

**THE ISIOLO COUNTY WILDLIFE CONSERVATION AND  
MANAGEMENT BILL, 2023**

**ARRANGEMENT OF CLAUSES**

*Clause*

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**A Bill for AN ACT of County Assembly of Isiolo to provide for the protection, conservation and sustainable utilization of wild animals in Isiolo County, and to provide for matters connected therewith.**

The County Assembly of Isiolo, therefore ENACTS as follows—

**PART I —PRELIMINARY**

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|-------------------------------|---|
| Short title and commencement. | 1. This Act may be cited as the Isiolo County Wildlife and Conservation and Management Bill, 2023           |
| Application.                  | 2. This Bill shall apply to all wildlife resources on public, community and private land within the County. |
| Interpretation.               | 3. In this Bill, unless the context otherwise requires—   |

**“capture”** includes any act immediately directed at the taking alive of wildlife or the taking of nests, eggs or young of any wildlife;

**“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 wildlife association”** refers to an association established under the provisions of this Bill;

**“conservation area”** means a tract of land, lake or sea with notable environmental, natural features, biological diversity, cultural heritage, or historical importance that is protected by law against undesirable changes;

**“conservation order”** means a wildlife conservation order issued under section 65 of the Wildlife Conservation and Management Act, 2013.

**“corridor”** means an area used by wild animals when migrating from one part of the ecosystem to another periodically;

**“County”** means the county Government of Isiolo;

**“County Assembly”** means the County Assembly of Isiolo;

**“culling”** means selective removal of wildlife based on ecological scientific principles for management purposes;

**“cultivate”** means the artificial reproduction of plants in any manner whatsoever;

**“Inspectorate”** means the County Inspectorate for the time being responsible for matters relating to Tourism and Wildlife;

**“dispersal areas”** mean areas adjacent to or surrounding protected wildlife conservancies and sanctuaries into which wild animals move during some periods of the year.

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

**“endangered ecosystem”** means an ecosystem of exceptional biodiversity value or a habitat of endangered or endemic species which has undergone severe degradation/extinction;

**“endangered species”** is as defined in the Wildlife Conservation Act.

**“environmental impact assessment”** as the meaning assigned to it under the Environmental Management and Coordination Act, 1999.

**“Executive Committee Member”** means the County Executive Committee Member for the time being responsible for matters relating to wildlife

**“game farming”** means the rearing of wildlife in an enclosed and controlled environment for wildlife conservation, trade and recreation;

**“game ranching”** means the keeping of wildlife under natural extensive conditions with the intention of engaging in wildlife conservation, recreation and trade;

**hazardous substance”** means any chemical, waste, gas, medicine, drug, plant, animal or micro-organism which is likely to be injurious to human health or the environment;

**“licence”** means a licence issued under this Act;

**“meat”** means the fat, flesh or tissue of any wild species whether fresh or dry, pickled or otherwise preserved or processed;

**“national legislation”** means the Wildlife Conservation and Management Act, 2013.

**“national reserve”** means an area of community land declared to be a national reserve under National Law or under any other applicable written law;

**“permit”** means a permit issued under this Act;

**“poaching”** means illegal hunting, illegal capturing and illegal harvesting of any wildlife but does not include the control of species widely and commonly regarded as pests or vermin;

**“poison”** means any poison, preparation or chemical substance used to catch, immobilize, sterilize, kill or physically harm a wild animal;

**“possess”**, in relation to an animal or the carcass thereof or a plant, means to know of the presence of and to have physical control over any such animal or carcass thereof or any such plant, or to have the power and intention to exercise physical control over any such animal or carcass thereof or any such plant;

**“problem animal”** means any wildlife which has caused or is causing damage to or harm to human life or property;

**“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;

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

**“sell”** includes hawk, peddle, barter or exchange or offer, advertise, expose or have in possession for the purpose of sale, hawking, peddling, bartering or exchanging;

