

NO. 47 OF 2013

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

SUBSIDIARY LEGISLATION

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**THE WILDLIFE (CONSERVATION AND MANAGEMENT)
(NATIONAL PARKS) REGULATIONS, 2010**

[Legal Notice 207 of 2010, Legal Notice 3 of 2013]

Revoked by Legal Notice 1 of 2014 on 10th January, 2014

**THE WILDLIFE (CONSERVATION AND
MANAGEMENT) NATIONAL PARKS REGULATIONS**

[Legal Notice 1 of 2014, Legal Notice 19 of 2016, Legal Notice 86 of 2016,
Legal Notice 198 of 2019, Legal Notice 198 of 2019, Legal Notice 34 of 2022]

Revoked by Legal Notice 150 of 2023 on 29th September, 2023

**THE WILDLIFE CONSERVATION AND MANAGEMENT
(IMPLEMENTATION OF TREATIES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation

PART II – IMPLEMENTATION OF TREATIES

3. Service to implement treaties
 4. Role of counties
-

THE WILDLIFE CONSERVATION AND MANAGEMENT (IMPLEMENTATION OF TREATIES) REGULATIONS

[Legal Notice 241 of 2017]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Wildlife Conservation and Management (Implementation of Treaties) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Wildlife Conservation and Management Act (Cap. 376);

"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;

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

"treaty" means an international agreement concluded between Kenya and any other State in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation and includes a convention.

PART II – IMPLEMENTATION OF TREATIES

3. Service to implement treaties

(1) The Service shall, as the lead agency, in consultation with stakeholders administer, co-ordinate and implement international treaties regarding wildlife to which Kenya is Party.

(2) The Service shall pursuant to subregulation (1)—

- (a) meet the requirements of the treaties and the implementation of resolutions and decisions;
- (b) accomplish the requirements of the treaties and the enforcing resolutions;
- (c) execute the specific decisions directed to Kenya;
- (d) budget for and make arrangements for the payment of respective annual convention fees;
- (e) engage in the negotiation of resolutions and decisions that are beneficial and of interest to Kenya;
- (f) lobby necessary amendments on treaties, decisions and resolutions in the interest of safeguarding Kenya's wildlife;
- (g) comply with and monitor compliance with international treaties;
- (h) implement international treaties;
- (i) monitor and prevent trade that is inconsistent with international treaties in accordance with the Act and the Regulations made under it;
- (j) confiscate species traded in contravention with any international treaty that Kenya is party to; and
- (k) take any other necessary measures for the implementation of and enhancing compliance with international treaties.

(3) The Service shall carry out implementation of resolutions of the Conference of Parties.

[Subsidiary]

(4) The Service may propose to the Cabinet Secretary any relevant Treaties that Kenya should ratify for better wildlife management and conservation.

4. Role of counties

(1) Each county shall ensure that its legislation conforms with wildlife international treaties to which Kenya is a party.

(2) The Service may in carrying out its functions in regulation 3 delegate any function to the Committee.

**THE WILDLIFE CONSERVATION AND MANAGEMENT (JOINT
MANAGEMENT OF PROTECTED WATER TOWERS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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PART II – PROTECTED WATER TOWERS MANAGEMENT

4. Joint water towers management
 5. Advisory committee on Joint water towers management
-

THE WILDLIFE CONSERVATION AND MANAGEMENT (JOINT MANAGEMENT OF PROTECTED WATER TOWERS) REGULATIONS

[Legal Notice 243 of 2017]

PART I – PRELIMINARY

1. Short title

These Regulations may be cited as the Wildlife Conservation and Management (Joint Management of Protected Water Towers) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Wildlife Conservation and Management Act (Cap. 376);

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

"Committee" means a committee formed under regulation 5;

"lead agency" means bodies involved in management of water towers, including Kenya Water Towers Agency, Kenya Forest Service, National Environment Management Authority, Water Resource Management Authority, Agriculture and Food Authority, County Governments;

"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; and

"protected water tower" means a water tower inside a national park, national reserve, or national sanctuary, including a water tower outside a protected area managed by the Service in collaboration with another government agency; and

"water tower" means an area that acts as a receptacle for rain water and that stores water in the aquifers underneath it and gradually releases the water to the rivers and springs emanating from it.

3. Objectives

The objective of these Regulations is to—

- (a) ensure conservation of protected water towers; and
- (b) enhance cooperation between the Service and the lead agencies in management of protected water towers.

