CONTENT

Bill for Introduction into the Senate—

The Wildlife (Conservation and Management) (Amendment) Bill, 2013 .......................................................... 57
THE WILDLIFE (CONSERVATION AND MANAGEMENT) (AMENDMENT) BILL, 2013

A Bill for

AN ACT of Parliament to make amendments to the Wildlife (Conservation and Management) Act and for connected purposes.

ENACTED the Parliament of Kenya, as follows—

1. This Act may be cited as the Wildlife (Conservation and Management) (Amendment) Act, 2013.

2. The Wildlife (Conservation and Management) Act, in this Act referred to as “the principal Act”, is amended in section 2 by inserting the following new definitions in the proper alphabetical sequence—

"conservation" means the maintenance of viable populations through management and sustainable utilization of the wildlife resources;

"human-wildlife conflict" means the collision of the interests of the community with those of wildlife; and

"wildlife" means forms of fauna and flora other than domesticated plants and animals.

3. Section 3B of the principal Act is amended in subsection (1)(i) by inserting the words “with the approval of Parliament” immediately after the words “by the Minister”.

4. Section 3C of the principal Act is amended in subsection (2) by inserting the words “with the approval of Parliament” immediately after the words “by the President”.

5. Section 4 of the principal Act is amended in subsection (1) by deleting the word “Minister” appearing immediately after the words “approval of the” and substituting therefor the words “Board of Trustees”.

6. Section 5B of the principal Act is amended—

(a) by deleting sub-section (1) and substituting therefor the following new sub-section—
(1) For the better carrying out of the powers, duties and functions of the Service, the Board of Trustees shall by notice in the Gazette establish a wildlife advisory council in respect of each county in which a National Park, National Reserve, private park or private conservatory is situated.

(b) by deleting sub-section (2) and substituting therefore the following new sub-sections—

(2) An advisory council established under sub-section (1) shall consist of the following members who shall be appointed by the Governor with the approval of the county assembly—

(a) two representatives nominated by associations engaged in wildlife conservation in the county;

(b) two residents of the county, one man and one woman, living within five kilometers of a protection area; and

(c) the county executive member responsible for wildlife conservation matters or an officer designated by the governor.

(c) by deleting sub-section (4) and substituting therefor the following new sub-section—

(4) A member of an advisory council shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years on such terms and conditions of service as the Board of Trustees may determine.

7. Section 6 of the principal Act is amended in sub-section (1) by inserting the words “and subject to an environmental impact in accordance with the Environmental Management and Co-ordination Act,” immediately after the words “with the competent authority”.

8. Section 12 of the principal Act is amended—

(a) by deleting paragraph (b) of sub-section (1) and substituting therefor the following new paragraph—
(b) except for the purpose of landing or taking off from a recognized airfield, shall be flown at a height of less than one thousand five hundred feet over a National Park or private park unless the written authorization of the Board of Trustees, which may be given subject to such conditions as the Board of Trustees may think fit to impose, has previously been obtained.

(c) in sub-section (2) by deleting the word “Minister” appearing after the words “authorization by the” and substituting therefor the words “Board of Trustees”.

9. Section 13 of the principal Act is amended in subsection (3) by deleting all the words appearing immediately after the words “a fine not exceeding” and substituting therefor the words “fifty thousand shillings or to imprisonment for a term not exceeding two years or to both”.

10. Section 18 of the principal Act is amended—

(a) in sub-section (1) by inserting the words “and in compliance with an environmental impact assessment in accordance with the Environmental Management Co-ordination Act” immediately after the words “competent authority”;

(b) in sub-section (3)(b) by deleting the word “Minister” appearing after the words “excluded as the” and substituting therefor the words “Board of Trustees”;

(c) in sub-section (5)(a) by deleting the word “Minister” appearing immediately after the words “such reserve, as the” and substituting therefor the words “Board of Trustees”;

11. Section 20 of the principal Act is amended—

(a) in sub-section (2) by deleting the word “Minister” appearing after the words “with the approval of the” and substituting therefor the words “Board of Trustees”; and

(b) by inserting the following new sub-sections immediately after sub-section (2)—
(3) The Director may, on such conditions as may be specified in the licence, license any person on whose land wildlife is to be found, to utilize that land.

