulation relates.

19. Appeal to the High Court

Any person who is aggrieved by a variation or cancellation of a licence under Regulation 17 may appeal to the High Court.

20. Inspection

(1) All museums licensed under these Regulations shall be subject to inspection by teams of experts which the Minister may appoint from time to time.

(2) It shall be an offence for a licence-holder or his servant or agent to obstruct any person acting pursuant to subregulation (1) in the exercise of his powers of inspection under these Regulations.

21. Offences

(1) Any person who—

- (a) gives false or incorrect information in an application made under these Regulations; or
- (b) obstructs any person authorized by the Minister in the exercise of his functions under these Regulations, commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

(2) The Minister may direct that any museum the licence in respect of which is found to have been issued on the basis of false or incorrect information be closed forthwith.

SCHEDULE

Form of Application for Licence to operate Private Museum

[Subsidiary]

[r. 4]

THE NATIONAL MUSEUMS AND HERITAGE ACT, 2006
APPLICATION FOR LICENCE TO OPERATE PRIVATE MUSEUM
TO: MINISTER OF STATE FOR NATIONAL HERITAGE AND CULTURE

1. Name of Applicant
- Address
2. Professional qualifications
3. Number of staff employed
4. Qualifications of staff
5. Do you have a full-time curator?
6. Name of premises to be registered Location (L.R. No., Physical Address Situated in (Name of Town) Tenure
7. Visitors' facilities available
8. Materials to be exhibited
- (a)
- (b)
- (c)
- (d) State the contribution to National Heritage
- (e) How were the materials acquired?
 - (i) Name and address of source of materials
 - (ii) Country of Origin
- (f) Where the materials exhibited in country of Origin?

Form of Licence to operate Museum

[r. 15]

THE NATIONAL MUSEUMS AND HERITAGE ACT, 2006
LICENCE TO OPERATE A PRIVATE MUSEUM

This is to certify that (Name) is hereby authorized to operate a private Museum at in the name and style of

This Licence shall expire on the

..... *(Date)

THE UHURU GARDEN HISTORICAL SITE (CAR ENTRY) FEES RULES

[Legal Notice 116 of 2008]

1. These Rules may be cited as the Uhuru Garden Historical Site (Car Entry) Fees Rules, 2008.
2. The fees chargeable for entry of motor vehicles into Uhuru Gardens Historical Site shall be as indicated in the Schedule.
3. The fees in the Schedule to these Rules shall apply for all days, including public holidays.

SCHEDULE

Historical Site	Entry	Entry fees
Uhuru Gardens	All classes of motor vehicles	Ksh. 100

THE LOYANGALANI DESERT MUSEUM (ADMISSION FEES) RULES

[Legal Notice 127 of 2008]

1. These Rules may be cited as the Loyangalani Desert Museum (Admission Fees) Rules, 2008.
2. The fees chargeable for entry into Loyangalani Desert Museum shall be as indicated in the Schedule.
3. The fees in the Schedule to these Rules shall apply for all days, including public holidays.

SCHEDULE

	<i>Class of Visitor</i>	<i>Entrance Fees. (KSh.)</i>
Non-Residents (outside East Africa).	For every person aged sixteen years and over	500
	For every child over three and below sixteen years	250
Non-Residents (within East Africa)	For every person aged sixteen years and over	400
	For every child over three years and below sixteen years	200
Residents	For every person aged sixteen years and over	100
	For every child over three years and below sixteen years	50

CONFIRMATION OF SITES AND MONUMENTS

[Legal Notice 128 of 2008, Legal Notice 130 of 2009, Legal Notice 37 of 2010]

IN EXERCISE of the powers conferred by Section 25(3) of the National Museums and Heritage Act, the Minister of State for National Heritage and Culture, confirms the monuments, protected areas and buildings set out in the Schedule, which he considers of historical and archeological interest to be Sites and Monuments within the meaning of the Act.

SCHEDULE

[LN 128/2008.]

RAILWAY HOUSE, LOWER HILL ROAD

All that building known as Railway House, Lower Hill Road and the surrounding compound in L.R. No. 209/14647, Upper Hill, Nairobi City, in Nairobi Province.

LAND'S OFFICES, MOI AVENUE, NAIROBI

All that building known as Land's Offices, Moi Avenue and the surrounding compound in L.R. No. 209/12722, Central Business District, Nairobi City in Nairobi Province.

THE MANSE KIKUYU

All that building known as the Manse and the surrounding compound of approximately 80 m x 70 m situated in Kikuyu, Kiambu District in Central Province.

COTTAGE, NANDI ROAD, KAREN

All that building known as the Cottage, Nandi Road 150 in L.R. No. 7336/18 situated in Miotoni, Karen, Nairobi City in Nairobi Province.