PART II – PROTECTED WATER TOWERS MANAGEMENT

4. Joint water towers management

(1) The Service shall in consultation with the lead agencies spearhead the management of protected water towers.

(2) The Service may utilise protected water towers for commercial purposes.

(3) The Service shall—

- (a) undertake all measures necessary to conserve protected water towers;
- (b) in consultation with other decentralized wildlife management entities, promote the development and implementation of water management legal instruments with the lead agencies;
- (c) collaborate with the lead agencies to create a joint monitoring and evaluation system for optimal use and conservation of protected water towers;

[Subsidiary]

- (d) in consultation with other lead agencies formulate through public consultation a management strategy for each protected water tower; and
- (e) recommend to the Cabinet Secretary any other measures necessary for the management of protected water towers.

5. Advisory committee on Joint water towers management

(1) The Service shall spearhead the formation of an Advisory Committee with representation from the lead agencies, to facilitate joint management of protected water towers.

(2) The Committee shall—

- (a) review the status of the protected water towers every two years and make recommendations to the lead agencies on their proper management; and
- (b) on authorization of the Service assist the Service in carrying out the functions under regulation 4(2).

(3) The Service and the lead agencies shall take up and implement the recommendations of the Committee progressively.

**THE WILDLIFE CONSERVATION AND MANAGEMENT
(PROTECTION OF ENDANGERED AND THREATENED
ECOSYSTEMS, HABITATS AND SPECIES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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**THE WILDLIFE CONSERVATION AND MANAGEMENT
(PROTECTION OF ENDANGERED AND THREATENED
ECOSYSTEMS, HABITATS AND SPECIES) REGULATIONS**

[Legal Notice 242 of 2017]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Wildlife Conservation and Management (Protection of Endangered and Threatened Ecosystems, Habitats and Species) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Act" means the Wildlife Conservation and Management Act (Cap. 376);

"darting" in relation to a live specimen of a listed threatened or protected animal species, means to shoot the specimen with a projectile loaded with a tranquilizing, narcotic, immobilizing, or similar agent;

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

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

"permit" means a permit issued under the Act or the regulations made under the Act;

"habitat destruction" means the alteration or modification of the habitat of a specimen of a listed species in any way, to the extent that specimen of such species are no longer capable of surviving in the altered or modified habitat;

"harassing" means behavior or conduct that threatens, disturbs or torments a listed species, marine species, and includes—

- (a) the insertion of a tag to a listed threatened or protected marine species for the purpose of tracking or monitoring;
- (b) in case of a whale, approaching a whale with a vessel or aircraft closer than three hundred meters;
- (c) in the case of turtles, photographing turtles at night or digging up nests or eggs;

"listed species" means species listed in Sixth Schedule of the Act;

"person" means a natural or juristic person;

"protected species" means any species which is of such high conservation value or national importance that it requires national protection;

"release" means to intentionally—

- (a) cease exercising physical control over;
- (b) cease having possession of; or
- (c) free from its controlled environment, a live specimen of a listed threatened or protected species;

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

"threatening activity" means any activity which threatens, or may threaten—

[Subsidiary]

- (a) the survival, abundance or evolutionary development of an indigenous species or ecological community; or
- (b) the ecological integrity of an ecosystem;

"translocation" means the process of capturing a specimen of a listed threatened or protected animal species at a particular location, the conveying or transporting of such specimen and the release of the specimen in another location; and

"vulnerable species" means any indigenous species facing an extremely high risk in the wild in the medium-term future, but not a critically endangered species.

3. Application

These Regulations shall apply to the protection of endangered and threatened ecosystems, habitats and species in Kenya.

4. Objectives

The objective of these Regulations is to—

- (a) implement the classification of ecosystems, habitats and species into the following categories—
 - (i) critically endangered;
 - (ii) endangered;
 - (iii) vulnerable;
 - (iv) protected; and
 - (v) threatened;
- (b) provide for protection of ecosystems that are threatened or endangered so as to maintain their ecological integrity;
- (c) provide for the protection of species that are threatened, endangered, vulnerable, or protected to ensure their survival in the wild;
- (d) implement Kenya's obligations under international agreements regulating international trade in endangered species; and
- (e) ensure sustainable management and utilisation of biodiversity.

PART II – LISTED ECOSYSTEMS

5. Protection of endangered and threatened ecosystem

(1) This Part shall apply to endangered and threatened ecosystems and habitats within the meaning of section 46 of the Act.