(4) Despite sub-section (3)—

(a) where the area specified in the licence is considered to be a migratory corridor or a dispersal area, the licence shall be limited to non-consumptive utilization;

(b) where utilization of the land is non-consumptive, the development of any structures shall comply with the provisions of the Environmental Management and Co-ordination Act; and

(c) where sub-paragraph (a) does not apply, the licence shall be for both non-consumptive and consumptive utilization and in all cases, consumptive utilization licences shall be granted with quotas based on wildlife populations provided for in sub-section (5).

(5) The Director shall ensure that a census of all animals in protected and non-protected areas is undertaken at least once every year and that wildlife resource owners are allocated harvesting quotas based on the maximum sustainable yield of the area.

(6) The Director shall, with approval of the Board of Trustees, facilitate the harvesting, processing and marketing of game products.

12. Section 21 of the Principal Act is amended by inserting the words “and shall have powers to monitor hunting and other wildlife utilization activities outside protected areas” at the end of the section.

13. Section 25 of the principal Act is amended in sub-section (1) by deleting the words “every holder of a game licence” appearing at the commencement of the sub-section and substituting therefor the words “every honorary warden”.
14. Section 26 of the principal Act is amended—

(a) in sub-section (1) by deleting the word "Minister" appearing after the words "approval of the" and substituting therefor the words "Board of Trustees"; and

(b) in sub-section (2)(c) by deleting the word "Minister" appearing after the words "such fee as the" and substituting therefor the words "Board of Trustees".

15. The principal Act is amended by deleting section 29 and replacing it with the following new section:

29. (1) No person shall hunt on private land—

(a) in the case of the owner of the land, with the approval of the county committee;

(b) in the case of any other person, with the written consent of the owner of the land and the approval of the county committee.

(2) A person who contravenes the provisions of sub-section (1) commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years, or to both.

16. Section 37 of the principal Act is amended in sub-section (1) by deleting the words "the Minister" appearing at the beginning of the sub-section and substituting therefor the words "the Board of Trustees".

17. Section 40 of the principal Act is amended in the proviso to sub-section (1) by inserting the words "with the approval of the Board of Trustees" after the words "which the Minister".

18. Section 47 of the principal Act is amended in sub-section (1) by deleting the words "by regulation, prohibit"
appearing after the words “the Minister may” and substituting therefor the words “on the advise of the Board of Trustees by Regulation, permit.”.

19. The principal Act is amended by inserting the following new section immediately after section 47—

47A. The Board of Trustees may, with the approval of the Cabinet Secretary—

(a) specify the conditions upon which ranching and game cropping may be undertaken; and

(b) by notice in the Gazette, exempt game ranching and game cropping from the provisions of this Act.

20. Section 53 of the principal Act is amended in the proviso by deleting the word “Minister” appearing after the words “provided that the” and substituting therefor the words “Board of Trustees”.

21. Section 56 of the principal Act is amended—

(a) in sub-section (1)(a) by deleting the words “forty thousand” appearing immediately after the words “fine not exceeding” and substituting therefor the words “one million”; and

(b) in sub-section (1)(b) by deleting the words “twenty thousand” appearing immediately after the words “fine not exceeding” and substituting therefor the words “two hundred thousand”.

22. Section 62 of the principal Act is amended—

(a) in sub-section (1) by deleting the word “district” appearing immediately after the words “application to a” and substituting therefor the word “county”;

(b) in sub-section (2) by deleting paragraphs (a) through to (g) and substituting therefor the following new paragraphs—
(a) the executive committee member responsible for matters of wildlife conservation and management or a person designated by the member;

(b) the national government representative in the county or a person designated by the representative;

(c) the officer in charge of police matters in the county or a person designated by the officer;

(d) the officer in charge of medical matters in the county or a person designated by the officer;

(e) three other members appointed by the Governor, with approval of the county assembly, to represent the general public of the county.

