

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 83(4) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations:-

WILDLIFE CONSERVATION AND MANAGEMENT (GOVERNMENT TROPHIES) REGULATIONS, 2015

PART 1- PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as Wildlife Conservation and Management (Government Trophies) Regulations, 2015.

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

Interpretation

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

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

“authorized officer” has the same meaning as under the Act;

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

“Environment Impact Assessment” means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;

“government trophies” means a trophy declared to be a government trophy under the provisions of section 83 of the Wildlife Conservation and Management Act;

“person” means a natural or juristic person; and

“Service” means the Kenya Wildlife Service established under section 6 of the Wildlife Conservation and Management Act, No. 47 of 2013.

Application

3. These Regulations shall apply to the identification, preservation, storage and disposal of government trophies under section 83(4) of the Act.

PART II- MANAGEMENT OF GOVERNMENT TROPHIES

Government trophies vested in the State

4. (1) All government trophies are vested in the State, subject to any rights granted by or under the Act or these Regulations.
- (2) The following shall be Government trophies and the property of the Government-
 - (a) any trophy found without an owner;
 - (b) any animal found dead or killed by accident or mistake;
 - (c) any animal killed in defense of life, or in other circumstances authorized by or under this Act;
 - (d) any animal or trophy in respect of which a breach of any of the provisions of the Act or regulations or the rules has been committed; and
 - (e) any animal killed by a member of the Service in the course of duty.

Powers and duties of the Service

5. (1) The Service shall exercise control over all government trophies on behalf of the State in accordance with the Act and these Regulations.
- (2) The storage of government trophies shall be undertaken only by or under the direction of authorized personnel of the Service.
- (3) The Service shall-
 - (a) establish an asset management system to manage trophies stock pile to enhance accountability and traceability.
 - (b) designate, label and clearly mark government trophies that come into its possession with a unique identification number indicating the origin, conservation area, year of recovery and any other information and entered into a register, to enhance security and management of the trophies;
 - (c) store and preserve all government trophies in designated and secure places;
 - (d) maintain an inventory of trophies held indicating number of pieces and weight per type and the source;
 - (e) maintain and monitor records of the movement of government trophies within Kenya and in the process of exporting to any destination outside Kenya;
 - (f) treat and manage all government trophies to acceptable levels of hygiene to avoid deterioration and infestation;
 - (g) ensure similar measures are applied to any trophies that may originate from other countries; and
 - (h) exercise supervision and monitoring, regarding government trophies, over bodies with authority to hold and hire out trophy collections including but not limited to the National Museums of Kenya established under section 3 of the National Museums and Heritage Act, Cap 216 Laws of Kenya.

Handing over government trophies

6. (1) Any person who by any means obtains possession of a government trophy shall forthwith make a report to the Service and shall hand over the trophy to the Service immediately but not more than forty eight hours after it gets to his possession;

provided that the person may hand over the trophy within reasonable time if they are prevented by sufficient cause from doing so within the prescribed period.

(2) In the event that a government trophy is surrendered to a court following or impending a trial, the trophy shall be surrendered by the court to the Service within 72 hours of the order of surrender being made thereto.

Use of government trophies

7. (1) Government trophies may be-
- (a) displayed in museums as part of the Kenyan heritage;
 - (b) used for educational, ecotourism, cultural and religious purposes, where such request is granted to the Service or the National Museums of Kenya, whichever is relevant.

(2) Government trophies shall not be used –

- (a) as bait for other animals;
- (b) as fetishes; and
- (c) in circuses and artistic performances without the authority of the Service.

(3) Elephant ivory and rhino horn may only be considered for use in sub-regulation (1) under special circumstances and authorization, and with stricter measure to enhance safety.

Donating government trophy

8. (1) The Cabinet Secretary may on recommendation of the Service and approval by resolution of the National Assembly, donate wildlife as a gift to another state for non-commercial purposes.

(2) Upon approval by the National Assembly, the receiving country shall meet all the cost incurred for the exercise including Environmental Impact Assessment and assessment of appropriateness of the destination in line with international conservation protocol provisions.

Hiring of government trophies

9. (1) Government trophies may be hired to a person for cultural, ceremonial and educational purposes.

(2) Pursuant to sub-regulation (1) a person may, upon payment of the prescribed

fee, apply to the Service for a temporary hire of a government trophy through Form A prescribed in the First Schedule to these Regulations.

(3) Upon receipt, the Service shall within 15 days consider the application under sub-regulation (2) and may approve or deny the temporary hire of a government trophy.

(4) Where the application is denied the Service shall within 15 days communicate its written decision, giving reasons for such denial.

(5) Where the application is granted the Service shall grant the government trophy requested together with a Certificate to be displayed conspicuously at a place where such government trophy is displayed.