P.C.E.A. CHURCH OF THE TORCH, THOGOTO

All that building known as the P.C.E.A. Church of the Torch, Thogoto, Kikuyu and the surrounding compound in L.R. No. Dagoreti/Thogoto/1448, Kiambu District in Central Province.

WATSON SCOTT MEMORIAL CHURCH, KIKUYU

All that building known as the Watson Scott Memorial Church and the surrounding compound of approximately 63 m x 38 m in L.R. No. Dagoreti/Thogoto/1448 situated in Kiambu District in Central Province.

KITAU MANDA SKYLINE

All that area covering the Kitau and Magrove Skyline of Manda, situated at Lamu World Heritage Site, Lamu District in Coast Province.

SIRI GURDWARA RAMGARHIA TEMPLE

All that building known as the Siri Gurdwara Ramgarhia Temple, situated off Sandifod Road, Landi Mawe Area within Railways Estate in Nairobi Province.

KAYA CHITSANZE

All that area of forest and measuring approximately 104.5 hectares, also known as Chitsanze Sacred Grove located in Ziwani Sublocation, Golini Location, Matuga Division, Kwale District in Coast Province.

[Subsidiary]

DEDAN KIMATHI STATUE

All that structure within the area of land measuring approximately 0.41146 Hectares, also known as the Dedan Kimathi Statue situated along the junction of Kimathi Street and Mama Ngina Street in Nairobi Province.

OLD EMBU PC'S HOUSE

All that building known as the Old Embu PC's House number HGI-Embu measuring approximately 70 m x 80 m situated about 50 m from the new PC's residence within Embu Town, Embu District in Eastern Province.

OLD EMBU PC SERVANT'S QUARTERS

All that building known as the Old Embu PC servants' quarters situated in Embu Town, Embu District in Eastern Province.

OLD ARMOURY

All that building overgrown by a fig tree, known as the Old Armoury measuring approximately 6 feet and about 20 metres from the Old PC's House within Embu Town, Embu District in Eastern Province.

OLUCHIRI SACRED GROVE

All that forest patch measuring approximately 30 m x 40 m also known as Oluchiri Sacred Site situated in Ebusiekwe sub-location, West Bunyore Location, Lwanda Division, Vihiga District in Western Province.

ASUBWE SACRED GROVE

All that area of land measuring approximately one acre, also known as Asubwe Sacred Site, located in Ebusiekwe sub-location, West Bunyore Location, Lwanda Division, Vihiga District in Western Province.

KING GEORGE'S TOWER

All that structure known as the King George's Tower at the junction of Sudi Road and Kenyatta Avenue, Kakamega Town in Western Province.

NAIROBI CLUB

All that building known as the Nairobi Club situated along Ngong Road in Nairobi Province.

ICHAGAKI PARISH

All that building known as the Ichagaki Parish, situated along the Maragua-Ichagaki Road, Maragua District in Central Province.

BILDAD KAGGIA'S MAUSOLEUM

All that structure known as the Bildad Kaggia's Mausoleum situated in Kabati sub-location, Maragua District in Central Province.

PEPONI ROAD HOUSE NO. 21

All that area of land on which the building known as Peponi Road House No. 21 stands, being L.R. No. 187011/219, situated along Peponi Road in Westlands, Nairobi Province.

MAKHAN SINGH HOUSE

All that area of land together with the building thereon located in L.R. No. 209/2761 along Park Road, Ngara within Nairobi Province.

KAKAPELI ROCK SHELTER

All that rock art known as the Kakapeli Rock Shelter, situated in Kiboi area on the Southern slopes of Mt. Elgon, North Teso Location in Busia District.

HONOURABLE PAUL NGEI MAUSOLEUM

All that structure known as Hon. Paul Ngei's Mausoleum situated in Mbilini Sub-location, Kangundo Division, Machakos District in Eastern Province.

EL MOLO SHRINES

All the four Elmolo shrines namely: Marie, Orikala, Origaltite and Orisole known as the Gantes occupying an area measuring approximately one acre situated in Roto Island, Loyangalani Division in Marsabit District.

DESAI HOUSE, 2ND PARKLANDS AVENUE, NAIROBI

All that building known as Desai House, 2nd Parklands Avenue and the surrounding of about 1.7 acres, on L.R. No. 209/1916/6, Parklands, Nairobi City in Nairobi Province.

WESTMINSTER HOUSE

All that building on plot No. 209/900, known as the Westminster House, situated along Kenyatta Avenue, Nairobi City in Nairobi Province.

SHAFFI MOSQUE

All that building known as the Shaffi Mosque, on L.R. No. 209/6502, situated within Muthurwa Area, Railways Estate, Kamukunji Division in Nairobi Province.

VIGANGO OF THE GIRYAMA TRIBE

All those objects known as Vigango found and used as funeral posts among the Giryama tribe in Coast Province.