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

**“sport hunting”** means authorized pursuit and killing of wildlife for recreation and trophy collection;

**“sustainable use”** means present use of the wildlife resources, which does not compromise the use of the same by future generations or degrade the carrying capacity of wildlife ecosystems and habitats;

**“sustainable management”** in relation to wildlife, means management of wildlife resources so as to permit only such use of it as constitutes sustainable use;

**“threatened ecosystem”** means an ecosystem of high biodiversity value or habitat of endangered or endemic species that is under threat of degradation;

**“threatened species”** means any wildlife species specified in the Fourth Schedule to this Bill or declared as such under any other written law or specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

**“weapon”** means— any other instrument which is capable of propelling a projectile or which can itself be propelled or used in

such a way that a wild animal may be killed, injured or immobilized thereby

**“wetlands”** means areas of marsh, fen, peat land, or water, whether natural or artificial, permanent or temporary, with static water or flowing, fresh, blackish, salty, including areas of marine water the depth of which does not exceed six meters at low tide;

**“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;

**“wildlife conservancy”** means land set aside by Government, an individual landowner, corporate body, group of owners or a community for purposes of wildlife conservation in accordance with the provisions of this Bill;

**“wildlife conservation area”** means a tract of land, lake or sea that is protected by law for purposes of wildlife and biological diversity conservation and may include a national park, national reserve, game reserve or sanctuary;

Object and Purpose

4. (1) Subject to the provisions of National Legislation, the objective of this Bill is Wildlife Management and Conservation in Isiolo County and more particularly to;
  - (a) Protect, conserve and administer areas with great biological diversity, including wetlands within the county that are major wildlife habitats;
  - (b) protect and conserve wildlife resources and its habitats including all animals found in areas adjacent to these areas, by putting in place appropriate infrastructure, sufficient personnel and equipment;
  - (c) promote and enhance the contribution of the wildlife sector to the sustainable development of the County and the conservation and management of wildlife and natural resources for the benefit of present and future generations, without any discrimination;

- (d) promote and enhance the development of wildlife ecosystem as well as development of protected areas network for purposes of enhancing bio-diversity conservation;
- (e) support, strengthen and enlarge the wildlife protected areas network as the core of conservation activities;
- (f) enhance the conservation of wildlife and its habitats outside wildlife protected areas by establishing Wildlife Management Areas for the purposes of effecting community-based conservation;
- (g) encourage, promote and facilitate active involvement and participation of local and traditional communities in the sustainable management, use and conservation of wildlife resources in and outside wildlife protected areas network;
- (h) integrate wildlife conservation with rural development through the transfer of the management responsibility of Wildlife Management Areas to local communities and ensure that the local communities obtain substantial tangible benefits from wildlife conservation, as the case may be;
- (i) foster sustainable and legal use of wildlife resources and take appropriate measures to prevent illegal use of wildlife;
- (j) facilitate greater public awareness of the cultural, economic and social benefits for conserving wildlife resources and to enhance the recognition of indigenous knowledge systems of wildlife conservation and management and the intrinsic value of wildlife to rural people in wildlife management plans;
- (k) mitigate human-wildlife conflicts wherever they occur;
- (l) enable the implementation of national laws and policies on wildlife conservation and management.

Guiding Principles  
and Values

Promotion of  
National Laws and  
Policies

5. (1) The County Executive Committee member and any person applying this Bill shall be guided by the principles and values set out in Articles 10 and 232 of the Constitution.
- (2) Any person exercising powers under this Bill shall be under the general obligation to promote and have regard to the National Wildlife Policy, Strategies and all relevant legislations.