(2) The Service shall—

- (a) identify the agencies that the Service shall permit to deal with fragile ecosystems;
- (b) identify the officers and offices that shall regulate access to fragile ecosystems;
- (c) create corridors and buffer zones and take such measures, as it considers necessary for the protection of fragile ecosystems;
- (d) regulate the removal or introduction of any species or genetic material into the ecosystem; and
- (e) take measures to maintain the natural balance in the ecosystem.

6. Prohibited activities in listed ecosystems

(1) The following activities are prohibited in listed ecosystems—

- (a) mining, quarrying and extraction of oil and gas or exploration thereof;
- (b) introduction and movement of species out of the ecosystem;
- (c) introduction of invasive species;

- (d) research without the written authority of the Service; and
- (e) any threatening activity in a listed ecosystem including—
 - (i) any activity of a nature that may negatively impact on the ecosystem; and
 - (ii) any activity for which a permit is required under the Act.

(2) Notwithstanding the provisions of sub regulation (1), any activity to be carried out in a listed ecosystem may only be carried out pursuant to a permit issued in accordance with the Act and regulations made thereunder.

PART III – LISTED SPECIES

7. Protection of listed species

Endangered, critically endangered, and vulnerable species as specified in the Act shall be protected in accordance with—

- (a) the Convention on Biological Diversity and Convention on International Trade in Endangered Species of Wild Flora and Fauna and any other law regulating listed species;
- (b) the Act; and
- (c) these Regulations.

8. Conservation of listed species

(1) The Service may, in consultation with the relevant lead agencies, impose bans, restrictions or similar measures on the access and use of any listed species in order to ensure maximum conservation and sustainability.

(2) The Service shall determine and take full recovery and rehabilitation measures required to ensure restoration of any listed species into its natural habitat.

(3) The Service may issue licenses for the establishment and maintenance of facilities for the recovery and rehabilitation of listed species.

9. Restricted activities with regard to listed species

- (1) Restricted activities involving listed species in regulation 8 include—
 - (a) any activity of a nature that may negatively impact on the survival of a listed species; and
 - (b) any of the following activities carried out without a permit issued under the Act or regulations—
 - (i) catching, capturing or intentionally killing any living specimen of a listed species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hurt, catch, or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed species;
 - (iv) importing into Kenya, any specimen of a listed species;
 - (v) exporting from Kenya, including re-exporting from Kenya, any specimen of a listed species;
 - (vi) having in possession or exercising physical control over any specimen of a listed species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed species or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed species;

[Subsidiary]

- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed species;
- (x) darting of a specimen of a listed threatened or protected animal species;
- (xi) release of a specimen of a listed threatened or protected animal species;
- (xii) harassing a specimen of a listed marine species;
- (xiii) attracting a live specimen of a listed marine species;
- (xiv) attracting of a live specimen of a listed species or protected marine species; and
- (xv) any other prescribed activity which involves a specimen of a listed species.

(2) Notwithstanding the provisions of subregulation (1), any activity to be carried out with regard to listed species may only be carried out pursuant to a permit issued in accordance with the Act and the regulations made thereunder.

10. Management of listed species

(1) The import, export or transit of any of the listed species is prohibited and allowed only in line with international conventions, and particularly the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

(2) All dealings in the listed species shall be in compliance with the conservation and management plan of the species in question.

(3) A person dealing in listed species shall provide proof of adequate accommodation and safety for the animal.

(4) The Service shall register and regulate any institutions of learning that shall keep listed species for research purposes.

(5) No trade or commercial exhibition shall be made of the listed species except those expressly permitted by the permit and the conservation plan approved by the service.

(6) Permits and certificates issued by other jurisdictions shall be subject to these Regulations and the provisions of the Act.

(7) The Service shall have the authority to alter the terms of a permit, licence, or other authorization issued by any other jurisdiction for movement of species into or through the territory of Kenya.

PART IV – LISTED SPECIES AND ECOSYSTEMS

11. Inventory of species

(1) The Service shall, within twelve months of the commencement of these Regulations identify and prepare an inventory of the listed ecosystems, habitats and species in Kenya.

(2) The inventory shall be maintained and updated annually by the Service.

(3) The inventory shall be public record of the Service and shall be accessible to any person upon application to the Service:

Provided that the Service shall retain the authority to keep any data on the listed species as classified confidential data in the interest of safeguarding the listed species.

