

38347

1937

38347

KENYA
C0533/486

GAME LEGISLATION

Previous

23088/34

Subsequent

1938

R. 297

11/12/37

R. 309
m. *[Signature]*
M. *[Signature]*

2/12

14/6

297

38347

GAME.

Spence to Library

1. Bill to Consolidate & Amend Law relating to Protection of Game Animals & ~~Wild~~ Game Birds

(Recd under 3m of 25.11.37 regd. n 38204/37)

2. Report of Select Committee of Leg Co. on Bill.

(Recd under 3m of 25.11.37 regd. n 38204/37)

The Bill - at (1) - embodies the recommendations made in (2). It is ~~simple~~ mainly a piece of consolidating legislation, in which the effect of previous Ordinances.

Detailed consideration of its provisions can? await receipt of a comparative table and legal report, as the Gov has not asked for opinions and the subject-matter is, presumably, not hardy at all contentious.

Clarke White 22/12

This Bill has now been passed & sanctioned (-/38), so this file can be put by.

J. J. Camini
14/6/38

at once

W23

R E P O R T
O F

THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER AND REPORT UPON THE PRO-
VISIONS OF A BILL TO CONSOLIDATE AND AMEND THE
LAW RELATING TO THE PROTECTION OF GAME ANIMALS
AND GAME BIRDS

Your Excellency,

We, the members of the Select Committee of the Legislative Council appointed to consider and report upon the provisions of the above Bill, have the honour to submit our report. We met at the Attorney General's Office on the afternoon of the 10th November and on the morning of the 13th November.

We recommend that the Bill be amended in the following respects -

1. That Clause 2 be amended -
 - (a) by inserting therein, before the definition of "animal", the following new definition -
 "'aeroplane' includes an airship, a seaplane and any other description of aircraft"
 - (b) by deleting therefrom the definition of "Association";
 - (c) by deleting therefrom the commas and words "hunt, kill or capture" which appear in the first line of that definition and substituting therefor the following "hunt", "kill" "capture";
 - (d) by deleting from the definition of "private land" the words "occupied by the members of a native tribe" and substituting therefor the words "in a native reserve";
 - (e) by deleting therefrom the definition of "recognised member of the Association"; and
 - (f) by substituting the words "the purposes" for the word "purposes" in the last line of the definition of "resident".

2. That Clause 5 be amended by deleting therefrom sub-clause (1) thereof and substituting therefor the following -

"5.(1) The Governor may, by notice in the Gazette, appoint any person to be an honorary game warden for a period of five years, and may, in like manner, renew such appointment for further periods of five years on the expiration of each such period:

Provided that the Governor may, in his absolute discretion and without assigning any reason therefor, at any time revoke any such appointment."

3. That Clause 7 (renumbered as 5) be amended -

(a) by deleting therefrom the first line of sub-clause (2) thereof and substituting therefor the following -

"(2) The Governor may, by notice in the Gazette, revoke, replace,"

and

(b) by deleting therefrom the first line of sub-clause (3) thereof and substituting therefor the following -

"(3) Any revocation or replacement of, or any amendment to, any of the Schedules to this Ordin".

4. That Clause 6 be deleted and Clauses 7 and 8 be renumbered as Clauses 6 and 7 respectively;

5. That Clause 8 (renumbered as 7) be amended -

(a) by deleting therefrom the words "hunt, kill or capture any game animal or" which appear in the first and second lines thereof; and

(b) by deleting from ^{the} marginal note thereto the words "hunting or".

6. That Clauses 9, 10 and 11 be deleted therefrom and the following Clause be substituted therefor -

"Prohibition of hunting etc. game animal without licence or permit."

8. Save as in this Ordinance otherwise expressly provided, no person shall hunt, kill, photograph or capture, or attempt to hunt, kill, photograph or capture any game animal unless he is authorised to do so by virtue of a licence or permit issued to him under the provisions of this Ordinance."

7. That Clause 12 be amended -

- (a) by renumbering it as Clause 9; and
- (b) by substituting the figures "13" for the figures "15" which appear in the fifth line thereof.

8. That Clause 13 be amended by deleting therefrom sub-clause (1) thereof and substituting therefor the following -

"10.(1) The Governor may, in his discretion, grant to any person a permit (in this Ordinance called "a Governor's permit") to hunt and kill any game animal, or to hunt and kill any animal or bird in a game reserve, or to hunt and kill any animal or bird during a close season declared under the provisions of section 24 of this Ordinance."

9A. That Clause 14 be amended by deleting therefrom sub-clause (1) thereof, by renumbering sub-clauses (2) as 11(1) and by renumbering sub-clauses (3), (4) and (5) as (2), (3) and (4) respectively.

9. That the following new Clause be inserted as Clause 12 -

"Permit to capture."

12.(1) The Governor may, in his discretion, grant to any person a permit to hunt for the purpose of capturing any game animal, or for the purpose of capturing any animal or bird in a game reserve, or during a close season declared under the provisions of section 24 of this Ordinance. Such

permit is in this Ordinance referred to as a "permit to capture".

(2) Such permit shall be valid for such period as the Governor may in his discretion determine, and shall be subject to such conditions as the Governor may impose in respect of the number and kind of animals that may be captured, the areas in which such animals may be captured and ^{the} methods that may be employed in capturing such animals.

(3) The holder of a permit to capture any animal shall be subject to all the provisions of this Ordinance.

(4) There shall be paid for a permit to capture any animal such fees as may from time to time be prescribed."

10. That the words "hunt and kill" be substituted for the words "hunt, kill or capture" wherever they appear in sub-clause (2) and in sub-clause (9)(d) of Clause 15 and in sub-clause (6) of Clause 16.

11. That Clauses 15 to 55 be renumbered as Clauses 13 to 53 respectively.

12. That Clause 15 (renumbered as 13) be amended -

(a) by inserting the words "in unlimited numbers" between the word "Ordinance" and the word "on" which appear in the fourth line of paragraph (c) of sub-clause (3) thereof;

(b) by inserting the words "or permit to capture" between the word "licence" and the word "hold" in the second line of paragraph (c) of sub-clause (3) thereof;

(c) by inserting the words "or ^{of} a permit to capture" between the word "licence" and the word "and" in the second line of paragraph (a) of sub-clause (9) thereof, and between the same words in the third line of the proviso to paragraph (a) of sub-clause (9) thereof;

- (d) by substituting the word "game animal" for the word "animal" where it appears twice in paragraph (b) of sub-clause (9) thereof; and
- (e) by substituting the words "hunt and kill game animals" for the words "hunt, kill or capture animals" which appear in the third line of sub-clause (10) thereof.

13. That Clause 16 (renumbered as 14) be amended by substituting the words "hunt and kill the game animals" for the words "hunt, kill or capture the animal or animals" which appear in the second line of sub-clause (4) thereof.

14. That Clause 17 (renumbered as 15) be amended by substituting the words "hunt and kill the game animals" for the words "hunt, kill or capture the animal or animals" which appear in the second line of sub-clause (4) thereof.

15. That Clause 18 (renumbered as 16) be amended -
- (a) by substituting the word "killed" for the words "killed, wounded" which appear in the first and sixth lines thereof; and
- (b) by substituting the figures "34" for the figures "36" which appear in the third line of the proviso thereto.

16. That Clause 19 (renumbered as 17) be amended by substituting the figures "13" for the figures "15" which appear in the first line thereof.

17. That Clause 22 (renumbered as 20) be amended by substituting the words "honorary game warden" for the words "recognised member of the Association" which appear in the fourth line thereof.

18. That Clause 24 (renumbered as 22) be amended -

- (d) by substituting the word "game animal" for the word "animal" where it appears twice in paragraph (b) of sub-clause (9) thereof; and
- (e) by substituting the words "hunt and kill game animals" for the words "hunt, kill or capture animals" which appear in the third line of sub-clause (10) thereof.

13. That Clause 16 (renumbered as 14) be amended by substituting the words "hunt and kill the game animals" for the words "hunt, kill or capture the animal or animals" which appear in the second line of sub-clause (4) thereof.

14. That Clause 17 (renumbered as 15) be amended by substituting the words "hunt and kill the game animals" for the words "hunt, kill or capture the animal or animals" which appear in the second line of sub-clause (4) thereof.

15. That Clause 18 (renumbered as 16) be amended -
- (a) by substituting the word "killed" for the words "killed, wounded" which appear in the first and sixth lines thereof; and
 - (b) by substituting the figures "34" for the figures "36" which appear in the third line of the proviso thereto.

16. That Clause 19 (renumbered as 17) be amended by substituting the figures "13" for the figures "15" which appear in the first line thereof.

17. That Clause 22 (renumbered as 20) be amended by substituting the words "honorary game warden" for the words "recognised member of the Association" which appear in the fourth line thereof.

18. That Clause 24 (renumbered as 22) be amended -

- (a) by substituting the figures and commas "10, 1, 13, 14 or 15" for the figures and commas "13, 15, 16 or 17" which appear in the second line of sub-clause (1) thereof;
- (b) by substituting the word "Eighth" for the word "Fifth" which appears in the third line thereof; and
- (c) by substituting the words "honorary game warden" for the words "a recognised member of the Association" which appear in the last line of sub-clause (2) thereof.

19. That Clause 25 (renumbered as 23) be amended -

- (a) by substituting the words "Governor in Council" for the word "Governor" which appears in the first line of sub-clause (2) thereof;
- (b) by substituting the words "reserve or portion of a game reserve" for the word "reserve" where it appears in the second and fourth lines of sub-clause (3) thereof;
- (c) by deleting therefrom sub-clauses (4) and (5) thereof and by substituting therefor the following -

"(4) Save as in this Ordinance otherwise expressly provided, no person shall -

- (a) unless he is authorised by a Governor's permit as provided by section 10, or by an assistant's licence as provided by section 13, of this Ordinance, hunt or kill any animal or bird within a game reserve;

- (b) unless he is authorised by a photographic permit as provided by section 11 of this Ordinance hunt, or bird for the purpose of photographing, any animal/within a game reserve;
- (c) unless he is authorised by a permit to capture as provided by section 12 or by an assistant's licence as provided by section 13, of this Ordinance, hunt any animal/^{or bird} within a game reserve for the purpose of, or with the intention of, capturing such animal."
- (d) by inserting the words "in a game reserve" between the word "vegetation" and the word "unless" which appear in the third line of sub-clause (6) thereof and by substituting the words "area, the game warden or an officer of the forest department" for the word "area" which appears in the last line of that sub-clause; and
- (e) by renumbering sub-clauses (6) to (9) thereof as sub-clauses (5) to (8) respectively.

