

# THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

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

## WILDLIFE CONSERVATION AND MANAGEMENT (CONSERVANCY AND SANCTUARY) REGULATIONS, 2015

### PART 1- PRELIMINARY

#### Citation and commencement

1. (1) These may be cited as the Wildlife Conservation and Management (Conservancy and Sanctuary) 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;

“Association” means a community wildlife association registered pursuant to the Act under the Community Participation Regulations;

“community” means a group of individuals or families who share a common heritage, interest, or stake in unidentifiable land, land based resources or benefits that may derived therefrom;

“community conservancy” means a conservancy set up by a community on community land for wildlife conservation;

“community sanctuary” means a sanctuary set up by a community on community land for purposes of conservation and protection of one or more species of wildlife;

“community wildlife scout” means a Community Wildlife Scout appointed as such under the Act and registered under the Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015;

“Committee” means a committee established under section 18 of the Act;

“conservancy” means land set aside by an individual landowner, body corporate, group of owners or a community for the primary purpose of wildlife conservation;

“Director General” means the Director General of the Service;

“group conservancy” means a single conservancy created by the pooling of land by contiguous land owners;

“group sanctuary” means a single sanctuary created by the pooling of land by contiguous land owners;

“Court” means the Environment and Land Court established under the Environment and Court Act, Cap 12A, Laws of Kenya.

“Institute” means the Wildlife Research Training Institute established under section 50 of the Act;

“person” means a natural or juristic person;

“private conservancy” means a conservancy established on private land by a private individual or company for purposes of wildlife conservation;

“private sanctuary” means a sanctuary established on private land by a private individual for purposes of conservation and protection of one or more species of wildlife;

“sanctuary” means an area of land or of land and water set aside and maintained by community, individual or private entity for the conservation and protection of one or more species of wildlife;

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

“Tribunal” means the National Environmental Tribunal established under section 125 of the Environment Management and Coordination Act, No. 8 of 1999.

“wildlife manager” means any person registered by the Service for the purposes of managing a wildlife conservancy or sanctuary.

### **Objectives**

3. The objectives of these Regulations is to-

- (a) Promote the development of conservancies on private and community land;
- (b) Harmonize the procedures for establishment and registration of conservancy; and
- (c) Harmonize the standards of management of conservancies;

### **Application to sanctuaries**

4. The provisions of these Regulations shall apply *mutatis mutandis* with respect to wildlife sanctuaries.

## **PART II- ESTABLISHMENT OF CONSERVANCIES**

### **Establishment of conservancies**

5. (1) Any person or community who owns land on which wildlife inhabits may individually or collectively establish a wildlife conservancy in accordance with the provisions of the Act and these Regulations.

### **Categories of conservancies**

6. (1) A person or community may register a-
  - (a) private conservancy; or
  - (b) community conservancy,based on the land tenure system.

(2) The Service shall encourage an aggregation of contiguous landholders to form a group conservancy.

### **Registration of Conservancies**

7. The Service-
  - (1) shall be responsible for registration of conservancies;
  - (2) shall set criteria for the registration and classification of conservancies based on the land tenure system; and
  - (3) may delegate any function under these Regulations to the committees in accordance with section 19 (k) of the Act.

### **Application for Registration**

8. An applicant for registration of a conservancy shall together with the application in prescribed Form A in the First Schedule to these Regulations, submit the following documents, as appropriate-
  - (1) Concept proposal showing the governance framework, the proposed benefit sharing plan and indicating the information prescribed in the Fifth Schedule to the Act;
  - (2) Evidence of land ownership, in case of one owner, a copy of the Title Deed or Lease of land, and in the case of more than one owner, an instrument of land registration showing the parcel numbers and a map of the land;
  - (3) National Identity Card in the case of an individual and Registration Certificate in case of a body corporate;
  - (4) Personal Identification Number assigned by the revenue authority;
  - (5) Articles and Memorandum of Association of the company and or constitutive documents in the case of a body corporate;

- (6) A register and record of community wildlife scouts in the proposed conservancy;
- (7) Confirmed minutes of a conservancy members meeting, indicating their names and land parcel numbers, and agreeing to registration of the conservancy in case of community and group conservancies;
- (8) A receipt of payment of prescribed fees or proof waiver of such fees by the Service; and
- (9) Any other document or information the Service may consider necessary to process the application for registration.