12. Monitoring

The service shall—

- (a) monitor the status and components of the listed species and ecosystems in Kenya and take necessary measures to prevent and control their depletion; and

- (b) review the efficacy of the protective measures herein and take stock of any emerging scientific knowledge in the protection of listed species and ecosystems.

PART V – MISCELLANEOUS PROVISIONS

13. Overlapping laws

(1) These Regulations do not preclude any other measures which may be taken by the Service to protect any species in compliance with international treaties and conventions that Kenya is a signatory to.

(2) These Regulations shall not prejudice any steps the Service may take in line with new or emerging scientific knowledge in respect of the protection of any species.

(3) The Service shall, without prejudice to these Regulations, regulate the introduction and removal of any species from the ecosystem.

(4) These Regulations shall be complementary to the provisions made under the Environment Management and Co-ordination Act (Cap. 387).

14. Offences

A person who carries out a prohibited activity under these Regulations commits an offence and shall be liable on conviction to such penalty as provided for under the Act.

**THE WILDLIFE CONSERVATION AND MANAGEMENT
(COMPENSATION) REGULATIONS, 2017**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Interpretation

PART II – COUNTY WILDLIFE CONSERVATION
AND COMPENSATION COMMITTEES

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**THE WILDLIFE CONSERVATION AND MANAGEMENT
(COMPENSATION) REGULATIONS, 2017**

[Legal Notice 245 of 2017]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Wildlife Conservation and Management (Compensation) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Wildlife Conservation and Management Act, 2013;

“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;

“assessor” means an officer of the Service who makes an assessment of the injury or death of livestock, damage to crops;

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

“claimant” means—

- (a) a person who owns, or has an interest in land, property, crops or livestock at the time loss or damage is caused to it by wildlife, or their representative;
- (b) a person injured by wildlife, or their representative; or
- (c) a representative of the person killed by livestock.

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

“Associations” means a Community Wildlife Association registered under section 40 of the Act;

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

“injured” in respect of livestock and human beings means injured by wounding, fretting or pursuing;

“livestock” means animals kept or raised on a farm;

“person” means a natural person or juristic person;

“returning officer” means an officer of the Service designated by the Service to conduct an election under these Regulations;

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

“Tribunal” means the National Environmental Tribunal established under section 125 of the Environment Management and Coordination, 1999; and

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

[Subsidiary]

PART II – COUNTY WILDLIFE CONSERVATION AND COMPENSATION COMMITTEES

3. County wildlife conservation and compensation committees

In nominating the persons to be elected under section 18(g) of the Act, the associations shall have regard to—

- (a) gender;
- (b) integrity; and
- (c) residence in the county for a period of more than one year.

4. Tenure of office

(1) The Chairperson and the members of the committee shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

(2) Notwithstanding sub regulation (1), the chairperson or a member of the committee appointed under section 18 of the Act 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 that person—
 - (i) has been absent from three consecutive meetings of the committee without the permission of the chairperson and is unable or has neglected to furnish any plausible reason for his absence;
 - (ii) is adjudged bankrupt or enters into a composition or arrangement with his creditors;
 - (iii) is disqualified under any provision of the Constitution or any other written law from holding a public office;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term of more than six months; or
 - (v) is incapacitated by prolonged physical or mental illness;
- (c) is otherwise unable or unfit to discharge his responsibilities under the Act.

5. Appointment of members of the committee under section 18(g)

(1) Within fourteen days of the commencement of these Regulations, or in the event of an occurrence of a vacancy under section 18(g) of the Act, in any of the Committees, the Service shall advertise in the *Gazette* and in at least two newspapers with nationwide circulation a vacancy in the Committee and invite the community wildlife associations within the county to nominate persons who shall be elected to serve as members of the Committee.

(2) The associations shall send the names of their nominees to the Service within the time set down in the advertisement.

(3) The Service shall organize elections for members of county Committees elected under section 18(g) of the Act.

6. Qualifications for election

A person shall qualify to be elected as a member of the Committee under section 18(g) of the Act if that person—

- (a) is not a public officer;
- (b) is knowledgeable in wildlife matters; and
- (c) is nominated by the community wildlife associations.

7. Procedure for elections

(1) If, on the date fixed for elections under regulation 5, the required number of candidates is less than the required number of nominees, the candidates shall be deemed to be elected by acclamation and the returning officer shall prepare and submit a written report to the chairperson of the Committee that sets out the names of those candidates.