**PART II - ISIOLO COUNTY WILDLIFE SERVICE**

Isiolo County Wildlife Service	<p>6. The County shall, in consultation with all relevant institutions and subject to other written laws, establish the Isiolo County Wildlife Service.</p> <p>(2) The Service is established as an entity of the county government and shall have the function of protection, management and administration of wildlife resources within the county.</p> <p>(3) The Service shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of-</p> <ul style="list-style-type: none"><li>(a) suing and being sued;</li><li>(b) purchasing, holding and disposing of movable and immovable property; and doing all such other things as may be done by a body corporate.</li></ul>
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Functions of the Service

7. The functions of the Service shall be to;
- (a) conserve and manage wildlife conservation areas, and sanctuaries within the county;
  - (b) provide security for wildlife and visitors in county wildlife conservation areas, animal orphanages and sanctuaries;
  - (c) promote or undertake commercial and other activities for the purpose of achieving sustainable wildlife conservation;
  - (d) as may be stipulated in county legislation, collect revenue and charges due to the county from wildlife and tourism;
  - (e) as may be appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas;
  - (f) advise the County Executive Committee on matters pertaining to wildlife policy, strategy and legislation;
  - (g) coordinate the preparation and implementation of ecosystem plans;

- (h) prepare and implement national reserves management plans;
- (i) in association with national entities, assist and advise in the preparation of management plans for community and private wildlife conservancies and sanctuaries;
- (j) undertake and conduct enforcement activities such as anti- poaching operations, wildlife protection, intelligence gathering, investigations and other enforcement activities for the effective carrying out of the provisions of this Bill;
- (k) conduct and co-ordinate, all research activities in the field of wildlife conservation and management and ensure application of research findings in conservation planning, implementation and decision making;
- (l) promote and undertake extension service programmes intended to enhance wildlife conservation, education and training;
- (m) Monitor the compliance of terms and conditions of licenses;
- (n) perform such other functions as may be assigned or as are incidental or conducive to the exercise by the Service of any or all of the functions provided under this Act or National Legislation.

Board  
Trustees

of

8. (1) The Service shall be managed by a Board of Trustees appointed under subsection (2)

- (2) The members of the Board of Trustees shall comprise of-
  - (a) a chairperson appointed by the Governor;
  - (b) the Chief Officer in the Department for the time being responsible for matters relating to tourism and wildlife, or a designated representative;
  - (c) the Chief Officer in the Department for the time being responsible for finance, or a designated representative;
  - (d) A representative of the National Police Service;
  - (e) A representative of the Kenya Wildlife Service;
  - (f) three other persons appointed by the County Executive Committee Member as follows –
    - (i) one representative from the private sector.

- (ii) two representatives, who shall be of opposite gender and from community managed wildlife areas;
- (g) the County Director of Wildlife Service, who shall be the secretary to the Board of Trustee.

(3) The Chairperson and members of the Board of Trustees, other than ex-officio members, shall hold office for a term of three years and shall be eligible for appointment in accordance with subsection (2) for one further and last term of three year.

(4) The County Executive Committee Member shall appoint members of the Board in a staggered manner so that the respective expiry dates of their terms shall fall at different times.

(5) There shall be paid to the chairperson and members such remuneration, fees or allowances for expenses as the Salaries and Remuneration Commission may determine.

Functions and Powers of the Board

9. The functions of the Board of Trustees shall be to-
- (a) oversee the effective implementation of the functions of the service.
  - (b) Advise on resource mobilization strategies;
  - (c) approve the strategic plans, operational policies and capital and recurrent budget of the Service, and

perform such other functions as may be necessary for the fulfilment of its mandate under this Act.

Appointment of the Director

10. (1) There shall be a Director of the Service who shall be competitively recruited by the County Public Service Board.
- (2) The Director shall be responsible to the Board of Trustees for the day to day management of the affairs of the Service.
- (3) A person shall qualify for appointment as a Director if the person—
- (a) holds a minimum qualification of a degree or its equivalent in a relevant field from a university recognized in Kenya.
  - (b) has at least five years' working experience in a relevant profession; and

(c) meets the requirements of Chapter Six of the Constitution.

Funds of the Service

11. The funds of the Service shall comprise of—

- (a) such moneys as may be approved and allocated to the Service by the County Assembly as part of the budget process;
- (b) Such monies that shall periodically accrue to the service from the Isiolo County Tourism and Wildlife Fund;
- (c) such moneys or proceeds from investments as may vest in the Service from the performance of its duties; and
- (d) any sums lent or donated to the service revenue from joint partnerships.