(c) in sub-section (3) by deleting the words "a district" appearing at the commencement of the sub-section and substituting therefor with the words "a county";

(d) by inserting the following new sub-sections immediately after sub-section (4)—

(5) Despite sub-section (4), where a private person or body in charge of any land benefits from the presence of game animals on that land through hunting, game cropping, game viewing, tourism or other income generating activity, that person or body shall be liable for any death, injury or damage inflicted by the game animals upon any person, crops, livestock or property and shall be liable to payment of such compensation as shall be determined by the relevant county committee under sub-section (2).

(6) For purposes of compensation by a private person or body under sub-section (5), the private person or body shall take up adequate general insurance cover to meet the liability specified in sub-section (5).
(7) The Board shall make Regulations to provide for the quantum of compensation to be paid under sub-sections (1) and (5).

23. The principal Act is amended by inserting the following new section immediately after section 62—

62A (1) Any person whose crops, livestock or other property are damaged by game animals or lost as a result of the activities of game animals, shall be entitled to compensation.

(2) The compensation due under this section shall be determined by the committee established under sub-section (2) of section 62 and shall be paid in accordance with the procedure and in the manner set out under section 62.
MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to make amendments to the Wildlife (Conservation and Management) Act, Cap 376, Laws of Kenya.

The Bill seeks to vest the management of the Kenya Wildlife Service in a Board of Trustees, who shall be consulted before the Director of the service is appointed.

The Bill further seeks to protect animals in migratory corridors, to compel the allocation of consumption quotas to be done only after counting of the animals has been carried out in the areas concerned and to improve utilization of wildlife through monitoring of hunting officers of the service who can be held accountable.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110(a) of the Constitution as it affects the functions and powers of County Governments set out in the Fourth Schedule.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 16th July, 2013.

G. G. KARIUKI,
Senator.
Section 3B of Cap 376 which it is proposed to amend—

3B. The Board of Trustees

(1) The Service shall be managed by a Board of Trustees of the Service which shall, subject to section 3C, consist of—

(a) a chairman appointed by the President;
(b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Wildlife;
(c) the Permanent Secretary in the Ministry for the time being responsible for Finance;
(d) the Permanent Secretary in the Ministry for the time being responsible for Local Government;
(e) the Commissioner of Police;
(f) the Director of Forests;
(g) a representative of the Permanent Secretary in the Office of the President responsible for Internal Security;
(h) the Director of Veterinary Services;
(i) not more than six other trustees to be appointed by the Minister from amongst persons who are conversant with nature conservation in all its aspects.

(2) The chairman and the trustees appointed under subsection (1)(a) and (i) shall hold office for three years and shall be eligible for reappointment.

(3) The Board shall elect a vice-chairman from among its members.

(4) The Board shall meet at least four times in every year.

(5) The chairman shall convene an extraordinary meeting of the Board within fourteen days after receipt by him of a written requisition to that effect signed by at least three trustees.

(6) Not less than seven days' previous notice of a meeting of the Board shall be given in writing to every trustee; but accidental failure to give or to receive such notice shall not invalidate the proceedings of a meeting.

(7) The quorum necessary for the transaction of the business of the Board shall be seven trustees inclusive of the person presiding; and all acts, matters and things authorized or required to be done by the Board shall be effected by a resolution passed by a majority of the members present and voting at a meeting at which there is a quorum.
(8) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Board; but in case of the absence of both the chairman and vice-chairman at any meeting of the Board the trustees present at the meeting shall elect one of their number to preside at that particular meeting.

(9) At every meeting of the Board the chairman, or in his absence the vice-chairman or the trustee presiding, shall have a casting as well as a deliberative vote.

(10) The Board of Trustees shall determine its own procedure.

Section 3C of Cap 376 which it is proposed to amend—

3C. Appointment of Director

(1) There shall be a Director of the Service who shall be a member of the Board of Trustees, the chief executive and head of the Service.

(2) The Director shall be appointed by the President.

(3) The Director or his nominee shall be the secretary to the Board of Trustees.