EAST ALEGO NYANGOMA KOGELO

All that area known as East Alego Nyangome Kogelo, parcel No. 364 measuring approximately three decimal six (3.6) hectares, situated in Siaya District.

ST. PETERS CATHOLIC CHURCH

All that building known as St. Peters Catholic Church measuring approximately 40ft x 40ft and geographical measurements of 819.224 mE, 9879288.3 mN situated in Narok District, Rift Valley Province.

OLD ASIAN SCHOOL

All that building known as the Old Asian School measuring approximately 50ft x 25ft and geographical measurements of 819,859 mE, 98795986.7 mN situated in Narok District, Rift Valley Province.

FORMER ITALIAN BARRACKS

All that building known as the former Italian Barracks measuring approximately 8ft x 30ft and geographical measurements of 819.167 mE, 9880051.6 mN situated in Narok District, Rift Valley Province.

CITY PARK

An area of forest land on L.R. No. 209/6559/6 measuring approximately sixty (60) hectares and set out in part development plan No. CPD and ARCH/FP/20/111/97 known as City Park in Parklands area in the city of Nairobi.

OL DONYO SABUK HOUSE, KILIMA MBOGO

All that building known as Ol Donyo Sabuk House, Kilima Mbogo and the surrounding compound of the central farm of Muka Mukuu farmers Co-operative, measuring about 33,000 acres, Kyeleni Sub-location, Kymzavi Location, Matunguru Division, Machakos District, Eastern Province.

National Museums and Heritage

[Subsidiary]

TULUAP–SIGIS HILL

All that area of forest land surrounding Tuluap-Sigis Hill measuring approximately three hundred and seventy five (375) hectares situated in Londiani Division, Kipkelion District in Rift Valley Province.

CITY MARKET

All that building known as the City Market and the surrounding compound, on L.R. No. 209/1855/1 situated between Muindi Mbingu Street and Koinange Street in Nairobi City, Nairobi Province.

KENYA PORTS AUTHORITY MARITIME MUSEUM BUILDING

All that building known as the Kenya Maritime Museum measuring approximately decimal nine eight (0.98) acres located on asset No. L.N. 15 and geological co-ordinates of 40 641'S and 390 38.915'E situated within Kilindini Harbor, Mombasa District, Coast Province.

NAIROBI SOUTH CEMETERY

All that area known as the Nairobi South Cemetery measuring approximately decimal nine four six (0.946) hectares, on L.R. No. 209/256 located along the Uhuru Highway and adjacent to the Railway Golf Course in Nairobi Province.

THE NATIONAL MUSEUMS (OPEN SPACES AND AREAS OF NATIONAL HERITAGE) (PROTECTION AND MANAGEMENT) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Application
 3. Interpretation
 4. Appointment of guardian
 5. Dealing with protected area
 6. Access to the public
 7. Prohibited activities in a protected area
 8. Public conduct
 9. Littering
 10. Picking leaves seeds, etc.
 11. Entrance and exit
 12. Preservation
 13. Structure
 14. Construction in protected area
 15. Restoration work
 16. Responsibility of owner or guardian
 17. Rules to apply
 18. Restoration work
 19. Replacement of materials
 20. Missing features
 21. Changes to conform to original
 22. Use of surrounding area
 23. Public participation
-

THE NATIONAL MUSEUMS (OPEN SPACES AND AREAS OF NATIONAL HERITAGE) (PROTECTION AND MANAGEMENT) RULES

[Legal Notice 35 of 2009]

1. Citation

These Rules may be cited as the National Museums (Open Spaces and Areas of National Heritage) (Protection and Management) Rules, 2009.

2. Application

These Rules shall apply to all open spaces, protected areas, national monuments, protected buildings and areas of cultural, natural or national heritage declared as such by the Minister for the purposes of the Act.

3. Interpretation

In these Rules, unless the context otherwise requires—

"guardian" means a person appointed by the Minister under rule 4 to be the guardian of any protected area.

4. Appointment of guardian

(1) The Minister may, by notice in writing, upon the recommendation of the National Museums, appoint—

- (a) the National Museum;
- (b) a person or body ordinarily responsible for the protected area;
- (c) any other person who the Minister considers appropriate, to be a guardian for the purposes of these Rules.

(2) A person appointed to be a guardian shall be responsible for the maintenance and conservation of the protected area.

5. Dealing with protected area

A person shall not deal with a protected area except in the manner provided for under these Rules.

6. Access to the public

Where a protected area is designed to be accessible to the public, the guardian of that area shall restrict access to the extent necessary to preserve its physical character and cultural value.

7. Prohibited activities in a protected area

No person shall, unless with the prior written authority of a guardian of a protected area—

- (a) bring or allow any animal to enter or stray;
- (b) play games, climb any trees, shoot with guns or catapults or throw stones; or
- (c) light any fire in or bring any fire in a protected area.