Financial Year of the Service

12. The financial year of the Service shall be the period of twelve months ending on the thirtieth of June in each year.

**PART II - WILDLIFE CONSERVATION AND MANAGEMENT FUND**

Establishment of the Isiolo County Wildlife Conservation and Management Fund

13. There is hereby established a fund, to be known as the Isiolo Wildlife Conservation and Management Fund.

(2) Subject to this Bill, the object of the Fund shall be the development of the local wildlife and tourism sector in Isiolo County.

Sources of funds for the Fund.

14. The Fund shall consist of—

- (a) levies, fees and other moneys paid under this Act;
- (b) any moneys that may be payable to the Fund from moneys allocated and appropriated for the purpose by the County Assembly; and
- (c) any moneys that the Fund may obtain, with the approval of the County Executive Committee Member and the County Executive Committee Member responsible for finance, by way of donations, loans or other financial assistance; and
- (d) proportion of such moneys as may be levied for payment of environmental services by beneficiaries in productive and service sectors as a contribution towards the Fund as the County Executive Committee Member may, upon the recommendation of the Service, determine;
- (e) income from investments made by the Service.

any other moneys that may vest in or accrue to the Fund, whether in terms of this Act or otherwise.

Administration of  
the Fund

15. The County Executive Committee Member for finance and economic planning shall designate the Chief Officer for the time being in charge of tourism and wildlife as the person responsible for administering the fund and who shall—

- (a) supervise and control the administration of the Fund;
- (b) be the accounting officer of the fund;
- (c) prepare a budget and such plans for the administration of the fund to be approved by the County Executive Committee;
- (d) impose conditions and restrictions on the use of any expenditure arising from the fund;
- (e) ensure that the earnings of, or accruals to the fund are retained in the fund, unless the County Executive Committee member for finance directs otherwise;
- (f) ensure that money held in the fund, including any earnings or accruals referred to in paragraph (e) is spent only for the purposes for which the fund is established;
- (g) prepare accounts for the fund for each financial year;
- (h) ensure that the accounts for the fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time;
- (i) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the CEC Finance;
- (j) furnish such additional information as may be required for examination and audit to CEC Finance for onward transmission to the Auditor General or under any applicable law;
- (k) present the financial statements to the CEC Finance for onward transmission to the County Assembly.

(2) All monies of the fund shall be maintained in a separate bank account in the name of the fund opened and administered in accordance with the provisions of the Public Finance Management Act, 2012.

(3) The balance of the fund at the close of each financial year shall be retained in the fund for the purpose for which the fund is established.

Application of the Fund

16. Moneys in the Fund shall be applied to the following purposes—

- (1) meeting the expenses of the Isiolo Wildlife Service provided that no moneys shall be applied towards any expense that is not provided for in a budget approved by the County Assembly;
- (2) investment planning on infrastructure and asset development
- (3) Public-Private Partnerships where necessary
- (4) Strategies for full Operations and Maintenance Cost Coverage

any other purpose which the County Executive Committee Member, after consultation with the Chief Officer, considers will promote the orderly development of the local tourism sector.

Financial Year of the Fund

17. The financial year of the Fund shall be the period of twelve months ending on the 30th June each year.

Books of Accounts

18. (1) The Chief Officer shall ensure that—

- (a) proper accounts and other records relating thereto are kept in relation to all the financial transactions of the Fund and
- (b) in respect of each financial year—

(i) a balance-sheet; and

a statement of the transactions referred to in paragraph (a); are prepared without undue delay.

Accounts and Audits

19. (1) The Chief Officer shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

The annual accounts must be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.