(4) The Director shall, on behalf of the Board of Trustees and subject to this Act, have the general superintendence of all matters within the scope of this Act.

Section 4 of Cap 376 which it is proposed to amend—

4. Honorary game wardens

(1) The Director may, with the prior approval of the Minister, appoint fit and proper persons to be honorary wardens for the purpose of assisting in the carrying into effect of the provisions of this Act.

(2) The appointment of an honorary warden—

(a) shall be notified in the Gazette;

(b) shall be effective unless sooner revoked by the Director, for a period of three years; and

(c) may be made subject to any conditions which the Director may think fit to impose.

Section 5B of Cap 376 which it is proposed to amend—

5B. Wildlife Advisory Councils

(1) For the better carrying out of the powers, duties and functions of the Service the Board of Trustees may by notice in the Gazette establish such wildlife advisory councils in respect of any area in which any
National Park or National Reserve is situated as may be necessary from time to time.

(2) An advisory council established under subsection (1) shall consist of such persons not exceeding seven including the representative of the local authority concerned, as the Board of Trustees shall determine.

(3) An advisory council shall not take part in the day to day business of wildlife conservation and management but shall bring to the notice of the Board of Trustees for appropriate action all problems and other matters relative to wildlife conservation and management affecting the area for which the advisory council is established.

(4) The Board of Trustees shall determine the tenure and vacation of office of members of an advisory council, its meetings and procedure and its staff.

Section 6 of Cap 376 which it is proposed to amend—

6. Declaration of National Parks

(1) The Minister, after consultation with the competent authority, may by order declare any area of land to be a National Park:

Provided that, where the competent authority does not consent to the declaration, no order shall be made unless—

(a) the National Assembly has, by resolution, approved a draft of the order, whether with or without modification; and

(b) in the case of Trust land, the area concerned has first been set apart in accordance with section 118 of the Constitution; or

(c) in the case of private land, the area concerned has first been acquired under the Land Acquisition Act (Cap. 295).

(2) All National Parks declared to be such under the National Parks of Kenya Act and existing immediately before the appointed day are declared to be National Parks for all the purposes of this Act, and the names and boundaries of such National Parks, unless and until they are amended under this Act, shall be those existing on the appointed day.

(3) All National Parks staff existing immediately before the appointed day, unless and until replaced under this Act, shall be the staff of the Government on the appointed day.

Section 12 of Cap 376 which it is proposed to amend—
12. Flying restrictions in respect of National Parks

(1) Except as may be necessitated by sudden emergency endangering the safety of any aircraft, the proof of which shall lie on the pilot thereof, no aircraft—

(a) shall be landed in a National Park otherwise than at a recognized airfield and in accordance with the rules;

(b) except for the purpose of landing at or taking off from a recognized airfield, shall be flown at a height of less than one thousand five hundred feet over a National Park unless the written authorization of the Minister, which may be given subject to such conditions as the Minister may think fit to impose, has previously been obtained.

(2) The pilot of an aircraft who contravenes the provisions of this section, or fails to comply with any conditions attached to an authorization by the Minister, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment:

Provided that nothing in this subsection shall apply to the operation of any aircraft which is, at the time of the contravention, being used for any purpose of the Service.

Section 13 of Cap 376 which it is proposed to amend-

13. General offences in National Parks

(1) Any person who, not being a member of the Service acting in the course of his duties as such, hunts any animal in a National Park shall be guilty of a forfeiture offence and liable to a fine of not less than five thousand shillings and not more than twenty thousand shillings or to imprisonment for a term which shall not be less than six months and not more than three years, with or without corporal punishment or to both.

(2) Any person who, without authorization conveys into a National Park, or being within the area thereof, is in possession of, any weapon, ammunition, explosive, trap or poison, shall be guilty of a forfeiture offence.