8. Public conduct

A person shall not engage in disorderly conduct in a protected area.

9. Littering

A person shall not deposit paper, bottles or other refuse of any sort in a protected area.

[Subsidiary]

10. Picking leaves seeds, etc.

A person shall not pick any leaves, flowers, fruits or seeds, or break, pull up or damage or deface any tree, shrub, flower grass, turf, fence, seat, notice board or name ticket of a tree or shrub in a protected area.

11. Entrance and exit

A person shall enter or exit from a protected area through the designated points provided for entry or exit.

12. Preservation

(1) A guardian of a protected area shall ensure that the protected area is as far as possible preserved in its condition at the time of declaration as a protected area by the Minister.

(2) Any existing trees, shrubs, plants and flowers shall be replaced with the species selected with regard to the preservation of the original character of the protected area.

13. Structure

A person shall not remove any permanent or moveable structures of any kind which have natural or historical significance and form part of a protected area from that area, unless the removal is essential for their conservation or restoration, and the person has obtained written permission of the Minister.

14. Construction in protected area

A person shall not undertake the construction of any infrastructure, including visitors' amenities, drainage works or car parks, in a protected area, in a manner that endangers the ecological equilibrium or alters the general appearance of the area.

15. Restoration work

A person shall not undertake any restoration or reconstruction work in a protected area unless that person has undertaken a prior research to ensure its scientific excavation and he has obtained prior written approval of the project by the National Museums.

16. Responsibility of owner or guardian

The owner or guardian of a monument shall, in consultation with the National Museums carry out regular maintenance and repairs of the monument.

17. Rules to apply

The provisions of these Rules relating to the conservation and maintenance of protected areas shall apply mutatis mutandis to the conservation and maintenance of monuments.

18. Restoration work

The owner or guardian of a monument shall when restoring or rehabilitating a monument, use the original or historically significant building materials and maintain the original architectural features.

19. Replacement of materials

(1) Where it is necessary to replace the original building materials or historic decorative details, the owner or guardian shall ensure that the alternative materials match those that are to be replaced in composition, design, colour, texture and other visible qualities.

(2) A person who wishes to use alternative materials as described in paragraph (1) shall prior to the use seek and obtain the written permission of the National Museums.

20. Missing features

Where missing architectural features are to be replaced on a monument, the replacements shall be made on the basis of evidence of the original features, supported by physical or pictorial information.

21. Changes to conform to original

All changes made to a monument shall be appropriate to the original historic style.

22. Use of surrounding area

(1) The area surrounding a monument may with the prior approval of the Minister be used for the construction of public amenities.

(2) A person shall conserve and maintain the original landscape, materials and features, including outbuildings, fencings, railings, walls, stairs and walkways, rather than replace them.

23. Public participation

(1) Whenever the approval of the National Museums is sought for the purposes of the rehabilitation of any protected area or monument, the National Museums shall ensure public participation by—

- (a) posting the notice of rehabilitation on the monument concerned, or at a conspicuous place within the protected area; and
- (b) inviting comments from stakeholders on the proposed restoration or rehabilitation within the period specified in the notice.

(2) The National Museums shall when granting or withholding approval take into account the comments received under paragraph (1)(b).

**THE NATIONAL MUSEUMS AND HERITAGE
(ANTIQUITIES DEALERS) (LICENSING) RULES**

ARRANGEMENT OF RULES

Rule

1. Citation
2. Interpretation
4. Antiquities dealer's licence
5. Eligibility to apply for licence
6. Application
7. Consideration of applications
8. Duration of licence
9. Suspension or cancellation of licence
10. Maintenance of records
11. Obligations of dealer
12. Inspection
13. Exportation and importation of antiquities
14. Transfer of licence
15. Closure of dealership
16. Transitional provisions

SCHEDULES

**THE NATIONAL MUSEUMS AND HERITAGE
(ANTIQUITIES DEALERS) (LICENSING) RULES**

[Legal Notice 36 of 2009, Legal Notice 111 of 2009]

1. Citation

These Rules may be cited as the National Museums and Heritage (Antiquities Dealers) (Licensing) Rules, 2009.

2. Interpretation

In these Rules, unless the context otherwise requires—

"dealer" means a person licensed under these Rules to trade in antiques.

4. Antiquities dealer's licence

A person shall not deal in antiquities unless he has obtained a licence issued under these Rules.

5. Eligibility to apply for licence

A person shall not be eligible to apply for a licence under these Rules unless that person

- (a) possesses the necessary legal capacity to enter into contracts, and has the capacity to carry out the activities for which the licence is sought; and
- (b) in the case of a foreign applicant, has complied with all the laws for the time being in force relating to investment by foreigners.