(2) If more than the required number of candidates are nominated the Service shall—

- (a) fix a date for the election that is not later than thirty days after closure of nominations; and
- (b) at least fifteen business days before the date fixed, pursuant to regulation 5(2)(a), send by registered mail to every Association in the county—
 - (i) the ballot paper and a plain envelope pre-addressed to the Service;
 - (ii) a profile of every candidate;
 - (iii) a certificate of eligibility to vote;
 - (iv) a notice that states the time, date and place to which the ballot; and
 - (v) certificate of eligibility to vote are to be returned.
- (c) every registered Association in the County shall be eligible to vote in the election under section 18(g) of the Act and shall—
 - (i) complete and sign the certificate of eligibility to vote;
 - (ii) complete the ballot provided by the Service;
 - (iii) seal the ballot and certificate of eligibility to vote in the envelope provided; and
 - (iv) return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

(3) Upon a return of the ballots, if the returning officer determines that there is no tie between any of the candidates, the returning officer shall prepare and submit a written report to the Service that sets out the votes obtained by all the candidates and showing the candidates receiving the greatest number of votes, up to the fourth number as successful candidates for elevation to membership of the Committee.

- (4) The ballot of an Association is not valid if—
- (a) the certificate of eligibility is not returned with the ballot;
 - (b) the Association votes for more than four candidates;
 - (c) it is defaced;
 - (d) it is marked in any way other than to vote for candidates;
 - (e) it is not the original ballot provided by the Service; or
 - (f) the Association votes more than once.

(5) A failure of any Association not receiving the documents mentioned in regulation 6(2) does not invalidate the election.

8. Election results

(1) Immediately after the counting of the ballots is finalized, the returning officer shall announce the vote tally and declare the first four candidates with the highest number of votes to be duly elected as members of the Committee.

(2) Within seven days of the election, the returning officer shall forward the list of successful candidates to the Chairperson of the Committee who shall within seven days thereafter invite them to the Committee.

(3) The Cabinet Secretary shall publish the list of successful candidates in the *Kenya Gazette* within fourteen days of the declaration of the election results.

9. Retention of ballots

The returning officer shall—

- (a) retain the ballots in their possession; and
- (b) not destroy any ballot or other record respecting an election of members until sixty days after the election.

[Subsidiary]

10. Challenge to election results

(1) Any Association may, within seven days of the declaration of the election result, contest the outcome of the election as declared by the returning officer by submitting a notice to the returning officer and the Chairperson of the Committee.

(2) A notice of objection submitted pursuant to regulation (1) must set out—

- (a) the grounds for the objection; and
- (b) the desired outcome of the objection.

(3) In the event that the Chairperson of the Committee is satisfied that the objection is meritorious they shall appoint three members of the Committee to recount the ballots and provide a fresh result.

(4) The result obtained pursuant to the recount provided for in subregulation (3) shall be final.

PART III – COMPENSATION SCHEME

11. Funds of the wildlife compensation scheme

(1) The Wildlife Compensation Scheme established under section 24 of the Act shall be funded through—

- (a) monies specifically allocated for this purpose through the budget process;
- (b) an insurance scheme to be established by the Cabinet Secretary responsible for matters relating to finance; and
- (c) monies from any other source approved by the Cabinet Secretary for the time being responsible for matters relating to finance.

(2) The Wildlife Compensation Scheme shall be used for financing compensation claims for death or injury to human or damage to crop and property caused by wildlife.

12. Eligibility of Claims

(1) Subject to section 25 of the Act, a person shall be eligible for compensation under these Regulations if it relates to human injury or death by any wildlife listed under the Third Schedule to the Act or loss or damage to crops, livestock or other property from wildlife specified in the Seventh Schedule to the Act.

(2) All claims arising after the 10th January, 2014 but before the commencement of these Regulations may be lodged within sixty days of commencement of the Regulations and shall be processed in accordance with these Regulations.

(3) Claims arising before the 10th January, 2014 may be processed in accordance with the procedure in the repealed Wildlife Conservation and Management Act.

13. Care and control of crops, livestock or other property

A person seeking compensation for loss or damage to crops, livestock or other property must demonstrate to the satisfaction of the Committee—

- (a) that the crop, livestock or other property, which is the subject of the claim, was under care and control in accordance with generally reasonable agricultural practices or livestock control;
- (b) where the payment is claimed in relation to the death of livestock, the carcass of each head of livestock for which payment is claimed must be available for investigation and assessment by an officer of the Service; and
- (c) where payment is claimed for livestock death or injury, that the death or injury resulted directly from a predatory attack by any of the animals listed under the Third Schedule to the Act.