(3) Any person who, without authorization—

(a) enters or resides in a National Park otherwise than in the course of his duty as a public officer or as a person lawfully employed in the Park;
(b) cuts, injures or sets fire to any vegetation in a National Park, or allows any fire lighted by himself or his servants to enter a National Park;

(c) collects or attempts to collect any honey or beeswax or hangs on any tree or elsewhere any honey barrel or other receptacle for the purpose of collecting honey or beeswax, in a National Park;

(d) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a National Park, or knowingly removes or attempts to remove any such object or any portion thereof from a National Park;

(e) is, without lawful excuse in possession of any animal or trophy within or without a National Park;

(f) knowingly introduces any animal or domestic animal or vegetation into a National Park;

(g) deliberately disturbs or stampedes any animal in a National Park;

(h) wilfully damages any structure lawfully placed in a National Park;

(i) clears, cultivates or breaks up for cultivation any land in a National Park; or

(j) catches or attempts to catch any fish in a National Park, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both.

(4) For the purposes of this section, an act shall be deemed to be done with authorization if, but only if, it—

(a) is authorized by the rules; or

(b) is done with the written permission of an officer of the Service; and

(c) the provisions of the rules, or any conditions imposed upon such permission by the officer concerned, are fully complied with.

Section 18 of Cap 376 which it is proposed to amend—

18. National Reserves

(1) With the agreement of the competent authority, the Minister may, by notice in the Gazette, declare any area of land to be a National Reserve.

(2) An agreement between the Minister and a competent authority under subsection (1) may include agreement as to restrictions or
conditions relating to the provisions of this Part which shall apply to the area concerned, and any such restrictions or conditions shall be specified by the Minister in the notice declaring the area to be a National Reserve.

(3) The provisions of this Part shall apply to a National Reserve as they apply to a National Park except in so far as—

(a) they are modified or excluded by any such conditions or restrictions as are mentioned in subsection (2); or

(b) they are further modified or excluded as the Minister may, by the notice declaring the area to be a National Reserve or by a subsequent notice in the Gazette, otherwise direct.

(4) Any areas which, immediately before the appointed day, were administered by the former Trustees as national reserves shall on that day become National Reserves for the purposes of this Act, and the powers, duties and functions which immediately before the appointed day were exercisable by the former Trustees in any such area shall thereafter be exercisable by the Director in so far as they conform to the provisions of this Part.

(5) Notwithstanding any law to the contrary, no person shall purport to establish any game reserve or National Reserve except with the approval of the Minister, and any such approval—

(a) may be made subject to such conditions and restrictions, including conditions relating to the application of this Part to such reserve, as the Minister may, after consultations with the competent authority impose;

(b) shall be published in the Gazette.

(6) Any area which, immediately before the appointed day, was administered by a local authority as a game reserve shall become a National Reserve and shall continue to be so administered until the Minister, after consultations with the competent authority, by notice in the Gazette, otherwise directs either generally or in relation to any specified area.

Section 20 of Cap 376 which it is proposed to amend—

20. Agreements by Director

(1) The Director may enter into any agreement with a competent authority which the Director may consider necessary for the purpose of ensuring that animal migration patterns essential to the continued viability of a National Park or National Reserve are maintained.
(2) An agreement under this section may, with the approval of the Minister, provide for compensation to be payable to the competent authority concerned in respect of rights forgone or of damage caused by animals.

Section 21 of Cap 376 which it is proposed to amend—

21. Powers of honorary wardens

An honorary warden appointed under section 4 of this Act shall, for all the purposes of this Part, be deemed to be a warden.

Section 25 of Cap 376 which it is proposed to amend—

25. Game registers

(1) Every holder of a game licence shall keep a register in the prescribed form of the prescribed particulars of every game animal killed, wounded or captured by him, or deemed by any provision of this Act to have been killed, wounded or captured by him.

(2) Every professional hunter shall keep a register in such form, and containing such particulars, as the Director may require at the time that the professional hunter’s licence is issued.

(3) So far as is practicable, every register kept under this section shall have the registrable particulars entered therein at the conclusion of each day’s hunting.

(4) A person required to keep a register under this section shall—

(a) produce the register at any reasonable time upon being requested to do so by an authorized officer;

(b) produce the register to a warden within seven days after the date upon which any game licence held by him ceases to be valid under subsection (4) of section 24 of this Act;

(c) furnish to the Director within twenty-one days after such date a copy of the register.