### **Registration fees**

9. The application documents shall be accompanied by the fee prescribed in the Second Schedule to these Regulations.

### **Qualifications before registration**

10. The Service shall take the following into consideration in the registration of conservancies-

- (1) concept proposal made by the applicant;
- (2) size of land and land ownership;
- (3) ecological viability, currently or potential;
- (4) national land-use plans and county spatial plans;
- (5) proposed governance and benefit sharing plans
- (6) socio-economic viability;
- (7) assessment and inventory of biodiversity contained therein; and
- (8) contiguous land use patterns and their effect on the proposed conservation plan of the conservancy.

### **Certificate of Registration**

11. The Service shall-
  - (1) upon successful registration as a conservancy, issue an applicant with a Certificate of Registration as prescribed in Form B of the First Schedule, and
  - (2) upon issuance of such certificate, duly enter such conservancy into the register of conservancies maintained by the Service.

### **Creation of a sanctuary within a conservancy**

12. (1) Any person intent on creating a sanctuary within a registered conservancy shall make the relevant application to the Service in accordance with these Regulations.
  - (2) Where the application in sub- regulation (1) is approved, the Service shall issue the registered person with a Certificate of Registration of the sanctuary separate from the Certificate of Registration of the conservancy.

(3) Upon issuance of such certificate the Service shall duly enter such sanctuary into the register of sanctuaries maintained by the Service.

### **Refusal to register**

- 13.** The Service shall in all cases where registration is denied provide the applicant with a report in writing setting out -
- (1) the reasons and grounds for such refusal;
  - (2) the conditions and remedial measures the applicant may take to comply with registration requirements; and
  - (3) the time frame for such remedial action.

### **Renewal of Registration**

- 14.** (1) The Certificate of Registration as a Conservancy may be renewed every ten years on condition that:
- (a) the conservancy –
    - i. operated in the period within the terms of the initial or prior granted license;
    - ii. continues to promote the overall conservancy objectives and plans of the Service;
    - iii. observes the Act and international treaties on the protection of wildlife; and
    - iv. has in the period preceding the application for renewal filed annual progress reports and registration of staff as required by these Regulations.
  - (b) there has been no substantial change in land use in the conservancy that affects the habitat range of the animals in the conservancy; and
- (2) A substantial change of land use shall automatically void the license and the conservancy shall be required to seek inspection and registration afresh.

## **PART III-ADMINISTRATION OF CONSERVANCIES**

### **Functions of the Committee**

- 15.** (1) The Committee shall, in collaboration with the Service, monitor the Conservancies established in the county.
- (2) The Committee shall engage in-
- (a) monitoring and general oversight role over conservancies and sanctuaries;
  - (b) mediation or arbitration of disputes within and between conservancies;
  - (c) overseeing preparation and implementation of management plans; and
  - (d) carrying out any other duty with respect to conservancies that may be assigned to them from time to time by the Service.

## **Submission of management plans**

### **16. Each conservancy shall-**

- (1) not later than three years from registration, compile and submit to the Service a management plan as required by the Fifth Schedule to the Act; and
- (2) file an annual progress report of its core activities in line with the management plan including the following details-
  - (a) the number, ranks, and identity of community wildlife scouts in its employment and who have been struck off its force;
  - (b) incidents of human-wildlife conflict; and
  - (c) any incidents that have a serious bearing on conservation.
- (3) The Committee shall oversee the preparation and implementation of management plans.