14. Denial to process payment

(1) The Committee may decline to process any claim for livestock loss if in the opinion of the committee, the claimant did not follow reasonable practices for the care and control of the livestock or if the livestock was injured or killed in a national park.

(2) There shall be no compensation for injury, death or property loss suffered in protected lands.

PART IV – REPORTING AND ASSESSMENT OF COMPENSATION CLAIMS**15. Report of livestock injury or death**

(1) On learning about livestock injury or death, the owner must ensure that the animal or carcass is preserved in order to prevent the evidence from being lost.

(2) Within forty -eight hours of learning about a livestock injury or death, the owner must report the incident to the Service through Form B set out in the First Schedule.

16. Procedure for assessment

(1) The Service shall, within twenty four hours of receipt of the report of injury or death of livestock, dispatch an assessor to investigate and evaluate the incident.

(2) The assessor will examine the livestock and evidence from the area to confirm whether wildlife killed or injured the animal.

(3) The assessment of claims on injury or death of livestock shall be based on the—

- (a) evidence of the attack on the carcass; and
- (b) attack site and indicators of the presence of wildlife

17. Assessor to provide report

(1) The Assessor shall provide a report detailing whether the injury or death—

- (a) was caused by wildlife covered under the Third Schedule to the Act;
- (b) involved livestock that is domesticated; and
- (c) resulted from a failure by the owner of the livestock to take reasonable care to prevent the injury or death of the livestock.

(2) The assessor shall—

- (a) indicate the extent and amount of damage to the livestock; and
- (b) make an assessment report to—
 - (i) the owner of the livestock; and
 - (ii) the Committee.

18. Determination of assessment

If the assessor determines that—

- (a) there is sufficient evidence to prove a wildlife attack, the claimant shall receive full payment; or
- (b) the evidence is inconclusive, but the probable cause of loss is a wildlife attack, the claimant shall receive one-half payment:

Provided that if there is no carcass or there is insufficient evidence to prove a wildlife attack, no compensation is payable.

19. Mitigation of injury

(1) A claimant shall ensure that an injured animal is given prompt veterinary care with respect to its injuries.

(2) Where the Committee considers that the cost of treatment of the injured livestock has been increased by a claimant's failure to provide prompt veterinary care or other treatment, the amount of compensation payable may be reduced by a percentage determined by the Committee.

[Subsidiary]

20. Death of injured animal

(1) If an injured animal dies within thirty days after receiving veterinary treatment or other treatment for the injuries causing its death, the claimant shall notify the Committee within twenty-four hours of the death of the injured animal.

(2) The amount of compensation payable in respect of the dead animal shall be reduced by the amount, if any, paid for treatment of the injuries.

(3) The value of dead livestock determined in this regulation may be reduced by the amount determined by the Committee to be the sale or salvage value of the livestock.

21. Failure to report or preserve evidence

(1) A claimant seeking compensation for loss or injury to livestock shall notify the Service within the timelines set down in regulation 20 and shall, as far as possible, preserve and protect evidence of the injury or loss of the livestock and the circumstances of the incident.

(2) Subject to subregulation (3), if a claimant fails to provide the notification required under subregulation (1) or fails to preserve and protect the injured livestock or carcass, whichever is applicable, the Committee may deny any livestock compensation payment that would be otherwise payable.

(3) Notwithstanding subregulation (2), the Service may consider a claim for compensation for livestock predation, notice of which was given after the deadline provided for in that subregulation, if the Service is satisfied that the failure to give such notice within the time specified was the result of circumstances beyond the control of the claimant.

(4) Where a person files a claim in accordance with subregulation (1), an officer of the Service shall, after undertaking an assessment under regulation 14 file a report with the Committee within seven days of the assessment.

22. Procedure to apply to loss or damage to crops and other property

The procedure established under this part shall apply *mutatis mutandis* with respect to claims relating to loss or damage to crops and other property.

23. Notification to the Committee

A person who wishes to make a claim for death or bodily injury or loss or damage to crops, livestock or other property after commencement of these Regulations shall notify the Committee established within the county through Form A or B, as appropriate, as set out in the Schedule within forty-eight hours of the incident complained of.