20. That Clause 26 (renumbered as 24) be deleted and the following Clause be substituted therefor -

"Power of Governor to proclaim season.

"24.(1) The Governor may, by proclamation referring to the whole or to any specified part of the Colony, declare that during any specified period (which shall be known as a close season) it shall be an offence to hunt, kill or capture any specified animal or any specified game animal.

(2) Any close season declared under the provisions of this section shall, subject to the provisions of subsection (3) of this section, on publication of the proclamation in the Gazette become effective in respect of, and shall apply to, any licence or permit issued under this Ordinance.

(3) Nothing in this section contained shall apply to the holder of a Governor's permit as provided by section 10, or a photographic permit as provided by section 11, or of a permit to capture as provided by section 12, or of an assistant's licence as provided by section 13, of this Ordinance, if such permit or licence, as the case may be, authorises the holder thereof to hunt, kill or capture any such specified animal during such close season."

21. That Clause 27 (renumbered as 25) ^{be} amended by inserting the comma and words ", subject to the provisions of section 47 of this Ordinance," between the word "or" and the word "shall" which appear in the second line thereof.

22. That Clause 30 (renumbered as 28) be deleted and the following substituted therefor -

"Restrictions
on motor cars,
aeroplanes,
and motor
boats.

28.(1) No person shall approach, in a motor vehicle or aeroplane, to within five hundred yards of any game animal for the purposes of hunting, killing, capturing, or unduly disturbing such game animal.

(2) No person shall use an aeroplane for the purpose of locating game animals in the course of hunting, killing or capturing any game animal.

(3) No person shall use a motor vehicle or aeroplane in such manner as to drive away or stampede any game animal for any purpose whatsoever.

(4) No person shall shoot at any game animal from a motor vehicle or aeroplane or from within two hundred yards of a motor vehicle or aeroplane.

(5) No person shall shoot at any game animal from any mechanically propelled boat or vessel while such boat or vessel is in mechanically induced motion.

(6) Nothing in this section contained shall be deemed to prohibit the use of a motor vehicle or aeroplane for -

(a) the hunting, killing or capturing of any game animal on private land by the owner of such land, or by any person authorized by him provided such owner or person, as the case may be, is in possession of the necessary licence;

(b) the driving away of any game animal from any Government or licensed aerodrome."

23. That Clause 31 (renumbered as 29) be amended by substituting the words "while hunting, killing or capturing" for the words "to hunt, kill or capture" which appear in the second line of the proviso thereto.

24. That Clause 32 (renumbered as 30) be amended by substituting the words "honorary game warden" for the words

"recognised member of the Association" where they appear in the fourteenth and fifteenth lines of sub-clause (4) thereof, and in the eighth and ninth lines of sub-clause (5) thereof;

- (b) by substituting the words "a duty" for the word "duty" which appears in the second line of sub-clause (2) thereof;
- (c) by renumbering the first four lines of sub-clause (5) thereof as "(5)(a)", and letter in the remainder of the sub-clause as "(b)".

25. That Clause 33 (renumbered as 31) be amended -

- (a) by deleting therefrom the word "game" in the second line thereof and where it first appears in the third line thereof; and
- (b) by deleting therefrom sub-clause (2) thereof and substituting therefor the following -

"(2) Any person who, while hunting, killing or capturing any animal or game animal, wounds any animal or game animal and fails without reasonable cause to exercise all possible endeavour to kill such animal or game animal, shall be guilty of an offence against this Ordinance."

26. That Clause 34 (renumbered as 32) be amended by substituting the words "game animal" for the words "animal or bird" which appear in the second and third lines of sub-clause (1) thereof and in the second line of sub-clause (2) thereof.

27. That Clause 35 (renumbered as 33) be amended -

- (a) by substituting the figures "16" for the figures "18" which appear in the first line of sub-clause (2) thereof; and
- (b) by substituting the words "game animal" for the word "animal" which appears in the second line of sub-clause (2) thereof.

28. That Clause 36 (renumbered as 34) be deleted and the following be substituted therefor -

"Animals may
be killed
in defence
of property."

34.(1)(a) Notwithstanding anything contained in this Ordinance, any occupier of land or his servant or any owner of crops or stock or his servant may hunt, kill or capture any game animal, other than a game animal mentioned in the Fifth Schedule to this Ordinance, which is spoiling his crops or is found adjacent thereto or which is a source of danger or which is causing material damage or loss to his holding or the crops or stock thereon if such act is necessary for the protection of his holding, crops or stock.

(b) Notwithstanding anything contained in this Ordinance, any occupier of land, or his servant, may hunt, kill or capture any game animal mentioned in the Fifth Schedule to this Ordinance if and while such animal is actually causing damage to cultivated crops on such land.

(2) When any game animal mentioned in the First, or Fifth Second/Schedules to this Ordinance

is killed under the provisions of sub-section (1) of this section, the killing of such animal shall be reported without delay to the nearest administrative officer in charge of the area or to the Game Warden or to a police officer and the trophies and the meat of such animal shall belong to Government and shall be dealt with as the Governor may direct."

29. That Clause 37 (renumbered as 35) be amended by substituting the words "game animal" for the word "animals" where it appears in the marginal note thereto, and twice in the twelfth line thereof.

30. That Clause 39 (renumbered as 37) be amended -

(a) by substituting the words "trophy in an^{un}manufactured state," for the word "trophy" where it appears in the second line of sub-clause (1) thereof and in the second line of sub-clause (2) thereof;

(b) by substituting the words "any game animal" for the words "an animal" where they appear in the second line of the proviso to sub-clause (4) thereof; and

(c) by adding thereto the following new sub-clause as sub-clause (7) -

"(7) Every trophy consisting of ivory, of rhinoceros horn, in an^{un}manufactured state, lawfully exported under the provisions of this section shall be identified by such marks as may be prescribed by the Governor and which, together with the weight of such trophy, shall be recorded in the export permit."

31. That Clause 42 (renumbered as 40) be amended -

(a) by substituting the word "kills" for the words "shall kill" which appear in the first line of sub-clause (1) thereof;

(b) by substituting the word "forthwith" for the words "without undue delay" which appear in the second line of sub-clause (1) thereof;

(c) by substituting the words "game warden, honorary game warden" for the words "Game Warden" which appear in the third line of sub-clause (1) thereof;

(d) by substituting the words "a game animal" for the words "an animal" which appear in the second line of the proviso to sub-clause (1) thereof;

(e) by substituting the figures "16" for the figures "18" which appear in the first line of sub-clause (2) thereof; and

(f) by substituting the words "game animal" for the word "animal" which appears in the last line of sub-clause (2) thereof.

32. That Clause 43 (renumbered as 41) be amended -

- (a) by substituting the figures "36" for the figures "39" which appear in paragraph (b) thereof;
- (b) by substituting the figures "45" for the figures "47" which appear in paragraph (c) thereof; and
- (c) by substituting the figures "37" for the figures "39" which appear in paragraph (d) thereof.

32A. That Clause 44 (renumbered as 42) be amended by substituting the words "any game" for the word "such" which appears in the second line thereof.

32B. That Clause 46 (renumbered as 44) be amended by substituting the word "removes" for the words "shall remove" in the first line thereof.

33. That Clause 50 (renumbered as 48) be amended -

- (a) by substituting the words "honorary game warden" for the words "recognised member of the Association" where they appear in the second and third, and in the eleventh and twelfth lines thereof; and
- (b) by substituting the words "wild animal" for the word "animal" which appears in the twelfth line thereof.

34. That Clause 51 (renumbered as 49) be amended -

- (a) by substituting the words "honorary game warden" for the words "any recognised member of the Association" they appear in the fourth and fifth lines thereof and in the ninth line thereof;
- (b) by substituting the words "game warden or honorary game warden" for the words "or member" which appear in the tenth line thereof.

35. That Clause 55 (renumbered as 55) be amended by deleting therefrom sub-clause (2) thereof and substituting therefor the following -

"(2) Any person who is convicted of any offence against this Ordinance or who has been convicted under any Ordinance repealed by this Ordinance or who has been convicted of any offence against any law for the time being in force and designed for the preservation of game in the Uganda Protectorate or the Tanganyika Territory may, in the discretion of the Governor, be disqualified from holding any

licence or permit under this Ordinance for a period of three years from the date of such conviction."

36. That the following new Clause be added to the Bill -

54. Where in any proceedings under this Ordinance any fine is imposed, the Court may award any sum or sums not exceeding one half the total fine collected to any informer or informers;

Provided that no such sum may be awarded to any person appointed to assist in the administration of this Ordinance."

37. That Clause 56 be deleted and the following substituted therefor -

55. The Governor may make rules prescribing anything required by this Ordinance to be prescribed, and generally for the better carrying out of the provisions of this Ordinance."

37A. That Clause 57(1) be renumbered as 56 and be amended -

(a) by substituting the words "licence or permit" for the word "licence" which appears in the fifth line of paragraph (b) of the proviso thereto; and

(b) by substituting the words "the Game" for the word "Game" in the sixth line thereof.

38. That the first Schedule be amended -

(a) by deleting therefrom all the words from "Animals" to "licence" which appear immediately below the heading thereof and substituting therefor the following -

"Game animals which may be hunted and killed only as may be permitted by the conditions of a Governor's permit or an assistant's licence."

(b) by deleting therefrom item 1 and substituting therefor the following -

"1. Elephant carrying tusks each of which weighs less than 12 lbs."

"Reward for informers.

"Power to make rules.

(c) by deleting therefrom item 3 thereof and substituting therefor the following -

"3. Buffalo in the area bounded as follows -

Commencing at a point on the right bank of the Ibagathi River opposite the south-western corner of L.R.No.7184/1;

thence up-stream by the right bank of that river to its intersection with the southern boundary of L.R.No.6939;

thence generally westerly by the southern boundaries of that portion to its western corner;

thence generally northerly by the western boundaries of L.R.Nos.6967, 5830/R, 5893, 5932, 4944, 4943, 193/3 to the north-western corner of the latter portion;

thence south-westerly and north-westerly by part of the south-eastern and the south-western boundaries of L.R. No.192/1/2;

thence north-westerly and north-easterly by the south-western and north-western boundaries of that portion;

thence north-westerly by the south-western boundaries of L.R.No.5842 and 197;

thence north-easterly by part of the north-western boundary of the latter portion to its intersection with the right bank of the Ibagathi River;

thence up-stream by the right bank of that river to its intersection with the northern boundary of the Endakasi Forest Reserve;

thence westerly and southerly by the northern and generally western boundaries of that Forest Reserve to its south-western corner;

thence southerly by a straight line passing through Nairondi Spring to the point of intersection with the Southern Game Reserve boundary approximately two miles north-west of the trigonometrical beacon Lawia on the Ngong Hills;

thence south-easterly by the Southern Game Reserve boundary to the beacon Lamvia;

thence north-easterly by that boundary to the point of commencement."