### **Interventions by the Service and the Committee**

17. (1) The Committee shall oversee the standards of management of the conservancies in accordance with section 43 of the Act.
- (2) The Committee may recommend that the Service takes action, at the reasonable expense of the conservancy and terms agreed by both parties, to bring the conservancy up to the standards required by the management plan.
- (3) Upon recommendation by the Committee, the Service may take one or several of the following actions –
  - (a) Put in place strategies for implementation by the conservancy management to bring up the conservancy to the required standards.
  - (b) Second some of its staff members to the conservancy for an agreed period of time not exceeding eighteen months to work with the conservancy management and bring it up to the required standards.
  - (c) In extreme circumstances, especially where it is found that wildlife is in danger of harm, injury or death, take over entirely the management of the conservancy for an agreed period of time not exceeding twelve months within which it shall bring it up to the standards required.

(d)

### **Conservancy management**

18. A conservancy may employ a conservancy manager, a management company or institution to carry out the day to day management of the conservancy.

## **PART IV- COMMUNITY WILDLIFE SCOUTS**

### **Employment of community wildlife scouts**

19. Every conservancy may employ suitably qualified persons to be community wildlife scouts, where necessary.

### **Qualifications for employment as community wildlife scouts**

20. For any person to be employed as a community wildlife scout, they must meet the following requirements-

- (a) must have attained the age of eighteen years;
- (b) have sufficient training in the tasks to be undertaken in animal and human security;
- (c) must be medically fit; and
- (d) must possess knowledge of the conservancy area and the animals that inhabit the area.

### **Role of a community wildlife scout**

21. (1) The roles of the community scout may include-

- (a) wildlife security operations including anti-poaching patrols;
- (b) providing security for wildlife within their conservancies;
- (c) reporting to the wildlife manager in charge on dead or injured wildlife;
- (d) human-wildlife conflict mitigation;
- (e) education awareness & community mobilization;
- (f) problem animal control;
- (g) tourist and community security;
- (h) wildlife and ecological monitoring;
- (i) guiding of tourist where there is a tourism facility;
- (j) environmental protection & fire management; and
- (k) supporting verification of compensation claims to the Committee.

(2) The community wildlife scout shall be permitted to perform only such functions as his level of education and training allow.

### **Powers of Community wildlife scouts**

22. Community wildlife scouts shall have the powers prescribed in the Wildlife Security Operations Regulations formulated under the Act.

### **Protection from personal liability**

23. Nothing done by a community wildlife scout shall, if it is done bona fide for execution of the powers, functions and duties under these Regulations and any other written law shall render the community wildlife scout or any person working on his directions personally liable to any action, claim or demand whatsoever.

### **Training of community wildlife scouts**

24. (1) The Service shall at the request and cost of any conservancy-
- (a) train community wildlife scouts on law enforcement, security, wildlife monitoring, problem animal control and any other relevant training.
  - (b) ensure that all community wildlife scouts who have successfully completed training are duly registered in the Register of Community Wildlife Scouts and issued with a registration certificate.
  - (c) facilitate continuous training of community wildlife scouts through up-skilling trainings and seminars, promotion trainings and any other relevant courses aimed to enhance their capacity and skills at a reasonable cost to the conservancy.

### **Ranks and direction of community wildlife scouts**

25. (1) The positions and ranks of community wildlife scouts shall be as set out in the Third Schedule hereto.
- (2) The conservancy management in consultation with the Service shall issue standing orders to guide the operations, discipline and directions of community wildlife scouts.

### **Dress code**

26. (1) Every conservancy shall ensure that its community wildlife scouts are supplied with the duly approved uniform with the name of the respective conservancy prominently displayed on the outer shoulder panels and above the left breast pocket and on the head dress of the uniform.
- (2) No conservancy shall adopt the dress or any dress similar to the dress of the Service, the National Police Service, the Kenya Defence Forces, the Kenya Forest Service, the



Kenya Prisons Service, the National Youth Service or any other security agency in Kenya.

### **National Police Reservist Status**

27. (1) Any conservancy wishing to have its trained community wildlife scouts appointed as National Police Reservists shall make their request in writing to the Service indicating the threats within their jurisdiction that call for arming of their community wildlife scouts.

(2) The Service shall make a request to the Inspector General following the procedures laid down in the National Police Service Act if he is satisfied that the request made by the conservancy has merit.

## **PART V- WILDLIFE MONITORING**

### **Wildlife monitoring**

28. (1) Every conservancy shall carry out regular wildlife monitoring in their conservancies and keep records of wildlife species and their numbers.