24. Submission of application

(1) A claimant must submit evidence in proof of death or body injury or loss or damage to crops, livestock or property, as may be relevant, by production of, either or all of the following, whichever is relevant—

- (a) Identity Card or, if a minor birth certificate;
- (b) death certificate;
- (c) P3 Form (Medical report of the person injured);
- (d) claim form in Form A or B;
- (e) a report from an Assessor appointed by the Service;
- (f) evidence or history of ownership of land where loss or damage to crop, livestock or property occurred.

(2) Each claim shall distinctly classify whether the loss or damage relates to human injury or death or damage to crops, livestock or property.

25. Preservation of proof

Any crop or property eligible for compensation shall not be interfered with in any manner until the Service assesses the loss.

26. Separate claims

Where an incident gives rise to death or bodily injury and loss or damage to crops or other property, the claimant shall complete individual Forms for each claim.

PART V – CONSIDERATION AND PAYMENT OF CLAIMS

27. Claims of bodily injury or death

(1) On receipt of a claim for bodily injury or death, the Committee shall within thirty days of such receipt verify the claim and submit it to the Cabinet Secretary together with its recommendations.

(2) Upon receipt of a claim for bodily injury or death, the Cabinet Secretary shall consider the recommendation of the Committee and make payments within thirty days of receipt of the claim.

28. Claims for loss or damage to crops, livestock, or other property

On receipt of a claim for loss or damage to crops, livestock or other property, the Committee shall within thirty days of such receipt verify the claim and make recommendations.

29. Failure to notify Committee

If a claimant fails to notify the Committee of any loss or damage within the time set down in these Regulations the Committee, in its discretion, may decline to entertain the claim.

30. Limits to Compensation

(1) Compensation for—

- (a) bodily injury or death shall be calculated in accordance with section 25 (3) of the Act; and
- (b) for loss or damage to crops, livestock or other property shall be paid on the basis of actual loss in accordance with section 25(5) of the Act.

(2) Compensation shall be calculated only on the basis of the actual loss or damage that has occurred and not on the basis of the potential future value that may not be realized as a result of the original loss or damage.

(3) There shall be no compensation for any loss or damage to crops, livestock or property if the owner did not take reasonable measures to protect such crops, livestock or property, and more particularly, if in the opinion of the Committee the crop or livestock was intended to be used as lure crop or for intercept feeding.

31. Successive claims

(1) Where a claimant suffers an injury or a loss or damage to crops, livestock or property, as the case may be, the Committee may, in consultation with a member appointed under section 20 of the Act, make written recommendations to the claimant on specific preventive measures to be taken to avoid future loss or damage and the claimant shall take all necessary steps to implement the recommendations.

(2) Where the Committee has issued written recommendations to a claimant who fails to implement them in accordance with subregulation (1) and who thereafter suffers subsequent loss or damage, the Committee may do one or more of the following—

- (a) decline to accept or process the subsequent claim;
- (b) accept to process the claim but discount the same by an amount of money determined by the Committee; and
- (c) process the claim but withhold disbursement to the claimant until they demonstrate that they have implemented the recommendations issued by the Committee.

(3) Once payment has been made on a particular claim, the Committee shall not consider subsequent claims founded on the same grounds.

[Subsidiary]

32. Trustee

A claimant who receives crop or livestock compensation either on behalf of or as a representative of a group of persons or a community shall be deemed to hold the payment on behalf and to the credit of those other claimants to the extent that the amount of the payment exceeds the amount to which the claimant is lawfully entitled based on his or her share or percentage interest in the compensation.

33. Recovery of monies paid in error

The Committee may, where any monies have been paid to any person—

- (a) in reliance on—
 - (i) misinformation given by that person; or
 - (ii) failure by that person to disclose to the Committee any relevant information; or
- (b) due to an error on the part of the Committee, make full recovery of the money in favour of the Committee.

PART VI – MISCELLANEOUS PROVISIONS

34. Appeals

(1) A person who is dissatisfied with the decision and award of the Committee or the Cabinet Secretary may, within thirty days of being notified of the decision and award, file an appeal to the Tribunal.

(2) An Appeal to the Tribunal may be founded on the facts of the claim or the law governing the compensation.

(3) A claimant who wishes to make an appeal under subregulation (1) shall deliver a written notice of appeal to the Tribunal and the Committee setting out in detail the claimant's reasons for appeal.

(4) A notice of appeal under subsection (3) shall be personally delivered or delivered by a service that provides guaranteed delivery and proof of receipt by the intended recipient.

35. Binding effect

If a claimant fails to appeal within the timeline set down in section 25(6) of the Act, the decision and award of the Committee or the Cabinet Secretary shall be final and binding on the parties.