(6) A Certificate granted under this Regulation shall be in Form A-1 prescribed in the First Schedule to these Regulations.

(7) A temporary hire granted under this Regulation shall be valid for the period stated in the application, but not exceeding one year from the date at which it is issued,

provided that such hire may, upon payment of the prescribed fee, be renewed once every year, but not for a term exceeding five years, after which a fresh application will be required.

(8) Any government trophy granted under this Regulation shall not be sold or otherwise transferred.

(9) an authorized officer shall have access to the display premises to inspect the trophies at any reasonable time.

(10) The Service may forthwith cancel the hire granted under this Regulation if the body granted the trophy contravenes the provisions of the Act or the Regulations made under the Act.

Security of trophy

10. A person granted a government trophy under this Part shall be responsible for maintaining its security, safety and hygiene, and shall upon loss be liable to compensate the Service for the value of the trophy as determined by the Service.

Control and Disposal of Government trophies

11. (1) The Service may dispose of government trophies following the procedure outlined under sub-regulation (2) whilst keeping within-

(a) international conventions, the Act, these Regulations, and other relevant laws

- and guidelines; and
(b) perishability or durability of the trophy.

(2) In exercise of the power conferred under sub-regulation (1), the Service shall-

- (a) facilitate an audit of government trophies;
(b) determine the disposal option and frequency of disposal;
provided that trophies determined by the Service may be available for sale throughout the year;
(c) determine the places for display of the trophies to be disposed;
(d) carry out valuation of trophies;
(e) ensure that all trophies disposed shall be in line with Service asset stock pile asset management system;; and
(f) control and regulate the movement of all government trophies within Kenya .
government trophy of endangered species shall be preserved as national heritage and shall not be disposed off, unless under special circumstances, which shall be in the interest of the nation.

Enforcement

12.(1) The Service shall in dealing with government trophies adhere to international treaties and Regulations in receipt or delivery or taking possession of any government trophy from whichever source.

PART III- FINAL

Offences

13. (1) Any person who-

- (a) fails to make a report required under Regulation 6;
(b) is unlawfully in possession of a government trophy;
(c) unlawfully deals in a government trophy; or
(d) sells, disposes or otherwise transfers a government trophy granted pursuant to a temporary hire granted under Regulation 9

commits an offence and shall be liable on conviction to such penalty as is provided for in the Act.

(2) In any proceedings against any person for an offence against this section, the onus of proving that any possession or dealing was lawful shall be upon that person.

FIRST SCHEDULE

FORM A (To be completed in Triplicate)

THE REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013

**Wildlife Conservation and Management (Government Trophies) Regulations,
2015**

Regulation 8(2)

APPLICATION FOR A TEMPORARY HIRE OF GOVERNMENT TROPHY

PART I- DETAILS OF APPLICANT

NAME OF APPLICANT _____

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

ADDRESS _____ POSTAL CODE _____

TEL. NUMBER _____

SEX M F

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

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

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

Yes No

If yes, explain _____

PART II- DETAILS OF HIRE

TYPE OF TROPHY _____

TYPE OF APPLICATION:

NEW APPLICATION

RENEWAL

TYPE OF USE _____

(Educational, cultural, decoration, etc.)

DURATION OF HIRE _____

PART III-DETAILS OF TROPHY

TYPE OF TROPHY:

SCIENTIFIC NAME _____

COMMON NAME (if any) _____

PARTS TO BE TAKEN _____

(E.g. Head, skin).

PART IV-PREMISES OF USE

NAME OF INSTITUTION OF USE _____

PART V-FINAL

OTHER DOCUMENTS (Check if attached)

- Payment of prescribed fee
- Copy of ID number
- Copy of Company Certificate
- Name and address of the facility to be used as a study center;

I hereby apply for a Temporary hire of Government Trophy and swear by signature that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief. I understand that any

false statement herein may subject me to criminal penalties. I further state that I will abide by all applicable laws, those governing wildlife and the terms and conditions of this permit.

SIGNATURE OF APPLICANT _____ DATE _____

OFFICIAL USE ONLY

NAME OF RECEIVING OFFICER _____

DATE _____

STATION _____

HIRE APPROVED DECLINED

If declined, reason _____

D
R
A
E

FORM B

THE REPUBLIC OF KENYA

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013

**Wildlife Conservation and Management (Government Trophies) Regulations,
2015**

Regulation 8(6)

CERTIFICATE OF GOVERNMENT TROPHY

Original
Not Transferable

Certificate No. _____

This Trophy is granted to _____

of ID _____ and address _____

in accordance with Regulation 8 (6) of the Wildlife Conservation and Management
(Government Trophies) Regulations, 2015 in respect of

(insert trophy type)

to be used at _____

(insert address)

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

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

SIGNED _____

DATE _____

DIRECTOR GENERAL
KENYA WILDLIFE SERVICE