(2) Every conservancy shall keep their wildlife monitoring records open for inspection by the Committee and any person authorized by Service.

### **Support for wildlife monitoring**

29. Any conservancy which lacks the capacity to carry out wildlife monitoring shall, in writing, seek the support of the Committee or the Service.

### **Incidence reporting**

30. (1) Every conservancy shall report any disease, injury, illegal killing of wildlife, and incidents of human-wildlife conflict to the Service.

(2) The Service shall ensure that all reports are attended to by Service officers and the necessary interventions taken.

## **PART VI- DISPUTE RESOLUTION**

### **Mediation by the County Committee**

31. (1) Any dispute arising within a conservancy or between conservancies in connection with management plans, benefit sharing agreements, management of conservancies, management agreements, private partnership agreements which cannot be amicably settled between the parties shall be referred in the first instance to the Association for mediation.

(2) If the dispute is not resolved under the terms of sub-regulation (1) above, any or all of the disputing parties shall refer the dispute to mediation by the Committee.

### **Arbitration**

32. (1) Should the mediation in Regulation 31 above fail, in whole or in part, any or all of the disputing parties shall refer the dispute to a sole arbitrator agreed upon between the parties.

(2) Where parties fail to agree on the appointment of an arbitrator, either party may within three months of such disagreement and upon notification of the other disputing party or parties, request the chairman of the Chartered Institute of Arbitrators, Kenya Chapter, to appoint an arbitrator.

(3) The arbitrator shall carry out the arbitration in accordance with the provisions of the Arbitration Act No. 4 of 1995 Laws of Kenya, or any Act in replacement thereof.

(4) The award of an arbitrator appointed under this section shall be final and not subject of appeal in Court save as provided for in the Arbitration Act.

## **PART VIII- RECORDS TO BE MAINTAINED**

### **Register of Conservancies**

33. The Service shall maintain a Register of Conservancies which shall contain the following particulars-

- (1) the name of the conservancy;
- (2) the name(s) of the owner(s) of the private conservancy;
- (3) the registration date of the conservancy;
- (4) the registration certificate number;
- (5) the Association to which the conservancy belongs;
- (6) the wildlife user rights granted to the conservancy;
- (7) the permit number of each wildlife user right granted;
- (8) the county in which the conservancy is situated;
- (9) the registered wildlife manager of the conservancy;
- (10) the land reference numbers and geographic areas on which the conservancy is established;
- (11) the key species of wild flora and fauna found in the conservancy.
- (12) list of tourism facilities already existing within the conservancy.

### **Register of Community Wildlife Scouts**

34. The Service shall maintain a Register of Community Wildlife Scouts which shall contain the following particulars –

- (1) name of the community wildlife scout;
- (2) conservancy in which the community wildlife scout is employed;
- (3) registration number of the community wildlife scout who have undertaken training with the Service at Law enforcement academy’;
- (4) national identity card number of the community wildlife scout;
- (5) national police reserve status of the community wildlife scout where applicable;
- (6) wildlife security and monitoring training courses attended by the community wildlife scout.

### **Maintenance and access to registers**

35. The Service shall ensure that all registers required to be maintained under these Regulations shall be kept up to date and shall be open for inspection by members of the public during business hours from Monday to Friday.

## **PART IX- DEREGISTRATION**

### **Request to deregister a conservancy**

36. (1) Any person or group of persons who have established a conservancy may apply to the Service in the prescribed Form B in the First Schedule to have the conservancy deregistered:

Provided that for an application for deregistration of a community or group conservancy, the minutes of the general meeting showing a two thirds majority decision to deregister the conservancy shall be sent to the County Committee along with the application for deregistration.

- (2) Upon expiry of 6 months after receipt of the application to deregister, the Service may deregister the conservancy.