6. Application

(1) A person who wishes to deal in antiquities shall make an application for a licence to the Minister in the prescribed form.

(2) An application under paragraph (1) shall be accompanied by—

- (a) the prescribed fee;
- (b) sufficient evidence to show that the applicant is qualified under rule 5 to apply for a licence; and
- (c) a general description of the items the applicant intends to deal in.

7. Consideration of applications

(1) The Minister shall consider all applications submitted under these Rules and, if he is satisfied that the applicant is qualified under rule 5, approve the grant of a licence.

(2) In considering an application under paragraph (1), the Minister may enlist the advice and assistance of the National Museums or any other person who has the expertise in matters relating to antiquities.

(3) Where the Minister does not approve an application for the grant of a licence he shall, within fourteen days after such refusal, notify the applicant in writing, setting out the reasons for refusal.

8. Duration of licence

(1) Unless earlier revoked, a licence shall be valid for a period of three years from the date of issue, and may be renewed upon application for renewal and payment of the prescribed fee.

(2) Where an application for renewal is made before the expiry of an existing licence, the existing licence shall remain in force until the expiry thereof.

(3) Where an application for renewal is made after the expiry of an existing licence the same shall be considered as a fresh application and rule 6 shall apply accordingly.

[Subsidiary]

9. Suspension or cancellation of licence

(1) The Minister may suspend or cancel a licence if the dealer—

- (a) fails to comply with the terms and conditions specified in the licence;
- (b) breaches any of the provisions of the Act;
- (c) is found to have made a false or misleading statement to the Minister or to a public officer in his application for the grant of a licence; or
- (d) does any other thing which, in the opinion of the Minister makes him ineligible to hold the licence.

(2) The Minister shall within fourteen days of the cancellation or suspension of a licence, furnish the licensee with the reasons for the cancellation or suspension in writing.

(3) A dealer whose licence has been suspended or cancelled shall cease dealing in antiquities and inform the Minister accordingly within a period of seven days, in which case the provisions of rule 15 shall apply.

10. Maintenance of records

A dealer shall maintain accurate records relating to all the antiquities offered for sale, tracing the progression from the source to the point of acquisition by himself to prove authenticity.

11. Obligations of dealer

A dealer shall not—

- (a) deal in antiques other than in accordance with the terms and conditions of the licence; or
- (b) engage in antique trading under a licence under these Rules with a person who, to the dealer's knowledge, has not acquired the antiques lawfully, or is otherwise not entitled to deal in antiques under these Rules.

12. Inspection

The Minister may, by notice in writing, upon the recommendations of the National Museums, appoint—

- (a) the National Museum; or
- (b) any other person who the Minister considers appropriate, to inspect the premises of a dealer to confirm the authenticity of the antiquities offered for sale.

13. Exportation and importation of antiquities

(1) A licence issued under these Rules may permit the dealer to export or import antiquities subject to such conditions as may be specified on the licence.

(2) A licence shall not exempt the dealer from the obligation to comply with the requirements of any other law relating to importation or exportation of goods.

14. Transfer of licence

(1) A licence shall not be transferable except with the written approval of the Minister.

(2) An application for approval under paragraph (1) shall be made to the Minister in the manner set out in rule 6 and the applicant shall state the intention to transfer and identify the proposed transferee.

(3) The licensee shall ensure that the proposed transferee is a person who would be eligible for the grant of a licence under these Rules.

(4) An application under this rule shall be made within a period of two months before the date of the proposed transfer.

15. Closure of dealership

(1) A licensee shall, where he terminates his business for any reason, inform the Minister accordingly, and specify the manner in which he intends to dispose of the antiquities in stock.

(2) The Minister may, upon receiving information under paragraph (1), give instructions regarding the disposal of the antiquities as he may consider appropriate.

16. Transitional provisions

(1) Any person who at the commencement of these Rules is a dealer in antiques shall, within a period of six months after the commencement of these Rules, apply for a dealer's licence under these Rules.

(2) An application under paragraph (1) shall, in addition to the requirements under rule 5, be accompanied by an inventory of all the items offered for sale, together with accurate records of acquisitions as required under rule 10.

SCHEDULE

[r. 6]

[LN 111 of 2009]

FORM AD 1

APPLICATION FOR LICENCE TO DEAL IN ANTIQUITIES

To: The Minister of State for National Heritage and Culture

- 1. Name of the applicant:
- Address:
- 2. Nationality:
- 3. Proof of compliance with relevant law (if not Kenyan):
- 4. Name of premises:
- Location (L.R. No., physical address)
- Situated in:
- Tenure:
- 5. Material to be offered for sale:
- 6. State the significance of materials to national heritage:
- 7. How were the material acquired?
- 8. Country of origin:
- Date:
- Signature of the applicant:

**THE NATIONAL MUSEUMS AND HERITAGE
(EXPLORATION LICENSES AND EXPORT PERMITS) RULES**

ARRANGEMENT OF RULES

Rule

1. Citation
2. Interpretation
3. Conditions of the licence
4. Compliance

SCHEDULES

**THE NATIONAL MUSEUMS AND HERITAGE
(EXPLORATION LICENSES AND EXPORT PERMITS) RULES**

[Legal Notice 110 of 2009]

1. Citation

These Rules may be cited as the National Museums and Heritage (Exploration Licences and Export Permits) Rules, 2009.