(d) by deleting therefrom item 12 thereof and substituting therefor the following -

"12. Pangolin (scaly anteater)"

(e) by adding the following to item 24 thereof -

"(f) all Antelopes and Gazelles"

(f) by deleting therefrom item 25 thereof;

(g) by renumbering items 26, 27 and 28 as 25, 26 and 27 respectively; and

(h) by substituting the word -

"Sitatunga" for the word "Situtungu"

where it appears in item 26 thereof.

thence south-easterly by the Southern Game Reserve boundary to the beacon Lamvia;

thence north-easterly by that boundary to the point of commencement."

(d) by deleting therefrom item 12 thereof and substituting therefor the following -

"12. Pangolin (scaly anteater)"

(e) by adding the following to item 24 thereof -

"(f) all Antelopes and Gazelles"

(f) by deleting therefrom item 25 thereof;

(g) by renumbering items 26, 27 and 28 as 25, 26 and 27 respectively; and

(h) by substituting the word -

"Sitatunga" for the word "Situtungu"

where it appears in item 26 thereof.

39. That the Second Schedule be amended by deleting therefrom all the words from "Animals" to "licence" which appear immediately below the heading thereof and substituting therefor the following -

and

"Game animals which may be hunted/ killed ~~XXXXXXXXXX~~ only as may be permitted by the conditions of a Governor's permit, a special licence, or an assistant's licence."

40. That the Third Schedule be amended -

(a) by deleting therefrom all the words from "The" to "such land" which appear immediately below the heading thereof and substituting therefor the following -

"The following game animals may, subject to the provisions of, and to the restrictions contained in, the First Schedule, be hunted and killed -

- (a) on Crown land, by the holder of a visitor's, serving officer's, or resident's, full licence to the numbers and subject to the restrictions herein stated and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land;
- (b) on Crown land, by the holder of a Governor's permit to the numbers and subject to the conditions and restrictions stated in such permit; and
- (c) on private land, with the consent of the owner his agent or the lawful occupier of such land, in unlimited numbers by the holder of a private land licence, or a native or Somali employee's licence."

- (b) by substituting the word "Hippopotamus" for the word "Hippopotomus" which appears in item 4 thereof;
- (c) by substituting the word and asterisk "Sitatunga*" for the word "Sitatunga" which appears as item 24 thereof;
- (d) by substituting the words "not more" for the word "more" which appears in the second line of item 32 thereof; and
- (e) by deleting therefrom the foot note thereto and substituting therefor the following -

"Items which are marked with an asterisk are subject to the provisions of, and to the restrictions contained in, the First Schedule."

41. That the Fourth Schedule be amended -

- (a) by deleting all the words from "The" to "such land" which appear immediately below the heading and substituting therefor the following -

"The following game animals may, subject to the provisions of, and to the restrictions contained in, the First Schedule, be hunted and killed on Crown land by the holder of a visitor's, serving officer's, or resident's, 14-day licence, to the numbers and subject to the restrictions herein stated, and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land."

- (b) by inserting an asterisk against the word "Impala" which appears as item 14 thereof;

- (b) by substituting the word "Hippopotamus" for the word "Hippopotorus" which appears in item 4 thereof;
- (c) by substituting the word and asterisk "Situtunga*" for the word "Situtunga" which appears as item 24 thereof;
- (d) by substituting the words "not more" for the word "more" which appears in the second line of item 52 thereof; and
- (e) by deleting therefrom the foot note thereto and substituting therefor the following -

"Items which are marked with an asterisk are subject to the provisions of, and to the restrictions contained in, the First Schedule."

41. That the Fourth Schedule be amended -

- (a) by deleting all the words from "The" to "such land" which appear immediately below the heading and substituting therefor the following -

"The following game animals may, subject to the provisions of, and to the restrictions contained in, the First Schedule, be hunted and killed on Crown land by the holder of a visitor's, serving officer's, or resident's, 14-day licence, to the numbers and subject to the restrictions herein stated, and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land."
- (b) by inserting an asterisk against the word "Impala" which appears as item 14 thereof;

(c) by deleting therefrom the foot note thereto and substituting therefor the following -

"Items which are marked with an asterisk are subject to the provisions of, and to the restrictions contained in, the First Schedule."

47. That the Fifth Schedule be amended -

(a) by deleting all the words from "The" to "such land" which appear immediately below the heading thereof and substituting therefor the following -

"The following game animals may be hunted and killed -

(a) on Crown land, by the holder of a bird licence, or of a visitor's, serving officer's, or resident's, full licence, or of a visitor's, serving officer's or resident's, fourteen-day licence to the numbers and subject to the restrictions herein stated and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land;

(b) in unlimited numbers by the holder of a private land licence on private land with the consent of the owner his agent or the lawful occupier of such land."

and

(b) by deleting therefrom items 14 and 16 thereof and by renumbering items 15 and 17 as 14 and 15 respectively.

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22
43 That the Sixth Schedule be deleted, and the following Schedule be substituted therefor -

"SIXTH SCHEDULE

GAME RESERVES

1. The Southern Reserve:

Commencing at a point on the right bank of the Ngong River where it intersects the south-western limit of the 100 feet Railway Reserve on L.R.No.1140;

thence proceeding up-stream by the right bank of that river to its intersection with the eastern boundary of the Aerodrome Road;

thence southerly by that boundary of the road to its junction with the Langata Road;

thence south-westerly by the south-eastern boundary of the latter road to its junction with the Mbagathi Road;

thence generally south-west-erly by the south-eastern boundary of the latter road to its junction with the Ngadi Road;

thence southerly by the eastern boundary of the latter road to the bridge over the Mbagathi River;

thence up-stream by the right bank of that river to a point near a stone beacon opposite the south-western corner of L.R.No.7184/1;

thence south-westerly by a straight line to that stone beacon;

thence continuing south-westerly by a line defined by beacons to the trigonometrical beacon Lamvia on the Ngong Hills;

thence north-westerly by a straight line to a trigonometrical beacon Ol Doinyo Nyulie on the summit of Mount Susu;

thence south-westerly by a straight line to Mosiro and onward by that straight line to the right bank of the Vaso

Nyiro River;

thence down-stream by the right bank of that river to its intersection with the Kenya-Tanganyika boundary;

thence south-easterly by that boundary to beacon 56 (Usiri);

thence by a straight line to the source of the Rombo River;

thence down-stream by the left bank of that river to its confluence with the Tsavo River;

thence down-stream by the left bank of that river to a beacon at the southern extension of the Chyulu or Ngulia Range where the latter approaches the Tsavo River;

thence generally north-westerly by the foot of the eastern slopes of the Chyulu or Ngulia Range to Mount Khusba;

thence north-westerly by a straight line to a beacon at the source of the Pakindu River;

thence down-stream by the left bank of that river to its intersection with the south-western limit of the 100 feet Railway Reserve;

thence generally north-westerly by that 100 feet limit to the point of commencement.

2. The Northern Reserve:

Commencing at the north-eastern corner of L.R.No.2379 on the E.Uaso Narok River;

thence north-westerly by the north-eastern boundary of that portion to its northern corner;

thence north-westerly by straight lines to the trigonometrical beacons Kuti and Pakka;

thence north-easterly and northerly by straight lines to the summits of the hills Poror and Kowop;

thence northerly by a straight line to the summit of Mount Nyiro;

thence easterly by a straight line to the summit of Lolajonga Hill which is approximately 15 miles south-west of Lake Marsabit;

thence southerly by a straight line to the summit of
Lodermt Hill;

thence south westerly by a straight line to the summit of
Blomton Hill;

thence by a straight line to the foot of the northern end
of the Mathews Range;

thence generally southerly by the foot of the eastern
slopes of the Mathews Range and the Uraguess Hills to the
southern extremity of the latter;

thence southerly by straight lines to the summits of
Lololokwi, Kalana and Ioitogor Hills;

thence southerly by a straight line to the ford at Kambi
ya Nyama Yangu on the left bank of the E.Uaso Nyiro River;

thence up-stream by that bank of the River till it becomes
the E.Uaso Warok River at the point of commencement."

44. That the Eighth Schedule be deleted.
45. That the Ninth Schedule be amended -
- (a) by substituting the word "Eighth" for the word "Ninth" in the heading thereof; and
- (b) by substituting the figures "22" for the figures "24" which appear in the third line of the affirmation at the foot thereof.

We have the honour to be,
Your Excellency's obedient servants,

SD. J. KARRAGIN (CHAIRMAN)

SD. B. J. MOKING (MEMBER)

SD. H. M. GARDNER (MEMBER)

SD. A. C. HOEY (MEMBER)

SD. MARCOU EMLIMBLE (MEMBER)

SD. A. C. L. DE SOUSA (MEMBER)

Nairobi,

22nd November, 1957

Recd under Sp. of 24.11.37 (regd. n. 38204/37)

COLONY AND PROTECTORATE OF KENYA



A BILL TO CONSOLIDATE AND AMEND THE
LAW RELATING TO THE PROTECTION OF
GAME ANIMALS AND GAME BIRDS

(As it will appear if the recommendations contained in the Report
of the Select Committee of the Legislative Council are adopted)

A Bill to Consolidate and Amend the Law relating to the Protection of Game Animals and Game Birds

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Game Ordinance, Short title.
1937.

2. In this Ordinance, unless the context otherwise Interpretation.
requires—

“aeroplane” includes an airship, a seaplane, and any other description of aircraft;

“animal” means any vertebrate animal, other than a domesticated animal;

“an animal mentioned in a Schedule” means an animal or bird the name of which is mentioned in any Schedule to this Ordinance together with any descriptive or restrictive words or numbers appearing with the name of such animal in such Schedule;

“Government” means the Government of the Colony;

“hunt” “kill” “capture” means hunting, killing or capturing by any method and includes every attempt to kill or capture and the taking or disturbing of nests or eggs;

“hunting” includes molesting or disturbing for any purpose whatsoever;

“licensing officer” means any administrative officer or any other person whom the Governor may, by notice in the Gazette, appoint either by name or by office;

“meat” includes fat and blood;

“private land” means any land privately owned without a title from the Crown, and any land held or occupied under a

grant, lease or licence from the Crown: Provided that the said term shall not include any land in a native reserve or any land sold or leased or otherwise alienated by the Crown with a reservation of the game thereon or any land held by virtue of a temporary occupation licence issued under the Crown Lands Ordinance;

Cap. 140.