### **Deregistration of a group or community conservancy by application of a group or community member.**

37. (1) Any group or community conservancy may apply to the Service in the prescribed form for the withdrawal of registration of the group or community conservancy in which he is a member on any one or more of the following grounds-
- (a) failure to meet the required standards of a conservancy;
  - (b) that the conservancy is engaged in corrupt practices;
  - (c) lack of regular democratic elections of office bearers;
  - (d) unlawful practices;
  - (e) non conformity with the Benefits Distribution Plan;
  - (f) non conformity with the management plan; or

(g) any other compelling reasons.

(2) On receipt of such an application, the Service shall cause an investigation to be carried out by the Committee to verify the grounds given in the application for deregistration of the conservancy.

(3) If the application for deregistration is on the ground of a dispute between two or more members or groups of members of the group or community conservancy, the County Service shall direct that the procedure in Part VII of these Regulations be complied with.

(4) If the grounds upon which the application for deregistration are confirmed and the members of the group or community cannot reconcile their differences, the Service shall give all the group or community members 6 months' notice of the intention to deregister.

(5) Upon expiry of the 6 months, the Service shall deregister the conservancy.

#### **Deregistration of a conservancy on recommendation of the Committee**

**38.** The Service may on recommendation of the Committee, through a report and upon confirmation of such report, deregister a conservancy on the following grounds –

- (1) failure to meet the required standards of a conservancy;
- (2) illegal activities against that undermine wildlife and their habitat by the members of the conservancy;
- (3) complete departure from the management plan; or
- (4) any other reason as may be determined by the Committee.

#### **Deregistration of a conservancy upon investigation Service**

**39.** (1) The Service shall undertake annual inspection of conservancies and may revoke registration of a conservancy if it is found that-

- (a) the conservancy is under-established in terms of land, personnel and equipment;
- (b) the conservancy has lost its primary species to a point where regeneration is not feasible; and
- (c) the continued operation of the conservancy does not promote the overall conservation plan.
- (d) the conservancy allows prohibited activities under the Act or is operating in substantial breach of the terms of the permit.

(2) The Service shall before revocation issue a notice of rectification with details of changes necessary for the continued operation of the conservancy and time for such rectification.

(3) The Service shall only consider revocation and deregistration after a second inspection confirms that the conservancy is unable to operate within the terms of registration.

### **Effects of deregistration**

**40.** Upon deregistration of a conservancy;

- (a) its name and particulars shall be deleted from the register of conservancies;
- (b) its certificate of registration shall be withdrawn;
- (c) all wildlife user rights shall be withdrawn; and
- (d) the Service shall take steps to secure the animals that are in the conservancy.

## **PART X- MISCELLANEOUS**

### **Duplicate certificates of registration**

**41.** (1) Where any certificate of registration issued under these Regulations is lost or destroyed, the person to whom it is issued shall report the same to the nearest Police Station and obtain a Police Abstract which he shall use to apply to the Service for a duplicate thereof.

(2) The Service may summon and interview the applicant as to the circumstances of the loss or destruction of the certificate of registration.

(3) A duplicate certificate of registration shall be issued at the discretion of the County Committee after taking into account the representations of the applicant and any other person they may wish to interview on the loss or destruction of the license or certificate of registration.

### **Appeals**

**42.** Any person aggrieved by the decision of the Service, or the Committee may prefer an appeal to the Tribunal within a period of sixty days from the date of such decision:

Provided that the Tribunal may entertain any appeal after the expiry of the said period of the sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

**FIRST SCHEDULE**

**FORMS OF APPLICATIONS**

**FORM A- Application for Registration as a conservancy or sanctuary  
under regulation 8.**

**FORM B- Application for deregistration of a conservancy or sanctuary  
under regulation 38.**

**D  
R  
A  
F  
T**

**SECONDS SCHEDULE**

**FEES**

**Fees for registration as a conservancy**

**Fees for registration as a sanctuary**

**D  
R  
A  
F  
T**

**THIRD SCHEDULE**

**RANKS OF COMMUNITY WILDLIFE SCOUTS**

**The ranks of community wildlife scouts in order of seniority shall be as follows:**

Chief Warden Scout

Warden Scout

Senior Assistant Warden Scout

Assistant Warden Scout

Senior Sergeant Scout

Sergeant Scout

Corporal Scout

Scout

**D  
R  
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