(5) Any person who, being required by this section to keep a register—

(a) fails so to do;

(b) makes, or is privy to the making of, any false entry in such register;

(c) fails to record in the register any particulars which are required to be so recorded; or
(d) fails to produce the register, or to furnish a copy thereof, when required by subsection

(4) so to do, shall be guilty of an offence, and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Section 26 of Cap 376 which it is proposed to amend—

26. Special authorization to hunt

(1) Where the Director is satisfied that it is desirable so to do for scientific purposes, or by reason of any circumstances of an unusual or emergency nature, he may, with the prior approval of the Minister in each case, issue a special authorization to hunt any animal in any specified area other than a National Park.

(2) An authorization issued under this section—

(a) shall be subject to such conditions as the Director may deem it necessary or desirable to impose thereon;

(b) shall, except as may be expressly provided by any such condition, be deemed to be a game licence for all the purposes of this Act; and

(c) shall be subject to the payment of such fee as the Minister may, on granting his approval thereof, direct.

Section 29 of Cap 376 which it is proposed to delete—

29. Hunting on private land

(1) No game licence shall authorize hunting on any private land unless it is expressed so to do by endorsement specifying the land concerned, made by a licensing officer, and no such endorsement shall be made unless—

(a) the holder of the licence is the owner of the land concerned; or

(b) the person applying for the endorsement produces to the licensing officer the written consent of the owner of the land thereto; or

(c) the land concerned is registered under subsection (2) of this section.

(2) Where the owner of private land desires to afford facilities for the hunting of game animals or game birds on such land, he may register the land, in such manner and on furnishing such particulars as may be prescribed, with the Director or with such officer of the Service as the Director may, by notice in the Gazette, appoint for that purpose, and in any such case—
(a) the registration may be effected in respect of the whole of the land of such owner or of such portion thereof as the owner may specify;

(b) the registration may be made subject to such conditions as to the giving of notice to the owner or his representative of intention to hunt, or as to the types of animals which may be hunted, as the owner may specify, and any endorsement under this section in respect of the land shall include a reference to such conditions;

(c) there shall be paid to the registered owner such fees, whether calculated as a proportion of the fees paid in respect of licences endorsed as valid in respect of the land of the owner or otherwise, as may be prescribed.

Section 37 of Cap 376 which it is proposed to amend—

37. Power to prohibit use of certain weapons, etc.

(1) The Minister may, by notice in the Gazette, prohibit the hunting of any game animal, or may by such notice impose such conditions or restrictions in respect of the use of any specified means of hunting, weapon or missile as he may think fit.

(2) Any person who hunts any animal—

(a) by any means, weapon or missile the use of which is prohibited under this section; or

(b) in breach of any condition or restriction imposed in respect of the use of the means, weapon or missile used by him in such hunting, shall be guilty of a forfeiture offence.

Section 40 of Cap 376 which it is proposed to amend—

40. Importation of trophies

(1) After the appointed day no person shall import any trophy, or any unmanufactured ivory or rhinoceros horn of any description, unless it is imported through a customs port of entry and produced at the time of importation to a proper officer of customs:

Provided that no person shall, without the written permission of the Minister, import any trophy of a class which the Minister, by notice in the Gazette, has declared to be a prohibited import.

(2) An officer of customs to whom any trophy, ivory or horn is produced under subsection (1) of this section shall issue to the person by whom it is produced an acknowledgement of production in the prescribed form, and shall forthwith send a copy of the acknowledgement to the Director.
(3) Within fourteen days after any importation under this section, the importer shall produce the trophy, ivory or horn concerned, together with the acknowledgement of production issued under subsection (2) of this section, to the Director who shall weigh, mark and register the trophy, ivory or horn in such manner, if any, as may be prescribed and shall, unless the importer is in possession of a certificate of ownership or equivalent document issued by a competent authority of the country of origin of the trophy, ivory or horn, and subject to subsection (4) of this section, issue a certificate of ownership in respect thereof.