"resident" means any person other than a native or Somali who satisfies a licensing officer that he is a resident for the purposes of this Ordinance;

"trophy" means the head or any horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg or other durable portion of any game animal, or, if so expressed, of any animal.

Employment of officers.

3. The Governor may appoint a Game Warden, an Assistant Game Warden and such other officers as may be necessary for the carrying into effect of the provisions of this Ordinance.

Powers of Game Warden may be exercised by other officers.

4. The Game Warden may, with the approval of the Governor, delegate or assign to any other officer appointed under section 3, or to any honorary game warden appointed under section 5, of this Ordinance all or any of the powers and duties conferred or imposed upon him by this Ordinance.

Honorary game wardens.

5. (1) The Governor may, by notice in the Gazette, appoint any person to be an honorary game warden for a period of five years, and may, in like manner, renew such appointment for further periods of five years on the expiration of each such period:

Provided that the Governor may, in his absolute discretion and without assigning any reason therefor, at any time revoke any such appointment.

(2) Every person on first appointment as an honorary game warden shall take an oath of office in the form set out in the Seventh Schedule to this Ordinance.

Declaration of game animals.

6. (1) The animals and birds mentioned in the First, Second, Third, Fourth and Fifth Schedules to this Ordinance are hereby declared to be game animals.

Power to alter or revoke Schedules.

(2) The Governor may, by notice in the Gazette, revoke, replace, or amend the First, Second, Third, Fourth and Fifth Schedules to this Ordinance in such manner as he may see fit,

(3) Any revocation or replacement of, or any amendment to, any of the Schedules to this Ordinance made under the provisions of this section shall, on publication in the Gazette, apply to any licence or permit appertaining to such Schedule which may be in force at the date of such amendment.

7. No person shall possess any game animal or any trophy or the meat of any game animal except in accordance with the provisions of this Ordinance.

Prohibition of possessing of game animals and trophies.

8. Save as in this Ordinance otherwise expressly provided, no person shall hunt, kill, photograph or capture, or attempt to hunt, kill, photograph or capture any game animal unless he is authorized to do so by virtue of a licence or permit issued to him under the provisions of this Ordinance.

Prohibition of hunt, etc., of game animals without licence or permit.

9. Save as in this Ordinance otherwise expressly provided, no person other than a native or Somali shall assist any other person to hunt, kill or capture any game animal unless he is authorized in that behalf by virtue of an assistant's licence as provided by section 13 of this Ordinance:

Limitation of assistants.

Provided that nothing in this section contained shall be deemed to render it necessary for any person who is authorized under this Ordinance to hunt, kill or capture any animal to obtain an assistant's licence in order to assist any other person similarly authorized to hunt, kill or capture such animal.

10. (1) The Governor may, in his discretion, grant to any person a permit (in this Ordinance called "a Governor's permit") to hunt and kill any game animal, or to hunt and kill any animal or bird in a game reserve, or to hunt and kill any animal or bird during a close season declared under the provisions of section 24 of this Ordinance.

Governor's permit.

(2) A Governor's permit shall be subject to such conditions as the Governor may impose.

(3) The holder of a Governor's permit shall be subject to the provisions of this Ordinance.

11. (1) The Governor may, in his discretion, grant to any person a permit (in this Ordinance called "a photographic permit") to hunt, for photographic purposes, any game animal.

Photographic permit.

(2) A photographic permit shall be subject to such conditions as the Governor may impose.

(3) The holder of a photographic permit shall be subject to all the provisions of this Ordinance.

(4) Nothing in this section contained shall be deemed to apply to the photographing of an animal—

(a) which the photographer is otherwise authorized under this Ordinance to hunt, kill or capture; or

(b) when no molestation whatever is involved.

12. (1) The Governor may, in his discretion, grant to any person a permit to hunt for the purpose of capturing any game animal, or for the purpose of capturing any animal or bird in a game reserve, or during a close season declared under the provisions of section 24 of this Ordinance. Such permit is in this Ordinance referred to as a "permit to capture".

(2) Such permit shall be valid for such period as the Governor may in his discretion determine, and shall be subject to such conditions as the Governor may impose in respect of the number and kind of animals that may be captured, the areas in which such animals may be captured and the methods that may be employed in capturing such animals.

(3) The holder of a permit to capture any animal shall be subject to all the provisions of this Ordinance.

(4) There shall be paid for a permit to capture any animal such fees as may from time to time be prescribed.

13. (1) The following licences may be granted by a licensing officer in his discretion, and the following fees shall be charged therefor—

	£	s.
(a) a full licence for a—		
(i) visitor	75	0
(ii) serving officer	20	0
(iii) resident	7	10
(b) a fourteen-day licence for a—		
(i) visitor	15	0
(ii) serving officer	4	0
(iii) resident	2	0

(c) a private land licence for a—		
(i) visitor	10	0
(ii) serving officer	4	0
(iii) resident	2	0
(d) an assistant's licence (granted in accordance with the provisions of sub-section (9) of this section)	10	
(e) a native or Somali employee's licence (granted in accordance with the provisions of sub-section (10) of this section)	2	0
(f) a bird licence	10	

(2) (a) A full licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt and kill game animals mentioned in the Third and Fifth Schedules to this Ordinance to the numbers therein stated, on Crown land and, with the consent of the owner, his agent or the lawful occupier, of private land, in unlimited numbers on such land.

(b) A fourteen-day licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt and kill game animals mentioned in the Fourth and Fifth Schedules to this Ordinance to the numbers therein stated on Crown land, and, with the consent of the owner, his agent or the lawful occupier, of private land, in unlimited numbers on such land.

(c) A private land licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt and kill game animals mentioned in the Third and Fifth Schedules to this Ordinance in unlimited numbers on private land only, with the consent of the owner, his agent or the lawful occupier, of such land.

(d) A bird licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt and kill game animals mentioned in the Fifth Schedule to this Ordinance to the numbers therein stated on Crown land, and, with the consent of the owner, his agent or the lawful occupier, of private land, in unlimited numbers on such land.

(3) (a) A full licence, a private land licence, a native or Somali employee's licence and a bird licence shall be valid for one year from the date of issue.

(b) A fourteen-day licence shall be valid for fourteen consecutive days from and including the day on which it is dated to commence.

Permit to capture.

Licences.

(c) An assistant's licence shall expire on the same day as the full licence or permit to capture held, at the time of the granting of such assistant's licence, by the person to whom the assistant's licence is granted.

(4) Any person holding a visitor's full licence and becoming a resident while the licence is in force shall be entitled to a refund of sixty-seven pounds and ten shillings, and any person holding a serving officer's full licence and becoming a resident while the licence is in force shall be entitled to a refund of twelve pounds and ten shillings.

(5) No person shall be granted a fourteen-day licence unless a period of at least six months has elapsed since the expiration of any previous fourteen-day licence held by him, and no person shall obtain a full licence unless a period of at least six months has elapsed since the expiration of any previous fourteen-day licence held by him.

Provided that any person who has obtained a fourteen-day licence may, within six months after the expiration of such licence, convert such licence into a full licence by payment of the difference between the fees payable for a fourteen-day licence and a full licence respectively. Such full licence shall expire one year from the date of commencement of the fourteen-day licence from which it was converted, and any animal killed on the fourteen-day licence shall be deemed to have been killed on the full licence and shall count on that licence.

(6) A private land licence may be converted at any time during its validity into a full licence by payment of the difference between the fees payable for a private land licence and a full licence respectively. Such full licence shall expire one year from the date of commencement of the private land licence from which it was converted.

(7) A serving officer's licence may be issued to any regular officer on the active list of His Majesty's Navy, Army, or Air Force or to any officer in the public service of His Majesty in Africa or in India.

(8) A resident's licence shall not be granted except to a resident in the Colony or to an officer in the public service of the Uganda Protectorate or the Tanganyika Territory or to an officer of one of His Majesty's ships on the East Indies Station, or to such other officers of His Majesty's Forces visiting the Colony on duty, but not usually resident in the Colony, as the Governor may in each case approve:

Provided that the Governor may, in his discretion, by order addressed to all licensing officers state for their guidance what qualifications are to be considered necessary in order to entitle an applicant to be deemed a resident.

(9) (a) An assistant's licence shall be issued only to the holder of a full licence or of a permit to capture, and shall entitle the licensee to assist any person who is duly authorized under this Ordinance to hunt, kill or capture any animal which such person is so authorized to hunt, kill or capture:

Provided that the Governor may, in his discretion, grant an assistant's licence to any person who is not in possession of a full licence or of a permit to capture, and may impose such conditions and restrictions on a licence so granted as he may deem fit.

(b) An assistant's licence shall not authorize the licensee to shoot at any game animal except in the case of absolute necessity; and if the holder of an assistant's licence shoots at any game animal which he is not authorized by any other licence or permit to hunt, kill or capture, he shall report the fact to the Game Warden without delay.

(c) An assistant's licence shall not be valid for any game reserve unless it has been so endorsed by the Game Warden.

(d) If the holder of an assistant's licence kills any game animal, which he is not otherwise authorized under this Ordinance to kill, such animal shall be deemed to have been killed by the person whom he is assisting, and if such person's licence entitles him to hunt and kill an animal of that species, shall be counted upon such person's licence.

(10) A landholder may be granted a native or Somali employee's licence which shall authorize one native or Somali employee of the licensee to hunt and kill game animals mentioned in the Third Schedule to this Ordinance on any private land belonging to or in the lawful occupation of the licensee.

The licensee may at any time during the validity of such licence substitute the name of another native or Somali employee upon such licence, provided such licensee makes and signs the necessary alterations on the licence and forthwith notifies the licensing officer who issued the licence of the change.

Special
licences.

14. (j) The following special licences may be granted by a licensing officer, in his discretion, to the holder of a full licence, and the following fees shall be chargeable therefor:—

	£	s.
(a) For the first Elephant	25	0
(b) For the second Elephant	50	0
(c) For the first or second Rhinoceros, each	10	0
(d) For the first or second Giraffe, each	15	0
(e) For the first or second Ostrich, each	1	0
(f) For the first, second or third Colobus Monkey, each	10	

(2) Every special licence granted under this section shall expire on the same date as the full licence held by the licensee at the time of the granting of such special licence.