2. Interpretation

In these Rules, unless the context otherwise requires—

"**exploration licence**" means a licence issued under section 27 of the Act;

"**Provincial Administration**" means the office of the District Commissioner responsible for the area in which the licensee operates.

3. Conditions of the licence

The conditions set out in the Schedule hereto shall apply to exploration licence and export permit issued under the Act.

4. Compliance

The Minister may revoke the licence of a licensee who fails to comply with the conditions set out in the Schedule.

SCHEDULE

[r. 3.]

1. A licensee shall not enter into any land, execute any works or destroy or interfere with any crops, cultivations or dwellings on any land without the consent of persons or authorities having any interest or right in or over that land.
2. A licensee shall exercise care and ensure that objects found are treated for preservation in accordance with the prevailing scientific practice, and that any excavation made shall be maintained in a manner that ensures that any objects remaining thereon are protected from deterioration.
3. Upon completion of any excavation works, a licensee shall fill up or adequately fence around any hole that might be dangerous to human beings or animals.
4. Nothing in a licence shall be construed as allowing the removal of any objects of veneration to the local inhabitants.
5. At the conclusion of the season's work, the licensee shall submit one copy of the field catalogue, photographs, plans and any other relevant records to the National Museums for retention.
6. A licensee shall not remove any object from Kenya unless the licensee is authorized to do so by an export permit issued by the Minister.
7. Pending the granting of the export permit, all recovered objects shall be surrendered to or deposited at the National Museums, Nairobi, or at any other institution designated by the Minister.
8. Where a licensee does not intend to export recovered objects, the recovered objects shall be deposited at the National Museums.

[Subsidiary]

9. A licensee shall inform the Provincial Administration in charge of the area in which he intends to explore or excavate of the location of his activities, and shall comply with any instructions of the provincial administration relating to the licence.

10. All operations under a licence shall be carried out under the immediate personal supervision of, and in the presence of the licensee or such members of his staff as may be approved in writing, for that purpose by the Minister.

11. The licensee shall not allow unqualified person, whether in his employment or not, to collect specimens.

12. The licensee shall, before issuing any report to the media or any other person or authority regarding any discoveries made, inform the National Museums.

**THE NATIONAL MUSEUMS AND HERITAGE
(ADMISSION FEES) REGULATIONS**

[Legal Notice 167 of 2009, Legal Notice 112 of 2010, Legal Notice 10 of 2013]

1. These Regulations may be cited as the National Museums and Heritage (Admission Fees) Regulations, 2009.
2. Every adult or child who is not a resident of Kenya or East Africa shall pay the fees prescribed in the First Schedule before admission into any historic site, monument or museum.
3. Every adult or child who is not a resident of Kenya but a resident of East Africa shall pay the fees prescribed in the Second Schedule before admission into any historic site, monument or museum.
4. Every adult or child, who resides in Kenya shall pay the fees prescribed in the Third Schedule before admission into any historic site, monument or museum.

FIRST SCHEDULE

[r. 2.]

[LN 112 of 2010, LN 10 of 2013.]

ADMISSION FEES FOR NON-RESIDENTS (OUTSIDE EAST AFRICA)

<i>Historic Sites /Monuments Class of Visitor and Museums</i>	<i>Entrance fees during weekdays, weekends and public holidays</i>
1. Gede National Monument	(a) For every person aged sixteen years and over 800 (b) for every child over three and below sixteen years 400
2. Mnarani and Jumba Ruins	(a) For every person aged sixteen years and over 800 (b) for every child over three and below sixteen years 400
3. Takwa Ruins	(a) For every person aged sixteen years and over 800 (b) for every child over three and below sixteen years 400
4. (i) Nairobi National Museum	(a) For every person aged sixteen years and over 1200 (b) for every child over three and below sixteen years 600
(ii) Nairobi National Museum- Night Tour	Per person 1500
(iii) Nairobi National Museum Group Guide Night Tour	Per Group 5,000

National Museums and Heritage

[Subsidiary]

