



LEGAL NOTICE NO.....

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT
(Cap. 378)

**THE FISHERIES MANAGEMENT AND DEVELOPMENT (MONITORING,
CONTROL AND SURVEILLANCE) REGULATIONS, 2025**

ARRANGEMENT OF THE REGULATIONS

Regulation

PART I—PRELIMINARY

- 1— Citation.
- 2— Interpretation.
- 3— Object.
- 4— Application.

PART II— THE MONITORING, CONTROL AND SURVEILLANCE UNIT

- 5— Organization of the MCS Unit.
- 6— Deployment of the Monitoring, Control and Surveillance Unit.
- 7— Functions of the Compliance Division.
- 8— Functions of the Enforcement Division.
- 9— Equipment for the Monitoring, Control and Surveillance Unit.
- 10— Monitoring.

**PART III – THE INTER-AGENCY MONITORING, CONTROL AND
SURVEILLANCE UNIT**

- 11— Establishment of the Inter-agency Monitoring, Control and Surveillance Unit.
- 12— Composition of the Inter-agency Monitoring, Control and Surveillance Unit.
- 13— Linkage between the Inter-agency MCS Unit and the MCS Unit.

**PART IV — FISHERIES MONITORING, SURVEILLANCE AND
INSPECTION**

- 14— Fisheries monitoring.

- 15— Patrols
- 16— Collaboration with County Governments
- 17— Electronic monitoring
- 18— Fisheries inspections.
- 19— Prosecution of suspects.
- 20— Fisheries patrols
- 21— Handling of seized items.

PART VII—MISCELLANEOUS PROVISIONS

- 22— Protection from liability.
- 23— Request for information.
- 24— Appeals.

SCHEDULES

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(Cap. 378)

IN EXERCISE of the powers conferred by sections 20, 21 and 208 (1) of the Fisheries Management and Development Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

**THE FISHERIES MANAGEMENT AND DEVELOPMENT (MONITORING,
CONTROL AND SURVEILLANCE) REGULATIONS, 2025**

PART I—PRELIMINARY	
Citation.	1. These Regulations shall be cited as Fisheries Management and Development (Monitoring, Control and Surveillance) Regulations, 2025.
Interpretation.	2. In these Regulations, unless the context otherwise requires—
Cap. 378.	“Act” means the Fisheries Management and Development Act;
	“artisanal fishing vessel” has the meaning assigned to it in section 2 of the Act;
	“authorised officer” has the meaning assigned to it in section 2 of the Act;
	“automatic location communicator” has the meaning assigned to it in section 2 of the Act;
	“beach management unit” has the meaning assigned to it in section 2 of the Act;
	“MCS unit command centre” means a central location for coordinating the monitoring and surveillance of fishing and fishing related activities including information gathering, analysis and exchange.
	“fisheries compliance officer” means an officer of the Service, county government, fish inspectors, and authorized officers as defined

	in section 18 (1) of the Act;
	“disciplined officer” means a staff of the service as provided for in Part B of the First Schedule of the Act;
	“Director-General” means the Director-General appointed under section 15 of the Act;
	“fish market” means a place where fish and fish products are sold;
	“fisheries resources” has the meaning assigned to it in section 2 of the Act;
	“monitoring, control and surveillance” has the same meaning assigned to it under section 136 (6) of the Act;
	“patrol” means an act of actively monitoring a designated area within Kenya fishery waters by a designated vessel or personnel to enforce fishing regulations, identify illegal fishing activities and ensure compliance with fishery management laws and regulations;
	“Service” means the Kenya Fisheries Service established under Section 7 of the Act; and
	“support vessel” has the meaning assigned to it under section 2 of the Act.
Object.	3. The object of these Regulations shall be to—
	(a) provide a framework for monitoring, control and surveillance in the fisheries sector;
	(b) provide modalities for conducting monitoring, control and surveillance, and inspections; and
	(c) promote fisheries conservation, management and development.
Application.	4. These Regulations shall apply to—
	(a) persons undertaking fishing, fishing related activities and aquaculture;
	(b) the monitoring, control and surveillance unit of the Service; and
	(c) the inter-agency monitoring, control and surveillance unit.