(3) Every person who obtains a special licence under the provisions of this section shall produce to the licensing officer his full licence and such licensing officer shall endorse thereon the fact of such special licence having been granted.

(4) A special licence issued under this section shall entitle the licensee to hunt and kill the game animals specified on such special licence on Crown land or, with the consent of the owner, his agent or the lawful occupier, of private land on such land.

(5) No special licence shall be granted to the holder of a full licence, during the period of validity of such full licence, in respect of more than two elephants, more than two rhinoceros, more than two giraffes, more than two ostriches, and more than three colobus monkeys.

(6) A special licence under this section shall not authorize the licensee to hunt and kill an elephant unless such elephant carries tusks of which one at least weighs twelve pounds.

15. (i) The following special licences may be granted by a licensing officer, in his discretion, to the holder of a visitor's private land licence or of a serving officer's private land licence, and the following fees shall be chargeable therefor:—

	£	s.
(a) For the first or second Rhinoceros, each	10	0
(b) For the first or second Ostrich, each	1	0
(c) For the first, second, or third Colobus Monkey, each	10	

Special
licences on
private land.

(2) Every special licence granted under this section shall expire on the same date as the visitor's private land licence or serving officer's private land licence, as the case may be, held by the licensee at the time of the granting of such special licence.

(3) Every person who obtains a special licence under this section shall produce to the licensing officer his private land licence and such licensing officer shall endorse thereon the fact of such special licence having been granted.

(4) Special licences issued under this section shall entitle the licensee to hunt and kill the game animals specified on such special licence on private land only, with the consent of the owner, his agent or the lawful occupier of such land.

(5) No special licence shall be granted under this section to the holder of a visitor's or serving officer's private land licence, during the period of validity of such private land licence, in respect of more than two rhinoceros, more than two ostriches and more than three colobus monkeys.

16. If any game animal is killed or captured in any circumstances whatsoever by any licensee or permit holder whose licence or permit allows him to hunt, kill or capture an animal of that species, such animal shall count on the licence or permit of such licensee or permit holder; and if any game animal is killed or captured in any circumstances whatsoever by any person accompanying or assisting such licensee or permit holder, such animal shall be deemed to have been killed or captured by the licensee or permit holder and shall count on the licence or permit of such licensee or permit holder unless the person accompanying or assisting such holder is himself in possession of a licence entitling him to hunt, kill or capture an animal of such species, in which case the animal shall count on the licence of the person so accompanying or assisting:

Killing of
animal in any
circumstances to
count on
licence.

Provided that nothing in this section contained shall be deemed to apply to any animal killed or captured in accordance with the provisions of section 34 of this Ordinance:

Provided further that for the purposes of this section the expression "killed or captured" shall not include "attempt to kill or attempt to capture."

17. Save as provided by sub-section (10) of section 13 of this Ordinance, no licence or permit issued under this Ordinance is transferable.

Licence not
transferable.

Licence to bear name of person, etc.

18. Every licence in addition to stating its nature and the fee paid shall bear the name in full of the person to whom it is granted, and also his signature, the date and station of issue, the period of its duration, and the signature of the person granting the same. A native or Somali employee's licence shall bear the signature of the employer.

Duplicate of lost licences.

19. Any licensee or permit holder whose licence or permit has been lost or destroyed may obtain, on payment of a fee of two shillings, a copy of the licence or permit from the licensing officer who issued the original licence or permit.

Licence to be produced on demand.

20. The holder of any licence or permit issued under this Ordinance shall on demand being made by any magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden, produce his licence or permit. Any such holder who fails without reasonable cause to produce his licence or permit or, on demand being made by any of the persons mentioned in this section or by a duly accredited servant of the Game Department, to sign his name, shall be guilty of an offence against this Ordinance.

Attempt to obtain licence by unqualified person an offence.

21. Any person who for any reason is unqualified to hold any licence or class of licence or permit under this Ordinance, or who has been refused any licence or class of licence or permit under this Ordinance and who obtains or attempts to obtain such licence or class of licence or permit without disclosing to the licensing officer such disqualification or refusal shall be guilty of an offence against this Ordinance.

Obligation to keep register.

22. (1) Every holder of a licence or permit issued under the provisions of sections 10, 12, 13, 14 or 15 of this Ordinance shall keep a register in the form specified in the Eighth Schedule to this Ordinance, of all game animals killed or captured by him:

Provided that—

- (a) any game animals mentioned in the Fifth Schedule, or
- (b) any animal, other than a game animal mentioned in the First and Second Schedules, killed on private land,

need not be entered on such register.

(2) Any holder of a licence or permit granted under this Ordinance shall produce his register for inspection at any reasonable time if called upon to do so by any magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden.

(3) The Game Warden may request the holder of any licence or permit granted under this Ordinance to furnish a true copy of his register and such holder shall comply with such request within a reasonable time.

(4) Any person required by sub-section (1) of this section to keep a register who fails to keep a register or who makes, or is privy to the making of, any false entry in such register, or who fails to produce his register in accordance with sub-section (2) of this section, or who fails within reasonable time to furnish a copy of his register in accordance with sub-section (3) of this section, shall be guilty of an offence against this Ordinance.

23. (1) The areas described in the Sixth Schedule to this Ordinance are hereby declared to be game reserves. Game Reserves.

(2) The Governor in Council may, with the approval of the Secretary of State, from time to time by proclamation declare any other portion of the Colony to be a game reserve and may in like manner and subject to the same approval extend or contract the limits of, or abolish, any game reserve established under this Ordinance and the provisions of this Ordinance relating to game reserves shall apply to any such game reserve.

(3) The Governor may, by notice in the Gazette, declare any game reserve or portion of a game reserve to be a closed district within the meaning of the Outlying Districts Ordinance, and the provisions of that Ordinance shall apply to every game reserve or portion of a game reserve so declared. Cap. 26.

(4) Save as in this Ordinance otherwise expressly provided, no person shall—

- (a) unless he is authorized by a Governor's permit as provided by section 10, or by an assistant's licence as provided by section 13, of this Ordinance, hunt or kill any animal or bird within a game reserve;
- (b) unless he is authorized by a photographic permit as provided by section 11 of this Ordinance hunt, for the purpose of photographing, any animal or bird within a game reserve;
- (c) unless he is authorized by a permit to capture as provided by section 12 or by an assistant's licence as provided by section 13, of this Ordinance, hunt

any animal or bird within a game reserve for the purpose of, or with the intention of, capturing such animal or bird.

(5) No person unless he is normally and lawfully resident in a game reserve shall cut or otherwise destroy any tree, shrub, grass or other vegetation in a game reserve unless he has received permission to do so from the administrative officer in charge of such area, the Game Warden or an officer of the Forest Department:

Provided that nothing in this sub-section contained shall be deemed to apply to any person employed in the public service acting in pursuance of his duty.

(6) No person, other than a person employed in the public service in the pursuance of his duty and a person mentioned in sub-section (4) of this section, shall carry a firearm within a game reserve unless he has received permission from the administrative officer in charge of such area or from the Game Warden:

Provided that nothing in this sub-section contained shall be deemed to prohibit any person from carrying a firearm while such person is proceeding along a public road within a game reserve.

(7) Any dog found at large and not under control within a game reserve may be destroyed by order of the administrative officer in charge of such area or of the Game Warden.

(8) Any person being within a game reserve shall conform to and obey all lawful orders and directions issued by an administrative officer in charge of such area or by the Game Warden.

24. (1) The Governor may, by proclamation referring to the whole or to any specified part of the Colony, declare that during any specified period (which shall be known as a close season) it shall be an offence to hunt, kill or capture any specified animal or any specified game animal.

(2) Any close season declared under the provisions of this section shall, subject to the provisions of sub-section (3) of this section, on publication of the proclamation in the Gazette become effective in respect of, and shall apply to, any licence or permit issued under this Ordinance.

(3) Nothing in this section contained shall apply to the holder of a Governor's permit as provided by section 10, or of a photographic permit as provided by section 11, or of a

Power of Governor to proclaim close season.

permit to capture as provided by section 12, or of an assistant's licence as provided by section 13, of this Ordinance, if such permit or licence, as the case may be, authorizes the holder thereof to hunt, kill or capture any such specified animal during such close season.

25. Nothing in this Ordinance contained shall affect the provisions of the Outlying Districts Ordinance or, subject to the provisions of section 47 of this Ordinance, shall be deemed to permit any person to enter on private land without the consent of the owner or his agent or the lawful occupier of such land.

Ordinance does not authorize trespass or entering into closed district. Cap. 26.

26. No person shall hunt, kill or capture a game animal on private land without the consent of the owner or his agent or the lawful occupier of such land.

Prohibition of hunting on private land without consent of owner.

27. Notwithstanding anything contained in this Ordinance, no person shall hunt, kill or capture any game animal during the hours of darkness (which, for purposes of this section, shall mean the period commencing half an hour after sunset and ending half an hour before sunrise) without the written consent of the Game Warden:

Prohibition of hunting during hours of darkness.

Provided that nothing in this section shall be deemed to apply to the hunting, killing or capturing of game animals on private land with the consent of the owner, his agent or the lawful occupier thereof, nor to the hunting, killing or capturing of any game animal which may be damaging, or about to damage, property or attacking, or about to attack, any person.

28. (1) No person shall approach, in a motor vehicle or aeroplane, to within five hundred yards of any game animal for the purposes of hunting, killing, capturing, or unduly disturbing such game animal.

Restrictions on motor cars, aeroplanes, and motor boats

(2) No person shall use an aeroplane for the purpose of locating game animals in the course of hunting, killing or capturing any game animal.

(3) No person shall use a motor vehicle or aeroplane in such manner as to drive away or stampede any game animal for any purpose whatsoever.

(4) No person shall shoot at any game animal from a motor vehicle or aeroplane or from within two hundred yards of a motor vehicle or aeroplane.

(5) No person shall shoot at any game animal from any mechanically propelled boat or vessel while such boat or vessel is in mechanically induced motion.

(6) Nothing in this section contained shall be deemed to prohibit the use of a motor vehicle or aeroplane for—

- (a) the hunting, killing or capturing of any game animal on private land by the owner of such land, or by any person authorized by him provided such owner or person, as the case may be, is in possession of the necessary licence;
- (b) the driving away of any game animal from any Government or licensed aerodrome.