**PART III – WILDLIFE PROTECTION UNIT**

- Wildlife Protection Unit
20. (1) The Service may after consultation with relevant national institutions and organs including the Kenya Wildlife Services, establish a unit to be known as the Wildlife Protection Unit.
- (2) The Service shall, after consultation with all relevant national institutions and organs, and by regulations made pursuant to this Bill, provide for –
- (1) the organization and deployment of the Unit, the conditions and terms of service and the various grades-ranks and appointments in it;
- (2) the duties to be performed by members of the Unit, and their guidance in the discharge of those duties;
- (3) the regulation of matters relating to discipline in the Unit
- (4) matters relating generally to the good order and administration of the Unit.
- Offices within the Unit
21. The Service may further establish such offices as it may deem appropriate for the exercise and performance of its powers and functions.
- PART IV – RESTRICTIONS ON NATIONAL RESERVES**
- Protection of Vegetation in National Reserves
- 22.** (1) No person shall willfully or negligently cause any bush or grass fire, or fell, cut, burn, injure or remove any standing tree, shrub, bush, grass, sapling, seedling or any part thereof in a national reserve.
- (2) Any person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine of not less than one hundred thousand or to imprisonment for a term not exceeding six months.
- Protection of Vegetation in National Reserves and Wetland areas
23. (1) No person shall graze any livestock in a national reserve.
- (2) Any person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term of not more than six months or to both.
- Restrictions on Entry
24. (1) No person other than a person travelling through the reserve along a highway shall enter a national reserve except by and in accordance with the written authority of the service previously sought and obtained or upon the payment

of any wildlife viewing fee as may be prescribed by the service. Livestock incursion penalty of 1,000 per head or

(2) Any person who contravenes any provision of this section or any condition attached to any authority granted under subsection (1), commits an offence and on conviction shall be liable to a fine of not more than one hundred thousand shillings, or to imprisonment for a term of not more than six months.

Other restrictions applying to national reserves, wetlands, reserve and game-controlled area

25. No person shall within any game reserve, wetlands reserve or game-controlled area -

- (a) dig, lay, or construct any pitfall, net, trap, snare or use other device whatsoever, capable of killing, capturing or wounding any animal;
- (b) carry or have in his or her possession or under his or her control any weapon in respect of which he fails to satisfy the Service that it was intended to be used for a purpose other than hunting, killing, wounding or capturing of an animal; or
- (c) conduct crop cultivation.

No mining in National Reserves.

26. Except as may be provided for by national legislation, no person shall collect sand, prospect or mine in any game reserve.

Unauthorized entry into Protected Areas.

27. (1) No person may enter land or be on land where wild animals are found or are likely to be found, while he or she is in the possession of a weapon, unless such person has a lawful reason to do so or has beforehand obtained the written permission of either the Service or from the landowner of the land concerned.

(2) Unless otherwise authorized by law, no person may convey a firearm on a public road traversing land on which wild animals are found or are likely to be found.

Prohibited Hunting Methods or Instruments

28. Without limiting the meaning of the word “hunt”, no person shall hunt a wild animal—



- (a) by means of fire;
  - (b) by means of poison;
  - (c) by means of a vehicle or aircraft;
  - (d) during the night;
  - (e) with the aid of an artificial light, floodlight or spotlight;
  - (f) by means of a trap or pitfall;
  - (g) by means of a trap cage;
  - (h) by means of a gintrap;
  - (i) by means of a wire or rope snare or similar device;
  - (j) by means of an airgun;
  - (k) by means of a firearm;
  - (l) by means of darting or a device which injects an intoxicating or a narcotic agent or poison into such animal;
  - (m) which is kept in captivity, confined to a cage, in an enclosure or trapped against a fence where it does not have a fair chance of evading the hunter;
  - (n) which is under the influence of a tranquilizing or narcotic immobilizing or similar agent;
  - (o) by the use of a dog, except for the hunting, flushing, pointing or retrieving of birds, or for the purpose of searching or following the animal which has been wounded;
  - (p) in the case of a bird, in or upon any aquatic systems, by the use of a boat for the purpose of chasing or killing the bird;
  - (q) by means of setting a set trap, set gun, poison firing apparatus or snare;
  - (r) by luring or by means of a simulation or recording of the natural sound made by an animal or by means of bait or scent or any other induced luring method;
  - (s) by any other device of which the use could result in injuring or killing an animal in a way which is not an acceptable humane hunting method;
  - (t) by means of any terrestrial animal or bird of prey;
  - (u) by means of a bow and arrow, crossbow, spear gun or similar device discharging an arrow or dart;
- (4) (2) A person engaging in any of the prohibited acts listed above commits an offence and on conviction shall be

liable to sentencing and payment of fines as may be stipulated in national legislation.