(iv) Nairobi Gallery	(a) For every person aged 1000 sixteen years and over (b) for every child over 500 three and below sixteen years	
(v) The Snake Park	(a) For every person aged 1200 sixteen year and over (b) for every child over 600 three and below sixteen years	
(vi) The Snake Park and Nairobi National Museum Combined Ticket	(a) For every person aged 1500 sixteen years and over	
(vii) Karen Blixen Museum	(a) For every person aged 1200 sixteen years and over (b) for every child over 600 three and below sixteen years	
(viii) Fort Jesus Museum	(a) For every person aged 1200 sixteen years and over (b) for every child over 600 three and below sixteen years	
(ix) Ololua Nature Trail	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen years	
(x) Ololua - camping adult		800
(xi) Ololua - Guest House Per night		\$100
(xii) Olorgesailie prehistoric site	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen years	
(xiii) Olorgesailie- Campsite	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen Years	
(xiv) Olorgesailie- Bandas Per night Deluxe Standard twin bed		1800
(xv) Olorgesailie- Guide fees mountain 5 Pax		2000
(xvi) Olorgesailie- Guide fees Baboon Camp 5 Pax		2000
(xvii) Olorgesailie-Picnic fee per Person		1000

National Museums and Heritage

[Subsidiary]

(xviii) Olorgesailie -	200
Camping fees Per Person	300
(xix) Uhuru Gerdens	200
Vehicle entry fees	
5. Kitale, Meru, Narok, Kabarnet & Kapenguria Museums	(a) For every person aged 500 sixteen years and over
	(b) for every child over 250 three and below sixteen Years
6. Kisumu Museum	(a) For every Person aged 500 sixteen Years and over
	(b) for every child over 250 three and below sixteen Years
7. Malindi Museum	(a) For every Person aged 500 sixteen years and over
	(b) for every child over 250 three and below sixteen Years
8. Lamu Museum	(a) For every person aged 500 sixteen years and over
	(b) for every child over 250 three and below sixteen years
9. A package for Lamu Museum, Lamu Fort, Swahili House and German Post Office	(a) For every person aged 3,000 sixteen years and over
	(b) for every child over 1500 three and below sixteen years
10. Kariandusi, Hyrax Hill	(a) For every person aged 500 sixteen years and over
	(b) for every child over 250 three and below sixteen years
11. Koobi Fora and Jomo Kenyatta House Maralal	(a) For every person aged 500 sixteen years and over
	(b) for every child over 250 three and below sixteen years

SECOND SCHEDULE

[r. 2.]

[LN 112 of 2010, LN 10 of 2013.]

National Museums and Heritage

[Subsidiary]

ADMISSION FEES FOR NON-RESIDENTS (WITHIN EAST AFRICA)

Historic Sites /Monuments and Museums	Class of Visitor	Entrance fees during weekdays, weekends and public holidays
1. Gede National Monument	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	300
2. Mnarani and Jumba Ruins	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	300
3. Takwa Ruins	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	300
4. (i) Nairobi National Museum	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	400
(ii) Nairobi National Museum- Night Tour	Per person	1000
	Per Group	5,000
(iii) Nairobi National Museum Group Guide Night for Night Tour	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen year	300
(iv) Nairobi Gallery Night Tour	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	400
(v) The Snake Park	(a) For every person aged sixteen years and over	800
	(b) for every child over three and below sixteen years	500
(vi) The Snake Park and Nairobi National Museum Combined Ticket	(a) For every person aged sixteen years and over	600
	(b) for every child over three and below sixteen years	400
(vii) Karen Blixen Museum	(a) For every person aged sixteen years and over	600

National Museums and Heritage

[Subsidiary]

	(b) for every child over three and below sixteen years	400
(viii) Fort Jesus Museum	(a) For every person aged sixteen years and over	400
	(b) for every child over three and below sixteen years	200
(ix) Ololua Nature Trail		500
(x) Ololua - camping adult		\$800
(xi) Ololua - Guest House	(a) For every person aged sixteen years and over	500
Per night	(b) for every child over three and below sixteen years	300
(xii) Olorgesailie prehistoric site	(a) For every person aged sixteen years and over	400
	(b) for every child over three and below sixteen years	250
(xiii) Olorgesailie-Campsite		1500
(xiv) Olorgesailie- Bandas		1800
Per night Deluxe Standard twin bed		
(xv) Olorgesailie- Guide fees mountain 5 Pax		2000
(xvi) Olorgesailie- Guide fees Baboon Camp 5 Pax		1000
(xvii) Olorgesailie-Picnic fee per Person		200
(xviii) Olorgesailie - Camping fees Per Person		300
(xix) Uhuru Gerdens Vehicle entry fees		200
5. Kitale Museum	(a) For every person aged sixteen years and over	400
	(b) for every child over three and below sixteen Years	200
6. Kisumu Museum	(a) For every Person aged sixteen Years and over	400
	(b) for every child over three and below sixteen Years	200
7. Malindi Museum	(a) For every Person aged sixteen years and over	400
	(b) for every child over three and below sixteen Years	200