Restrictions on use of dogs.

29. No person shall hunt, kill or capture with dogs any game animal on land other than private land without the consent in writing of the Game Warden:

Provided that nothing in this section contained shall be deemed to prohibit the use of dogs while hunting, killing or capturing any animal mentioned in the Fifth Schedule to this Ordinance.

Restrictions on use of traps, pits, poison, fire, etc.

30. (1) No person, other than a person employed in the public service and being charged with performance of a duty by virtue of such employment, shall, without the permission in writing of the Game Warden, set any set-gun, trap, gin, or snare capable of killing or capturing any game animal, on land other than private land with the consent of the owner, his agent or the lawful occupier thereof.

(2) No person, other than a person employed in the public service and being charged with performance of a duty by virtue of such employment, shall, without the permission in writing of the Game Warden, use fire or poison for the purpose of hunting, killing or capturing any animal on land other than private land with the consent of the owner, his agent or the lawful occupier thereof.

(3) No person shall, without the permission in writing of the Game Warden, dig pits for the purpose of hunting, killing or capturing any game animal on land other than private land with the consent of the owner, his agent or the lawful occupier thereof.

(4) Any person, other than a person employed in the public service and being charged with performance of a duty by virtue of such employment, found in possession of any set-gun, trap, gin, snare or poison in such circumstances as make it appear that such set-gun, trap, gin, snare or poison has been or is about to be set or used on land other than private land with the consent of the owner, his agent or the lawful

occupier of such land, shall, unless such person can produce a permit in writing from the Game Warden permitting such person to set or use such set-gun, trap, gin, snare or poison, be guilty of an offence against this Ordinance and shall be liable to be arrested by any magistrate, justice of the peace, police officer, tribal police officer, forest officer, game warden, duly accredited servant of the Game Department, honorary game warden, or commissioned or non-commissioned officer of the King's African Rifles.

(5) (a) No person shall sell or barter or attempt to sell or barter any set-gun, trap, gin, or snare capable of killing or capturing any game animal without the permission in writing of the Game Warden.

(b) Any person found in possession of any set-gun, trap, gin, or snare in such circumstances as to make it appear that such person is selling or bartering or is about to sell or barter any such set-gun, trap, gin, or snare, shall be guilty of an offence against this Ordinance and shall be liable to be arrested by any magistrate, justice of the peace, police officer, tribal police officer, forest officer, game warden, duly accredited servant of the Game Department, honorary game warden, or commissioned or non-commissioned officer of the King's African Rifles.

31. (1) Any person who, while hunting, killing or capturing any animal, causes unnecessary or undue suffering to any animal or wastefully kills any game animal shall be guilty of an offence against this Ordinance. Prohibition of unnecessary cruelty.

(2) Any person who, while hunting, killing or capturing any animal or game animal, wounds any animal or game animal and fails without reasonable cause to exercise all possible endeavour to kill such animal or game animal, shall be guilty of an offence against this Ordinance.

32. (1) The Governor may by notice in the Gazette prohibit any method of hunting, killing or capturing any game animal and may in such notice impose such conditions and limitations in respect of any method as he may see fit. Power of Governor to prohibit methods of hunting.

(2) No person shall use any method of hunting, killing or capturing any game animal in contravention of the provisions of any notice made under the provisions of sub-section (1) of this section.

Self defence.

33. (1) Notwithstanding anything in this Ordinance otherwise contained, any person may without any licence or permit kill any game animal in self defence or in defence of any other person if immediately and absolutely necessary:

Provided that nothing in this sub-section contained shall be deemed to exonerate any person who, when such defence became necessary, was hunting any game animal or committing any act in contravention of the provisions of this Ordinance.

(2) The provisions of section 16 of this Ordinance shall apply to any game animal killed under the provisions of sub-section (1) of this section.

(3) When any game animal is killed under the provisions of sub-section (1) of this section, the trophies and the meat of such animal shall belong to the Government unless the person killing such animal is in possession of a licence or permit the conditions of which entitle him to kill that animal, and any person who is not so entitled and who kills a game animal under the provisions of sub-section (1) of this section shall report at once to the nearest administrative officer, Game Warden or police officer and the trophies and the meat of any such animal shall be dealt with as the Governor shall direct.

Game animals may be killed in defence of property.

34. (1) (a) Notwithstanding anything contained in this Ordinance, any occupier of land or his servant or any owner of crops or stock or his servant may hunt, kill or capture any game animal, other than a game animal mentioned in the Fifth Schedule to this Ordinance, which is spoiling his crops or which is causing material damage or loss to his holding or the crops or stock thereon if such act is necessary for the protection of his holding, crops or stock.

(b) Notwithstanding anything contained in this Ordinance, any occupier of land, or his servant, may hunt, kill or capture any game animal mentioned in the Fifth Schedule to this Ordinance if and while such animal is actually causing damage to cultivated crops on such land.

(2) When any game animal mentioned in the First, Second or Fifth Schedules to this Ordinance is killed under the provisions of sub-section (1) of this section, the killing of such animal shall be reported without delay to the nearest

administrative officer in charge of the area or to the Game Warden or to a police officer and the trophies and the meat of such animal shall belong to Government and shall be dealt with as the Governor may direct.

35. Notwithstanding anything contained in this Ordinance, when it appears to the Governor that any game animal in any area is a source of serious menace to persons or property, or that existing famine or the likelihood of famine makes such course necessary, the Governor may in his absolute discretion by order addressed to an administrative officer in charge of the area direct that permission be granted for any game animal in any area to be hunted, killed or captured without a licence or permit issued under this Ordinance, and the Governor may impose such conditions as to the persons to whom such permission may be granted, the duration of such permission, the game animals and number of game animals that may be hunted, killed or captured, the area in which such animals may be hunted, killed or captured, the methods of hunting, the disposal of trophies or any other conditions as he may see fit.

Power of Governor to permit killing of game animals to avert menace or during famine

36. Notwithstanding anything contained in this Ordinance, no person shall buy, sell, barter, or exchange, or attempt to buy, sell, barter, or exchange any game animal or any trophy or the meat of any game animal, without the written permission of the Game Warden.

Restriction on sale of game animals, trophies or meat.

37. (1) No person shall import into the Colony any game animal, or any trophy in an unmanufactured state, or the meat of any game animal, except through a customs port of entry, when a customs entry in the proper form shall be made.

Restrictions on import and export of game animals, trophies or meat.

(2) No person shall import any game animal, or any trophy in an unmanufactured state, or the meat of any game animal unless such animal, trophy or meat shall have been legally exported from the country of origin of such animal, trophy or meat, and any customs officer shall detain any game animal or any trophy in an unmanufactured state or the meat of any game animal which it is sought to import until the person seeking to import the same produces satisfactory evidence that such animal, trophy or meat has been legally exported from the country of origin of such animal, trophy or meat, and if such satisfactory evidence is not produced within a reasonable time, the animal, trophy or meat detained under the provisions of this sub-section may

be confiscated and disposed of as the Governor may direct: Provided that for the purposes of this sub-section when the country from which export is effected is not the country of origin of any animal, trophy or meat, customs documents in the proper form from such exporting country may be held to constitute satisfactory evidence that such animal, trophy or meat has been legally exported from the country of origin of such animal, trophy or meat.

(3) No person shall export from the Colony any game animal or any trophy or the meat of any game animal except through a customs port of entry.

(4) No person shall export from the Colony any game animal or any trophy or the meat of any game animal unless the written permission of the Game Warden has been obtained to export such animal, trophy or meat. Such written permission shall be surrendered to a customs officer before export is effected and a customs officer shall detain the animal, trophy or meat which it is sought to export until such written permission shall have been surrendered. Any animal, trophy or meat detained in accordance with the provisions of this sub-section may be confiscated and disposed of as the Governor may direct if such written permission is not produced within a reasonable time:

Provided that nothing in this sub-section shall be held to apply to any game animal, trophy or meat in transit through the Colony when such animal, trophy or meat is accompanied by the requisite customs documents issued in the country of origin or of export of such animal, trophy or meat and duly entered through a customs port of entry.

(5) Any game animal or any trophy or the meat of any game animal introduced into the Colony in contravention of any of the provisions of this section shall be confiscated and shall be disposed of as the Governor may direct.

(6) No person shall export from the Colony any live bird of a species which is found therein in a wild state unless the written consent of the Game Warden has been obtained to export such bird. Notwithstanding anything contained in this sub-section any such bird may be exported if it is accompanied by papers satisfying the Commissioner of Customs that it has been captured outside the Colony and is passing through the Colony in transit for exportation.

(7) Every trophy consisting of ivory, or rhinoceros horn, in an unmanufactured state, lawfully exported under the provisions of this section shall be identified by such marks as may be prescribed by the Governor and which, together with the weight of such trophy, shall be recorded in the export permit.

38. (1) The Governor may by notice in the Gazette declare that any animal or bird not mentioned in any of the Schedules to this Ordinance shall not be hunted, killed or captured, and such declaration may be general or subject to such conditions as to areas, times, methods of hunting, killing or capturing or other limitations as shall be stated in such notice.

Power of Governor to protect non-game animals or birds.

(2) Any person who hunts, kills or captures any animal or bird in contravention of the provisions of any notice made under sub-section (1) of this section shall be guilty of an offence against this Ordinance.

39. (1) The Governor may by notice in the Gazette declare that any provision of this Ordinance shall apply to any animal or bird not mentioned in any of the Schedules to this Ordinance and to the trophies or the meat of any such animal or bird, and thereupon such animal or bird shall be deemed to be a game animal for purposes of such provision.

Power of Governor to apply sections to non-game animals or birds.

(2) Any person who contravenes or fails to comply with the provisions of this Ordinance in respect of any animal or bird to which such provision has been declared to apply by notice under sub-section (1) of this section shall be guilty of an offence against this Ordinance.

40. (1) If any person kills a game animal by accident or in error he shall forthwith make a report to the nearest administrative officer, game warden, honorary game warden or police officer and the trophies and the meat of such animal shall be the property of the Government and shall be dealt with as the Governor shall direct:

Animals killed by accident or in error.

Provided that nothing in this sub-section shall be deemed to apply to any person killing a game animal by accident or in error if such person is in possession of a licence or permit entitling him to kill such animal:

Provided further that for the purposes of this sub-section the expression "kill" shall not include "attempt to kill."

(2) The provisions of section 16 of this Ordinance shall apply to any game animal killed by accident or in error.

Possession of game animal, trophy or meat.