(4) A certificate of ownership shall not be issued under subsection (3) in respect of any trophy, ivory or rhinoceros horn imported directly from any country to which this subsection has been applied by the Minister by notice in the Gazette unless the Director is satisfied that such trophy, ivory or horn has been lawfully exported from that country.

(5) Any person who—

(a) imports or attempts to import any trophy, ivory or rhinoceros horn in contravention of subsection (1) of this section; or

(b) fails to produce any trophy, ivory or rhinoceros horn as required by subsection (3) of this section fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Section 47 of Cap 376 which it is proposed to amend—

47. Game meat

(1) The Minister may, by regulation, prohibit, control or regulate the possession or movement of, or any dealings of any nature whatsoever in, any meat.

(2) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may—

(a) provide for the licensing of persons and premises;

(b) provide for the inspection of premises other than dwelling-houses;

(c) specify the conditions upon which game-ranching and game cropping may be undertaken, and provide for the exemption of game-ranching and game cropping from the provisions of this Act relating to game or other licences;

(d) prescribe the fees to be payable in respect of any licence, permit or authorization issued or given thereunder;

(e) impose penalties, in respect of any breach of the regulations, not exceeding a fine of twenty thousand shillings or imprisonment for
a term not exceeding three years or both such fine and imprisonment;

(f) provide for the forfeiture of any meat in respect of which any breach of the regulations occurs.

Section 53 of Cap 376 which it is proposed to amend—

53. Ineligibility to hold licences, etc.

Except as otherwise expressly provided in this Act, any person who is convicted of an offence under this Act or the rules, or under any law relating to the preservation of wild game for the time being in force in Tanzania or Uganda, shall be disqualified from holding a licence or permit under this Act or the rules for a period of three years from the date of the conviction:

Provided that the Minister may, in any particular case, direct that this section shall not apply or that the period of disqualification shall be reduced.

Section 56 of Cap 376 which it is proposed to amend—

56. General penalties

(1) Any person who is guilty of an offence against this Act for which no other penalty is expressly provided shall be liable—

(a) if the offence is committed in respect of a protected animal or an animal mentioned in Part I of the First Schedule to this Act, or in respect of any trophy of that animal, to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding ten years, or to both such fine and imprisonment;

(b) if the offence is committed in respect of an animal mentioned in Part II of the First Schedule, or in respect of any trophy of such animal, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment;

(c) if the offence is a forfeiture offence not included in paragraph (a) or (b) of this section, to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment;

(d) in any other case, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
(2) Upon the conviction of any person for an offence against this Act which relates to more than one animal or trophy the Court may inflict an additional punishment in respect of each animal or trophy after the first of a fine not exceeding six thousand shillings, or one-half of the fine prescribed by this Act for the offence, whichever is the less.

Section 62 of Cap 376 which it is proposed to delete-

62. Compensation for personal injury or death

(1) Where any person suffers any bodily injury from or is killed by any animal, the person injured or in the case of a deceased person, any other person who was dependent upon him at the date of his death, may make application to a district committee established by this section, for the award of compensation for the injury or death:

Provided that no compensation shall be claimable where the injury or death occurred—

(a) in the course of any conduct on the part of the person concerned which would constitute an offence under this Act; or

(b) in the course of normal wildlife utilization activities.

(2) For the purposes of receiving and considering applications under subsection (1) of this section, and of awarding compensation thereunder, there is hereby established in each district a committee which shall consist of—

(a) the District Commissioner, who shall be the chairman of the committee;

(b) the Divisional Officer of the Service;

(c) the Officer in Charge of the Police Division;

(d) the District Medical Officer;

(e) one Elected Member of the National Assembly representing a constituency in the district, who shall be appointed by the Minister;

(f) the chairman of County Council in the district; and

(g) three other members appointed by the Minister to represent the general public of the district.

(3) A District Committee may co-opt any person whom it considers may assist it either generally or for the consideration of any particular case.

(4) Compensation awarded under this section shall be payable out of moneys provided by Parliament for that purpose.