PART II—THE MONITORING, CONTROL AND SURVEILLANCE UNIT	
Organization of the MCS Unit.	5. (1) The monitoring, control and surveillance unit of the Service shall consist of—
	(a) the compliance division headed by the Director responsible for monitoring, control and surveillance;
	(b) the enforcement division headed by a Deputy Commandant and
	(c) MCS Unit Command Centre.
	(2) The monitoring, control and surveillance unit of the Service shall comprise of disciplined officers and civilian Fisheries compliance officers pursuant to section 20 (3) and First Schedule Part A and B of the Act.
Deployment of the Monitoring, Control and Surveillance Unit.	6. The monitoring, control and surveillance unit of the Service shall be deployed to the Kenya fishery waters and regions where fish and fishery products are handled.
Functions of the compliance division.	7. The compliance division of monitoring, control and surveillance unit of the Service shall—
	(a) monitor compliance with licensing conditions;
	(b) conduct compliance risk assessments;
	(c) develop and promote compliance strategies, guidelines, standard operating procedures and plans;
	(d) conduct compliance inspections at ports, sea, landing sites, and fish markets;
	(e) conduct fisheries pre-licensing inspections;
	(f) gather, process and act on intelligence about illegal, unreported and unregulated fishing and other fisheries crimes;
	(g) collaborate with the county governments in fisheries compliance;
	(h) coordinate monitoring, control and surveillance activities in Kenya;
	(i) cooperate and coordinate with relevant Regional Fisheries Management Organization on matters monitoring, control and surveillance;
	(j) implement binding regional and international agreements and measures;
	(k) sensitize the fisher folk and fish farmers on sustainable

	management and utilization of fisheries resources; and
	(l) collaborate with the County Governments in capacity building activities and implementation of County and beach management units fisheries management plans developed pursuant to section 37 of the Act; and
	(m) build capacity for the monitoring, control and surveillance team at all levels of governance
Functions of the enforcement division.	8. The enforcement division of the Service shall–
	(a) conduct fisheries patrols;
	(b) provide security to monitoring, control and surveillance inspectorate personnel;
	(c) investigate, arrest and recommend prosecution of suspects for violations of fisheries laws;
	(d) provide temporary safe custody to suspects and exhibits;
	(e) provide sentry services to fisheries monitoring, control and surveillance command centre;
	(f) facilitate disposal of impounded fish, fishing gears, fishing vessels and motor vehicles;
	(g) facilitate statements recording, production of exhibits in courts and witnessing;
	(h) protect critical fish habitats;
	(i) participate in maritime safety operations;
	(j) conduct general enquiries from the public and interested persons;
	(k) undertake national fisheries enforcement and participate in joint regional fisheries enforcement activities;
	(l) protect the fisheries resources in Kenya's fishery water bodies;
	(m) act on intelligence about fisheries contraventions and fisheries crimes; and
	(n) sensitize the fisher folk and fish farmers on sustainable management and utilization of fisheries resources.
Equipment for the monitoring, control and surveillance Unit.	9. (1) The enforcement division in the Service shall conduct paramilitary training for the members of the monitoring, control and surveillance Unit and issue equipment and tools including arms on completion of the training.
	(2) The equipment issued under sub-regulation (1) shall be for providing security to monitoring, control and surveillance personnel while on land, water and aerial patrols, protection of MCS command

	centres and sentry duties.
	(3) The equipment issued to the members of the unit shall be used for—
	(a) the execution of duty;
	(b) training; and
	(c) range practices.
	(4) A member of the Monitoring, Control and Surveillance Unit who uses the equipment for other purposes other than for which it was issued, commits an offence and shall be liable upon conviction pursuant to the Standing Orders set out in the Second Schedule.
Monitoring.	10. The monitoring, control and surveillance unit shall collect, measure and analyse data and information on—
	(a) fishing activities by artisanal, semi-industrial and industrial fishing vessels;
	(b) implementation of water body fisheries or species-specific management plans;
	(c) compliance with fisheries management measures;
	(d) closed fishing seasons for all or specific fish species;
	(e) activities of support vessels;
	(f) use of the Turtle Excluder Devices (TEDs);
	(g) transhipments;
	(h) transportation, marketing, export and import of fish and fishery products; and
	(i) handling and processing of fish to the extent of illegality in the fisheries value chain.
PART III – THE INTER-AGENCY MONITORING, CONTROL AND SURVEILLANCE UNIT	
Establishment and functions of the Inter-agency MCS Unit	11. (1) Pursuant to the provisions of section 21 of the Act, there shall be an Inter-agency Monitoring Control and Surveillance Unit.
	(2) In addition to the principal function under the Act, the Inter-agency monitoring, control and surveillance Unit shall—
	(a) sensitize stakeholders on sustainable utilization of fisheries resources, safety and security and fisheries offences;
	(b) provide resources for enforcement activities, including patrol