41. No person shall possess any game animal or any trophy or the meat of such animal unless such animal, trophy or meat is obtained or possessed in one of the following circumstances—

- (a) if such animal, trophy or meat is obtained in accordance with the provisions of this Ordinance, or under any licence or permit issued under this Ordinance, or in accordance with any permission granted under this Ordinance which entitles any person to obtain such animal, trophy or meat and which does not declare such animal, trophy or meat to be the property of the Government: Provided that the provisions of this paragraph shall not apply to a person who is guilty of an offence against this Ordinance in respect of any matter relating to such animal, trophy or meat;
- (b) if such animal, trophy or meat is sold by order of the Governor, or of the Game Warden, or of a court, or in accordance with the provisions of section 36 of this Ordinance, and purchased by such person;
- (c) if such animal, trophy or meat has been granted to such person in accordance with the provisions of sub-section (2) of section 45 of this Ordinance;
- (d) if such animal, trophy or meat is imported in accordance with the provisions of section 37 of this Ordinance;
- (e) if such animal, trophy or meat is possessed or obtained at the time and in accordance with the provisions of any Ordinance repealed by this Ordinance.

Game animals and trophies found belong to Government.

42. When any game animal is found dying or dead or any part of any game animal is found, the trophies and meat of such animal shall belong to the Government.

Game animals and trophies obtained in contravention of Ordinance belong to Government.

43. When any game animal is killed or captured in contravention of the provisions of this Ordinance or of the conditions of any licence or permit issued under this Ordinance, such animal or the trophies and meat of such animal shall belong to the Government.

Removal of trophies belonging to Government an offence.

44. Any person who removes any trophy or meat the property of the Government, with intent to deprive the Government of the same, shall be guilty of an offence against this Ordinance.

45. (1) Any game animal, trophy or meat which is unlawfully possessed shall be the property of the Government.

(2) The Governor may waive the right of the Government in respect of any game animal or any trophy or any meat as he may see fit.

Power of Governor to waive right to trophies.

46. Whenever any person is charged with being in possession of or selling, buying, transferring or exporting any game animal or any trophy or the meat of any game animal obtained in contravention of this Ordinance or with attempting to do or abetting the doing of any of the acts, and proof is given that the possession was acquired or the act of selling, buying, transferring, exporting or attempting to do or abetting the doing of any such acts was done, the onus shall lie upon the person charged to prove that such animal, trophy or meat was lawfully obtained.

Onus of proof to be on person charged with unlawful possession or on dealing with game animal or trophy.

47. Any magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden, may enter upon any land for the purpose of carrying out the provisions of this Ordinance, or for the purpose of preventing or detecting offences against this Ordinance.

Power to enter upon land.

48. Whenever any magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden thinks it necessary for the purposes of verifying the register of a licensee or permit holder or suspects that any person has committed an offence against this Ordinance, he may inspect and search or authorize any person subordinate to him to inspect and search any baggage, package, wagon, caravan, vehicle, aeroplane, tent or premises belonging to or under the control of such person, or to any one in his employment, and if the magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden finds any game animal or trophy or meat which appears to have been obtained or possessed in contravention of the provisions of this Ordinance the same may be seized and taken before a court.

Power to search and to seize.

49. (1) When any person is seen or found committing an offence or is reasonably suspected of having committed an offence against this Ordinance any magistrate, justice of the peace, police officer, forest officer, game warden or honorary game warden may demand his name and address and if he refuses to give such information or fails to give such information to the satisfaction of such magistrate, justice of the

Powers of arrest.

peace, police officer, forest officer, game warden or honorary game warden, or if any such magistrate, justice of the peace, officer, game warden or honorary game warden has reasonable grounds for believing that unless arrested the offender may escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, he may arrest him forthwith.

(2) A person arrested under sub-section (1) of this section shall be taken with all practicable speed before a court and shall not be detained without a warrant longer than is necessary for the purpose.

50. In any prosecution for an offence against this Ordinance the Game Warden and any district officer may, subject to any directions of the Attorney General, exercise all the powers of a public prosecutor appointed under any law for the time being in force in the Colony.

51. (1) Any person who contravenes any provision of this Ordinance or of any proclamation, rule or notice made thereunder, or who fails to comply with any requirements of this Ordinance or of any such proclamation, rule, or notice, or who commits a breach of the conditions and restrictions subject to or upon which any licence or permit has been granted under this Ordinance or who fails to comply with any lawful order given to him under any power conferred by this Ordinance, shall be guilty of an offence against this Ordinance.

(2) When any person shall be charged with an offence against this Ordinance the onus of proving any fact which would be a valid defence to such charge shall lie upon the person charged.

52. (1) Any person who is guilty of an offence against this Ordinance in respect of the illegal killing or attempted killing of rhinoceros or of the unlawful possession, purchase, sale, barter, import or export of rhinoceros horn shall be liable to imprisonment for a period not exceeding six months without the option of a fine and to a fine not exceeding three hundred pounds, or, where the offence relates to more rhinoceros than one, in addition to such imprisonment and fine to a further fine in respect of each additional rhinoceros not exceeding fifty pounds.

(2) Any person who is guilty of an offence against this Ordinance in respect of any game animal mentioned in the Fifth Schedule or of any animal not mentioned in any Schedule

Game Warden and District Officers to have powers of a public prosecutor.

Contravention of the Ordinance an offence.

Penalties.

shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

(3) Any person who contravenes any of the provisions of this Ordinance or who is guilty of an offence against this Ordinance or of any proclamation, rule, order or notice made thereunder or of any breach of the conditions and restrictions subject to or upon which any licence or permit has been granted under this Ordinance for which a penalty is not expressly provided, shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, or where the offence relates to more animals than one, in addition to such fine and imprisonment to a further fine in respect of each additional animal not exceeding fifty pounds.

53. (1) The conviction of a licensee or permit holder for any offence against the provisions of this Ordinance or of any rules, proclamations, orders and notices made thereunder shall have the effect of cancelling all licences or permits held by him under this Ordinance as from the date of such conviction, unless the Governor shall otherwise direct.

(2) Any person who is convicted of any offence against this Ordinance or who has been convicted under any Ordinance repealed by this Ordinance or who has been convicted of any offence against any law for the time being in force and designed for the preservation of game in the Uganda Protectorate or the Tanganyika Territory, may, in the discretion of the Governor, be disqualified from holding any licence or permit under this Ordinance for a period of three years from the date of such conviction.

54. Where in any proceedings under this Ordinance any fine is imposed, the court may award any sum or sums not exceeding one-half the total fine collected to any informer or informers:

Provided that no such sum may be awarded to any person appointed to assist in the administration of this Ordinance.

55. The Governor may make Rules prescribing anything required by this Ordinance to be prescribed, and generally for the better carrying out of the provisions of this Ordinance.

Conviction shall have effect of cancelling licences and imposing disability.

Rewards for informers.

Power to make Rules.

Repeal.

REPEAL

58. (1) The Game Ordinance (Chapter 161 of the Revised Edition) as amended by the Revised Edition of the Laws (Operation) Ordinance, 1936, the Game (Amendment) Ordinance, 1928, the Game (Amendment) Ordinance, 1932, and the Game (Amendment) Ordinance, 1933, and the Game Birds protection Ordinance, 1926, as amended by the Game Birds Protection (Amendment) Ordinance, 1931, are hereby repealed.

Savings.

Provided that—

- (a) where any legal proceedings have been commenced under the said repealed Ordinances the same shall be continued as if this Ordinance had not been enacted;
- (b) any person who, before the commencement of this Ordinance, has committed an offence against the said repealed Ordinances or committed any breach of the provisions of the said Ordinances or of the conditions of any licence or permit granted thereunder, and which offence or breach cannot be punished under this Ordinance shall be proceeded against and punished as if this Ordinance had not been enacted;
- (c) licences or permits issued under the said repealed Ordinances and which are unexpired at the commencement of this Ordinance shall remain in force for the period for which they were granted, as if this Ordinance had not been enacted, and any refund due under the said repealed Ordinances shall not be affected by such repeal.

FIRST SCHEDULE

Game animals which may be hunted and killed only as may be permitted by the conditions of a Governor's permit or an assistant's licence.

Item

1. Elephant carrying tusks each of which weighs less than 12 lb.
2. Hippopotamus in Lake Naivasha, Lake Elmenteita and Lake Nakuru.
3. Buffalo in the area bounded as follows—
Commencing at a point on the right bank of the Mbagathi River opposite the south-western corner of L.R. No. 7184/1;
thence up stream by the right bank of that river to its intersection with the southern boundary of L.R. No. 6939;
thence generally westerly by the southern boundaries of that portion to its western corner;

thence generally northerly by the western boundaries of L.R. Nos. 6967, 6830/R, 5892, 5932, 4944, 4942, 193/3 to the north-western corner of the latter portion;

thence south-westerly and north-westerly by part of the south-eastern and the south-western boundaries of L.R. No. 192/1/2;

thence north-westerly and north-easterly by the south-western and north-western boundaries of that portion;

thence north-westerly by the south-western boundaries of L.R. No. 5842 and 197;

thence north-easterly by part of the north-western boundary of the latter portion to its intersection with the right bank of the Mbagathi River;

thence up stream by the right bank of that river to its intersection with the northern boundary of the Embakasi Forest Reserve;

thence westerly and southerly by the northern and generally western boundaries of that Forest Reserve to its south-western corner;

thence southerly by a straight line passing through Nairondi Spring to the point of intersection with the Southern Game Reserve boundary approximately two miles north-west of the trigonometrical beacon Lamwia on the Ngong Hills;

thence south-easterly by the Southern Game Reserve boundary to the beacon Lamwia;

thence north-easterly by that boundary to the point of commencement.

4. Greater Kudu, females everywhere; and males everywhere except in the following areas:—
 - (a) The Turkana Extra-Provincial District;
 - (b) The Northern Frontier Extra-Provincial District; excluding, however, the area lying within a radius of thirty miles from Marsabit Administration Post.
5. Roan, everywhere except in the Masai Extra-Provincial District and South Kavirondo District.
6. Topi, in the Usain Gishu District.
7. Jackson's Hartbeeste, in the Usain Gishu District.
8. Impala, in the following areas:—
 - (a) In the Kisumu area bounded as follows: From Kisumu following the railway line to Kiboa Station; thence following the Kiboa River to Lake Victoria; thence by the shore of the lake to the point of commencement.
 - (b) Within a distance of ten miles from the high-water mark of Lake Naivasha, except for males east of the railway line.
9. Thomas' Cob.
10. Yellow-backed Duiker.
11. Aard Wolf.
12. Pangolin (scaly anteater)
13. Vulture, all species.
14. Owl, all species.
15. Fish Eagle.
16. Osprey.
17. Secretary Bird.
18. Stork, all species.
19. Egret, all species.
20. Flamingo, both species.