36. Financial Matters

The financial year of the Committee shall be the same as that of the Government of Kenya and each of the county Committees shall render an account of its financial activities to the Cabinet Secretary as required.

 SCHEDULE

FORMS

FORM A

(r. 23)

(To be completed in Triplicate)

REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

*(No. 47 of 2013)*THE WILDLIFE CONSERVATION AND MANAGEMENT (COMPENSATION
SCHEME) REGULATIONS, 2017**COMPENSATION CLAIM FORM FOR PERSONS INJURED/ DEATH CAUSED
BY WILDLIFE**

Station ----- S. No. -----

Part 1-Claimant Details of Death

Name of Deceased -----

(First) (Middle) (Surname)

ID Number -----

Address ----- Postal Code -----

Tel.Number -----

Sex: # Male # Female

Age -----

Next of Kin -----

Id Number ----- (Attached Copy of Identity Card)

Address ----- Postal Code -----

Tel. Number ----- Email-----

Relationship to Deceased -----

Signature -----

Part II Injury

Name of Injured -----

(First) (Middle) (Surname)

ID Number -----

Address ----- Postal Code-----

Tel.Number-----

Sex: # Male # Female

Age -----

Next of Kin -----

ID Number ----- (Attach copy of Identity Card)

Tel. Number -----

Relationship to Injured -----

Signature -----

Part III - Place of Residence

Address ----- Post Code -----

Assistant Chief -----

Location -----

Chief -----

Division -----

Part IV-Occupation

Employers Name -----

If Self Employed, Nature of Business -----

Salary/Wage/Income per Year -----

Part V –Particulars of Death/injury

Place of Death/ -----

Injury (location) (GPS Coordinates)

Date -----

Time-----

Circumstances of Death/Injury-----

Wildlife Conservation and Management

[Subsidiary]

Animal Responsible for Death/Permanent Injury

FOR OFFICIAL USE - ASSESSMENT

(a) Police Station/Post -----

Comment from O.C.S/O.C.P.

Name -----

Designation -----

Signature ----- Date

(b) Medical Officer of Health Comment from Officer of Health (State Degree of Injury)

Name -----

Designation -----

Signature ----- Date

Comment By KWS Warden

Name -----

Designation -----

Signature ----- Date

For Official use only-Wildlife Conservation and Compensation Committee

Approved For Compensation

Defered/ Rejected

Reasons:

Chairman -----

Secretary -----

FOR OFFICIAL USE - KENYA WILDLIFE SERVICE

REMARKS BY DIRETOR GENERAL KENYA WILDLIFE SERVICE

SIGNATURE ----- DATE -----

REMARKS BY CABINET SECRETARY

SIGNATURE ----- DATE -----

FORM B (To be completed in Triplicate) (r. 15 (2) & 20)

REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

THE WILDLIFE CONSERVATION AND MANAGEMENT (COMPENSATION SCHEME) REGULATIONS, 2017

COMPENSATION CLAIM FORM CROPS, LIVESTOCK AND PROPERTY DAMAGED BY WILDLIFE

Station ----- S. No. -----

Part 1-Claimant Details

Name of the -----
affected (First) (Middle) (Surname)

ID Number ----- (Attach copy of identity card) -----

Address ----- Postal Code -----

Tel.No. -----

Sex # MALE # FEMALE

Age -----

Next of Kin -----

ID/No ----- (Attach copy of identity card) -----

Address ----- Postal Code -----

Tel. No. -----

Part II-Crop Destruction

Crop Name -----

Animal Responsible -----

Approx imate Acreage Destroyed -----

Stage of Growth -----

Estimated Value -----

Measures in place to protect crops against destruction by Wildlife

(i) -----

(ii) -----

(iii) -----

(iv) -----

Part III - Livestock Predation

Livestock Type -----

Animal Responsible -----

No. of livestock Affected -----

No. Dead -----

No. Injured -----

Approx imate Age and Sex -----

Estimated Value -----

Measures In place to protect crops against destruction by Wildlife

(i) -----

(ii) -----

Approved For Compensation -----

Deferred/ Rejected -----
Reasons -----

Chairman -----
Secretary -----

FOR OFFICIAL USE-KENYA WILDLIFE SERVICE
Remarks by Director-General Kenya wildlife Service

Signature ----- Date-----
Remarks by Cabinet Secretary

Signature -----Date-----