National Museums and Heritage

[Subsidiary]

- | | |
|---|--|
| 8. Lamu Museum | (a) For every person aged 400 sixteen years and over
(b) for every child over 200 three and below sixteen years |
| 9. A package for Lamu Museum, Lamu Fort, Swahili House and German Post Office | (a) For every person aged 1,500 sixteen years and over
(b) for every child over 750 three and below sixteen years |
| 10. Kariandusi, Hyrax Hill | (a) For every person aged 400 sixteen years and over
(b) for every child over 200 three and below sixteen years |
| 11. Koobi Fora and Jomo Kenyatta House, Maralal | (a) For every person aged 400 sixteen years and over
(b) for every child over 200 three and below sixteen years |

THIRD SCHEDULE

[r. 2.]

[LN 112 of 2010, LN 10 of 2013.]

ADMISSION FEES FOR RESIDENTS

<i>Historic Sites /Monuments and Museums</i>	<i>Class of Visitor</i>	<i>Entrance fees during weekdays, weekends and public holidays</i>
1. Gede National Monument	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen years	
2. Mnarani and Jumba Ruins	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen years	
3. Takwa Ruins	(a) For every person aged 600 sixteen years and over (b) for every child over 300 three and below sixteen years	
4. (i) Nairobi National Museum	(a) For every person aged 200 sixteen years and over	

National Museums and Heritage

[Subsidiary]

	(b) for every child over three and below sixteen years	100
(ii) Nairobi National Museum- Night Tour	Per person	500
(iii) Nairobi National Museum Group Guide Night Tour	Per Group	5,000
(iv) Nairobi Gallery	(a) For every person aged sixteen years and over	150
	(b) for every child over three and below sixteen years	100
(v) The Snake Park	(a) For every person aged sixteen year and over	200
	(b) for every child over three and below sixteen years	100
(vi) The Snake Park and Nairobi National Museum Combined Ticket	(a) For every person aged sixteen years and over	300
	(b) for every child over three and below sixteen years	150
(vii) Karen Blixen Museum	(a) For every person aged sixteen years and over	200
	(b) for every child over three and below sixteen years	100
(viii) Fort Jesus Museum	(a) For every person aged sixteen years and over	200
	(b) for every child over three and below sixteen years	100
(ix) Ololua Nature Trail	(a) For every person aged sixteen years and over	200
	(b) for every child over three and below sixteen years	100
(x) Ololua - camping adult		300
(xi) Ololua - Guest House Per night		5000
(xii) Olorgesailie prehistoric site	(a) For every person aged sixteen years and over	300
	(b) for every child over three and below sixteen years	150
(xii) Olorgesailie-Campsite	(a) For every person aged sixteen years and over	300

National Museums and Heritage

[Subsidiary]

	(b) for every child over three and below sixteen Years	250
(xiii) Olorgesailie- Bandas		1200
Per night Deluxe Standard twin bed		1500
(xiv) Olorgesailie- Guide fees mountain 5 Pax		2000
(xv) Olorgesailie- Guide fees Baboon Camp 5 Pax		1000
(xvi) Olorgesailie-Picnic fee per Person		200
(xvi) Olorgesailie - Camping fees Per Person		300
(xix) Uhuru Gerdens Vehicle entry fees		200
5. Kitale Museum	(a) For every person aged sixteen years and over	100
	(b) for every child over three and below sixteen Years	50
6. Kisumu Museum	(a) For every Person aged sixteen Years and over	100
	(b) for every child over three and below sixteen Years	50
7. Meru, Kapenguria and Kabarnet Museums	(a) For every Person aged sixteen Years and over	100
	(b) for every child over three and below sixteen Years	50
8. Malindi Museum	(a) For every Person aged sixteen years and over	100
	(b) for every child over three and below sixteen Years	50
9. Lamu Museum	(a) For every person aged sixteen years and over	100
	(b) for every child over three and below sixteen years	50
10. A package for Lamu Museum, Lamu Fort, Swahili House and German Post Office	(a) For every person aged sixteen years and over	375
	(b) for every child over three and below sixteen years	180
11. Kariandusi, Hyrax Hill	(a) For every person aged sixteen years and over	100

National Museums and Heritage

[Subsidiary]

	(b) for every child over three and below sixteen years	50
12. Koobi Fora and Jomo Kenyatta House, Maralal	(a) For every person aged sixteen years and over	100
	(b) for every child over three and below sixteen years	50
13. Organized educational groups	(a) College and tertiary institutions with prior booking (per Student or teacher)	100
	(b) Primary and Secondary schools with prior booking (per child or teacher)	50
14. A package for Nairobi Museum and Snake Park	(a) For every person aged sixteen years and over	150
	(b) every child over three and below sixteen years	75