	vessels and vehicles;
	(c) advice the MCS unit on fisheries law enforcement activities;
	(d) conduct routine and random inter-agency inspections of fishing vessels and gears in Kenya fishery waters and ports;
	(e) compile and document data and information on fisheries monitoring, control and surveillance; and
	(f) coordinate joint patrols, reporting mechanism and emergency procedures.
Composition of the Inter-agency MCS unit	12. (1) The inter-agency Monitoring, Control and Surveillance shall be composed of the representatives of the agencies spelt out in part D of the first schedule to the Act.
	(2) The representative of the County Governments in sub regulation (1) shall be nominated by the Council of Governors.
Linkage between the Interagency MCS Unit and the MCS Unit.	13. (1) The Inter-agency monitoring, control and surveillance Unit shall in the performance of its functions, collaborate with the monitoring, control and surveillance Unit to ensure effective enforcement of the Act.
	(2) The Director-General shall ensure coordination between the operations of the Inter-agency MCS Unit and the MCS Unit in the enforcement of and compliance with the Act.
PART IV – FISHERIES MONITORING, SURVEILLANCE AND INSPECTION	
Fisheries monitoring.	14. (1) The Director-General shall collaborate with the relevant County Governments to establish an effective Monitoring, Control and Surveillance System for collecting, measuring, and analyzing fishing activity data.
	(2) The MCS Unit command centre shall receive and disseminate relevant information on fisheries and safety from the relevant agencies and processes.
	(3) The command centre shall, on analysis of the information received, give appropriate advice for intervention.
	(4) Any information collected by the agencies may be shared with the command centres.

	(5) The MCS Unit shall take lead in MCS operations when jointly done.
	(6) The sharing of fisheries MCS data between the Service and the participating agencies shall be done through agreed protocols.
	(7) The Service shall establish a multi-agency centralized database managed by a command centre accessible to all members of the Inter-agency MCS Unit for data sharing and access in accordance with the data protection laws.
	(5) The inter-agency shall cooperate to ensure prompt prosecution of offenders.
Patrols.	15. The Director General shall ensure through patrols in Kenya fishery waters that fishing activities are in compliance with the Act, relevant regulations and management measures
Collaboration with county governments.	16. (1) The Director General in collaboration with the County Government shall enforce the set rules and conditions for fishing as per the relevant fisheries regulations.
	(2) The County Executive Committee Member shall ensure compliance with regards to aquaculture activities, fish trade and market activities in accordance with the relevant regulations and standards.
Electronic monitoring.	17. (1) Pursuant to sections 157 and 176 of the Act, and for the purposes of effective and efficient monitoring of fishing activities in Kenya's territorial and Exclusive Economic Zone, all industrial and semi-industrial commercial fishing vessels shall be required to install and operate electronic monitoring system.
	(2) Any person who contravenes this regulation commits an offense and shall be liable on conviction pursuant to Section 157 of the Act.
Fisheries inspections.	18. (1) Routine and random inspection shall be conducted—
	(a) at sea and port by Port State Measures and Sanitary and phyto-sanitary inspectors;
	(b) in fish markets by County Fish Inspectors; and
	(c) in aquaculture establishments by compliance and Sanitary and

	phyto-sanitary inspectors.
	(2) The report obtained in sub-regulation (1) shall be submitted to the monitoring, control and surveillance Unit for action.
	(3) The Inspectors under sub-regulation 1(a) and (c) shall be <i>gazetted</i> by the Cabinet Secretary.
	(4) The Director General shall ensure timely and efficient entry of inspection data into the centralized database at the command centre.
	(5) Joint inspections shall be conducted by agencies in the inter-agency unit at sea, landing sites and in the ports.
Prosecution of suspects.	19. (1) The inter-agency unit shall present exhibits and avail suspects in accordance with the law.
	(2) The inter-agency MCS or MCS unit shall be responsible for any exhibits to be produced before court.
Fisheries Patrol.	20. The Inter-agency unit shall conduct patrols in designated areas within Kenyan fishery waters to ensure compliance with the Act and these regulations.
Handling of seized items.	21. (1) A fisheries inspector may seize any item as specified under the Act.
	(2) A written notice shall be given to the person from whom any article or items have been seized in the Form as set out in the First Schedule.
PART VII—MISCELLANEOUS PROVISIONS	
Protection from liability.	22. No action shall lie against the Service or any of its officers or other persons appointed or authorised to perform any function under this Regulations in respect of anything done or omitted to be done by him or her in good faith in the exercise or performance of any power, authority, or duty conferred or imposed on him or her under these Regulations.
Request for information.	23. In exercise of the Service's powers and functions, the Director

	General may, in writing, request any person to which these Regulations apply, for any information relating to monitoring, control and surveillance.
Appeals.	24. A person aggrieved by any decision made in accordance with these Regulations, shall apply for an appeal in accordance with the Act.

FIRST SCHEDULE

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RECEIPT OF NOTICE OF SEIZURE OF ITEMS

1. Particulars of items seized.....
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	Name of items seized	Unit of quantity	Quantity	Estimated value
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

2. Particulars of the person from whom the above items have been seized
Name.....
Nationality.....ID. No./Passport No.....
Date.....Signature.....

3. Name of officer impounding items.....
Designation.....P/No.....
Station.....Signature.....
Date.....

4. Location where seizure occurred.

(i) CountyTown/Location/Sublocation.....Road/Street.....

(ii) Time of seizure.....a.m/p.m

**SECOND SCHEDULE
STANDING ORDERS**

DRAFT