**PART V- PROTECTION OF WILDLIFE CORRIDOR, DISPERSAL AREA, BUFFER ZONES AND MIGRATORY ROUTES**

Designation of dispersal corridors and buffer zones.

**29.** (1) The service may, in consultation with relevant local entities and by order in the Gazette, designate wildlife corridors, dispersal areas, buffer zones and migratory routes within the County.

(2) The service may, after consultation with the relevant local entities, prescribe for regulations in the Gazette to govern the management of designated wildlife corridors, dispersal areas, buffer zones and migratory routes.

(3) The County Executive Committee Member shall make guidelines in consultation with the Service with respect to accessing national reserves for purposes of grazing and watering of livestock in times of drought and other natural disasters.

Requirement for Environmental Impact Assessment

**30.** (1) Every significant physical development in a wildlife protected area, the Wildlife Management Area, the buffer zone, migratory route or dispersal area to which this section applies, whether that development is prepared by, or is being implemented by a person or organization in the public or private sector, the prospective developer shall prepare and submit to the satisfaction of the department responsible for environment affairs a report on Environmental Impact Assessment of the proposed Notwithstanding sub-section (1) or any other law to the contrary, any development to which this section applies shall not commence unless and until an Environmental Impact Assessment certificate has been issued by the relevant national entity.

(2) The developments in a wildlife protected area and Wildlife Management Areas to which this section applies shall include;

- (a) mining development;
- (b) road construction or laying of pipe lines;
- (c) semi or permanent establishments;

- (d) construction of dams, power stations, electrical and telecommunication installations; and
- (e) such other similar developments or activities as the department may, for good cause, prescribe.

(3) The Environmental Impact Assessment conducted under subsection (2) shall include the impact upon wildlife and shall provide for-

- (a) a statement of the existing or anticipated economic impacts to the conservation of wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened;
- (b) a statement of whether rare, endangered or endemic species and their habitats are or may be affected;
- (c) a list of alternative actions, including action and mitigation measures to adverse effects which may be taken to remove or lessen adverse impacts; and
- (d) recommendations for subsequent action.

#### **PART VI – MISCELLANEOUS**

Regulations.

(1) The Executive Committee Member may, on his or her own motion or on the recommendation of the respective tourism Departments or that of the Service, make regulations prescribing all matters which by this Act are required to be prescribed or which are necessary for the better carrying out of, or giving effect to, the provisions of this Bill.

Prosecutorial powers.

An authorized officer may, with the leave of the Director of Public Prosecutions given under the Criminal Procedure Code conduct prosecution for an offence committed under this Bill.

[\(Cap. 75\)](#).

**MEMORANDUM OF OBJECTS:**

The principal purpose of this Bill is to provide a legislative framework that supplements National Legislation for the protection, conservation and management of wildlife within, around and throughout the County of Isiolo.

Part I of the Bill provides for preliminary matters, and also sets out the guiding principles for the implementation of the provisions of the Bill.

Part II provides for the Bill provides for the establishment and functions of the Isiolo Wildlife Service.

*The Isiolo County Wildlife Management and Conservation Bill, 2023*

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Part III contains the financial provisions with respect to the service including the creation of the Wildlife and Tourism Fund.

Part IV provides for the establishment of the Wildlife Protecting Unit.

Part V provides for the conservation protection and management of wildlife including Restrictions on National Reserves.

PART VI prescribes offences and penalties.

Part VII provides for the enforcement of and compliance with the provisions of the Act.