21. This, all species.
 22. Ground Hornbill, both species.
 23. Buff-backed Heron.
 24. The following animals, when immature, or a mother when accompanied by her young:—
 (a) Elephant.
 (b) Rhinoceros.
 (c) Hippopotamus.
 (d) Giraffe.
 (e) Ostrich.
 (f) All Antelopes and Gazelles.
 25. Sitatunga in the Trans Nzoia District.
 26. White Colobus Monkey.
 27. Any animal in a Game Reserve.

SECOND SCHEDULE

Game animals which may be hunted and killed only as may be permitted by the conditions of a Governor's permit, a special licence, or an assistant's licence.

Items

1. Elephant carrying tusks of which one at least weighs 12 lb.
2. Rhinoceros.
3. Giraffe.
4. Ostrich.
5. Colobus Monkey, other than White Colobus Monkey

THIRD SCHEDULE

The following game animals may, subject to the provisions of, and to the restrictions contained in, the First Schedule, be hunted and killed—

- (a) on Crown land, by the holder of a visitor's, serving officer's, or resident's, full licence to the numbers and subject to the restrictions herein stated and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land;
- (b) on Crown land, by the holder of a Governor's permit to the numbers and subject to the conditions and restrictions stated in such permit; and
- (c) on private land, with the consent of the owner, his agent or the lawful occupier of such land, in unlimited numbers by the holder of a private land licence, or of a native or Somali employee's licence.

Item

1. Lion 3
but only 1 in the Masai Extra-Provincial District
2. Leopard Unlimited
3. Cheeta 1
4. Hippopotamus* 2
but only 1 elsewhere than in Lake Victoria

Item

5. Buffalo* 6
6. Common Zebra 20
7. Grey's Zebra 4
8. Eland 4
9. Greater Kudu,* male only 1
and only in the following areas:—
(a) The Turkana Extra-Provincial District;—
(b) The Northern Frontier Extra-Provincial District, excluding, however, the area lying within a radius of thirty miles from Marsabit Administrative Post.
10. Lesser Kudu 4
11. Bongo 2
but only 1 in the area comprised by the Aberdare and Kinangop ranges
12. Sable 1
13. Roan* 1
but only in the Masai Extra-Provincial District and South Kavirondo District
14. Wildebeeste 20
but only 4 elsewhere than in the Masai Extra-Provincial District.
15. Waterbuck, *Defassa* 2
16. Waterbuck, *Elipsiprymnus* 2
17. Oryx, Beisa 8
18. Oryx, Fringing-neck 2
19. Topi* 8
20. Hartbeeste, Coke's 10
21. Hartbeeste, Jackson's* 1
22. Hartbeeste, other than Coke's and Jackson's, altogether 1
23. Hunter's Antelope 1
24. Sitatunga* 1
25. Impala* 5
26. Bushbuck 20
27. Reedbuck, Bebor 4
28. Reedbuck, Chandler's 2
29. Grant's Gazelle 10
but not more in one area than as follows:—
(a) The Northern Frontier Extra-Provincial District 10
(b) The Turkana Extra-Provincial District 8
(c) The Masai Extra-Provincial District and the Nyanza Province together 4
(d) The Rift Valley and Central Provinces together 4
(e) The Coast Province excluding the Teta District 2
(f) The Teta District 4
30. Peter's Gazelle 2
31. Thomson's Gazelle 20
32. Geronuk 8
but not more than 2 may be hunted, killed or captured elsewhere than in the Northern Frontier Extra-Provincial District

Item	
33. Klipspringer	1
34. Steinbuck	4
35. Oribi, Haggard's	2
36. Oribi, Kenya	1
37. Oribi, other than Haggard's and Kenya, altogether	10
38. Duiker, any species, altogether*	20
39. Dikdik, any species, altogether	20
40. Pygmy Antelope	6
41. Blue Monkey	3

*Items which are marked with an asterisk are subject to the provisions of, and to the restrictions contained in, the First Schedule.

FOURTH SCHEDULE

The following game animals may, subject to the provisions of, and to the restrictions contained in, the First Schedule, be hunted and killed on Crown land by the holder of a visitor's, serving officer's, or resident's, fourteen-day licence, to the numbers and subject to the restrictions herein stated, and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land.

Item	
1. Lion	1
2. Leopard	Unlimited
3. Buffalo*	1
4. Common Zebra	5
5. Grevy's Zebra	1
6. Eland	1
7. Lesser Kudu	1
8. Wildebeest	5

but only 1 elsewhere than in the Maasi Extra-Provincial District

9. Waterbuck	1
10. Oryx, Beisa	1
11. Oryx, Fringe-eared	1
12. Topi*	1
13. Hartbeeste, Coko's	2
14. Impala*	1
15. Bushbuck	5
16. Reedbuck, Bohor	1
17. Grant's Gazelle	4

but not more in any one area than as follows:—

(a) The Northern Frontier Extra-Provincial District	2
(b) The Turkana Extra-Provincial District	2
(c) The Maasi Extra-Provincial District and the Nyanza Province together	1
(d) The Rift Valley and Central Provinces together	1
(e) The Coast Province	1
18. Thomson's Gazelle	5
19. Gerenuk	2

but only in the Northern Frontier Extra-Provincial District

Item

20. Steinbuck	1
21. Oribi, Haggard's	1
22. Oribi, other than Haggard's and Kenya, altogether	1
23. Duiker, any species, altogether*	5
24. Dikdik, any species, altogether	5
25. Pygmy Antelope	1

*Items which are marked with an asterisk are subject to the provisions of, and to the restrictions contained in, the First Schedule.

FIFTH SCHEDULE

The following game animals may be hunted and killed—

- (a) on Crown land, by the holder of a bird licence, or of a visitor's, serving officer's, or resident's, full licence, or of a visitor's, serving officer's, or resident's, fourteen-day licence to the numbers and subject to the restrictions herein stated and, with the consent of the owner, his agent or the lawful occupier of private land, in unlimited numbers on such land;
- (b) in unlimited numbers by the holder of a private land licence on private land, with the consent of the owner, his agent or the lawful occupier of such land.

Item

1. Greater Bustard (all species)	4
2. Lesser Bustard	Unlimited
3. Geese	"
4. Duck	"
5. Teal	"
6. Guinea Fowl	"
7. Francolins (includes those birds known as Spur Fowl) (all species)	"
8. Snipe	"
9. Sandgrouse	"
10. Quail	"
11. Pigeons (including Doves) (all species)	"
12. Cranes (all species)	"
13. Plovers	"
14. Grebes	"
15. Waders	"

SIXTH SCHEDULE

GAME RESERVES

1. The Southern Reserve.

Commencing at a point on the right bank of the Ngong River where it intersects the south-western limit of the 100-foot Railway Reserve on L.R. No. 1140;

thence proceeding up-stream by the right bank of that river to its intersection with the eastern boundary of the Aerodrome Road;

thence southerly by that boundary of the road to its junction with the Langata Road;

thence south-westerly by the south-eastern boundary of the latter road to its junction with the Mbagathi Road;

thence generally south-westerly by the south-eastern boundary of the latter road to its junction with the Magadi Road;

thence southerly by the eastern boundary of the latter road to the bridge over the Mbagathi River;

thence up-stream by the right bank of that river to a point near a stone beacon opposite the south-western corner of L.R. No. 7184/1;

thence south-westerly by a straight line to that stone beacon;

thence continuing south-westerly by a line defined by beacons to the trigonometrical beacon Lamwia on the Ngong Hills;

thence north-westerly by a straight line to a trigonometrical beacon Ol Doinyo Nyukie on the summit of Mount Suswa;

thence south-westerly by a straight line to Mosiro and onward by that straight line to the right bank of the Uaso Nyiro River;

thence down-stream by the right bank of that river to its intersection with the Kenya-Tanganyika boundary;

thence south-easterly by that boundary to beacon 56 (U.S.N.);

thence by a straight line to the source of the Rombo River;

thence down-stream by the left bank of that river to its confluence with the Tsavo River;

thence down-stream by the left bank of that river to a beacon at the southern extension of the Chyulu or Ngulia Range where the latter approaches the Tsavo River;

thence generally north-westerly by the foot of the eastern slopes of the Chyulu or Ngulia Range to Mount Kchumba;

thence north-westerly by a straight line to a beacon at the source of the Makindu River;

thence down-stream by the left bank of that river to its intersection with the south-western limit of the 100-foot Railway Reserve;

thence generally north-westerly by that 100-foot limit to the point of commencement.

2. *The Northern Reserve.*

Commencing at the north-eastern corner of L.R. No. 2379 on the E. Uaso Narok River;

thence north-westerly by the north-eastern boundary of that portion to its northern corner;

thence north-westerly by straight lines to the trigonometrical beacons Kuti and Pakka;

thence north-easterly and northerly by straight lines to the summits of the hills Poror and Kowop;

thence northerly by a straight line to the summit of Mount Nyiro;

thence easterly by a straight line to the summit of Lolajonga Hill which is approximately fifteen miles south-west of Lake Marsabit;

thence southerly by a straight line to the summit of Lodermt Hill;

thence south-westerly by a straight line to the summit of Elmonton Hill;

thence by a straight line to the foot of the northern end of the Mathews Range;

thence generally southerly by the foot of the eastern slopes of the Mathews Range and the Uaraguess Hills to the southern extremity of the latter;

thence southerly by straight lines to the summits of Lololekwi, Kalama and Kottogor Hills;

thence southerly by a straight line to the ford at Kampi ya Nyama Yangu on the left bank of the E. Uaso Nyiro River;

thence up-stream by that bank of the River till it becomes the E. Uaso Narok River at the point of commencement.

SEVENTH SCHEDULE

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law and that I will faithfully serve His Majesty in the office of an Honorary Game Warden in the Colony and Protectorate of Kenya.

So help me God.

EIGHTH SCHEDULE

Animal	Date	Sex	Whether killed or captured	Locality where obtained.

I, A.B., being the holder of a licence, do hereby solemnly affirm that the above is a true register, in accordance with the requirements of section 22 of the Game Ordinance, 1937, of all the game animals obtained by me since the commencement and during the validity of the licence stated above.

Signed.....