

CHAPTER 357

THE RIVERS ACT.

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CHAPTER 357

THE RIVERS ACT.

Commencement: 1 July, 1907.

An Act relating to rivers.

Preliminary.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “river” means a river specified in the First Schedule to this Act, or added to the Schedule in the manner provided in section 2;
- (b) “steam vessel” includes every description of vessel so constructed as to be propelled otherwise than by sails, oars, paddles or poles;
- (c) “vessel” means and includes any ship, boat or canoe, or other description of vessel used in navigation, however propelled.

2. Rivers may be added to the Schedule.

The Minister may, by statutory order, add to the rivers specified in the First Schedule to this Act the name of any other running water; but no such addition shall be deemed to be part of the Schedule until the expiration of two months from the publication of such order in the Gazette.

3. Extent of rivers may be defined.

The Minister may, by statutory order, define the extent of any river to which this Act shall apply, and any part of a river outside the portion so defined shall not be deemed to be a river for the purposes of this Act.

Dredging.

4. Dredging in river to be licensed.

(1) It shall not be lawful to dredge in any river without a licence from the Minister, which shall be in Form A of the Second Schedule to this Act.

(2) Any person dredging in a river without a licence, or contrary to the terms of the licence, commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings for every day during which the offence continues.

5. Security may be required.

Before any licence to dredge is granted, security shall be given in such terms and to such amount as the Minister may in each particular case direct.

6. Regulations on dredging licence.

(1) The regulations set forth in the Third Schedule to this Act shall be endorsed on every licence to dredge.

(2) The Minister may in his or her discretion require such further regulations to be endorsed in any particular case as he or she may think fit.

7. Contravening dredging regulations.

(1) Any person who contravenes any of the regulations endorsed upon the licence under which he or she dredges commits an offence and is liable on conviction to a fine not exceeding three thousand shillings, and the holder of the licence is liable for any damage which may have arisen in consequence of the contravention.

(2) In this section and in section 8, noncompliance with any lawful order, direction or notice given under the regulations endorsed upon a licence shall be deemed a contravention of the regulations.

8. Contravention of dredging licence may entail cancellation.

Where, in any prosecution under this Act, it is proved that the terms of, or the regulations endorsed on, a dredging licence have been contravened, the court may, on the application of the Director of Public Prosecutions, cancel the licence, in addition to imposing any penalty prescribed by this Act.

Steam vessels.

9. Steam vessels on rivers to be licensed.

(1) The master of every steam vessel on a river shall take out a licence for that vessel.

(2) Steamer licences shall be in the Form B of the Second Schedule to this Act and shall be granted by the Minister or such officer as the Minister shall appoint.

(3) Every steamer licence shall commence on the day on which it is granted and shall terminate on the 31st December following.

(4) The master of any steam vessel who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty shillings.

(5) In this section, “master” includes the owner and an agent for the owner.

10. Rules.

The Minister may from time to time make, amend and revoke rules—

- (a) with respect to steam vessels on any river;
- (b) with respect to the use of any river for the transport of floating timber;
- (c) regulating the traffic on any river; and
- (d) generally for the purpose of protecting and improving the navigability of any river,

and may for the breach of any such rule impose a fine not exceeding one hundred and fifty shillings.

11. Fees.

For every licence taken out under this Act there shall be payable the fee prescribed for it in the Fourth Schedule to this Act.

SCHEDULES

First Schedule.

s. 1.

Rivers.

Assua River	River Nile from Lake Victoria to Lake
Kafu River	Albert Semliki
Kagera River	River Sezibwa
Katonga River	River
Muyunja River	

Second Schedule.

s. 4.

Licences.

Form A.
Licence to Dredge.
The Rivers Act.

Licence is granted to _____ to dredge in
the _____ river within the following
limits _____
_____ (*state limits within which licence applies*).

This licence does not empower the licensee to dredge for minerals or precious stones.

This licence is in force for one year from the date of the licence, and is granted subject to the regulations endorsed on it.

Dated at _____ this _____ day
of _____, 20 ____.

Minister

s. 9.

Form B. Steamer Licence. *The Rivers Act.*

The _____ (name of
vessel)
the _____ (launch, tug or yacht, as the case may
be)
owned by _____
of _____
_____ is licensed for
the _____
_____ river.

This licence expires on the 31st day of December, 20 ____.

Minister (or other officer appointed for that
purpose)

Regulations to be endorsed on dredging licences.

1. In these Regulations, “inspector” means an officer appointed by the Minister to inspect dredging.
2. The licensee shall give due notice to the inspector stating when he or she wishes to commence dredging, and at what part of the river.
3. No dredging or operations connected with dredging shall be commenced until the consent of the inspector is given in writing.
4. The licensee shall give every facility to the inspector to examine plans and documents relating to the dredging or operations connected with the dredging, to make copies of them, and to take such soundings and measurements as he or she may think fit.
5. The licensee shall not move his or her dredging operations from one part of the river to another without the consent of the inspector in writing; he or she shall, as far as possible, conduct operations continuously along and across the bed of the river from the starting point to the limits to which his or her licence applies, so as not to form isolated holes or deep places.
6. The licensee shall arrange his or her dredgers, barges, boats, posts, chains, anchors and all other apparatus appertaining to them, so that they in no way obstruct or interfere with the navigation of the river.
7. The dredgers shall be so constructed, and shall have such additional apparatus, that the tailings from them shall not be deposited in such a manner as to form groins or shoals in the bed of the river; and the inspector may in any case direct that those tailings shall be deposited upon the banks in such manner as he or she shall think fit.
8. If, in the opinion of the inspector, the dredging or any operations connected with it have caused any groin, shoal, deposit or other obstruction to be formed, either at or near the site of such operations, or in any other part of the river, which causes or tends to cause erosion or other danger to the stability of the bed of the river, or to the navigation of the river, that groin, shoal, deposit or other obstruction shall be removed immediately upon the receipt of a written notice from the inspector.
9. If, in the opinion of the inspector, the dredging or any operations connected with it have caused or tend to cause erosion or other damage or danger to the bed or banks of the river, or the navigation, the licensee shall construct and fix such temporary timber groins, sheet piling, fascines or other works to the satisfaction of the inspector as

may be necessary to remedy or prevent that damage, and, if necessary, dredging operations shall be suspended until such works are completed and prove satisfactory.

10. The works referred to in regulation 9 shall be carried out, moved or removed immediately upon the receipt of a written notice from the inspector.
11. If the river in which the dredging operations are being carried on is a tributary of another river, and, in the opinion of the inspector, the carrying on of the operations has caused silt, mud or other material to be washed down the tributary stream into the main river, and has there caused shoals or other obstructions to navigation to be formed, or damage to the bed or banks of the river, the licensee shall be held responsible; and regulations 8 and 9 shall apply to such main river as if it was the river in which the licensee was carrying on dredging operations.
12. The licensee shall be liable for, and shall indemnify the Government and every officer of the Government against, all accidents, injuries, damages, trespass and losses caused or arising, either directly or indirectly, by reason of, or in connection with, the dredging operations or works pertaining to them.
13. In case, and so often as, any question, difference or dispute arises as to the true intent and meaning of these regulations, or any part of them, every such question, difference or dispute shall be referred to the sole arbitration and award of the Minister.

Fourth Schedule.

s. 11.

Fees.

	shs.
Dredging licence	30
Steamer licence	30

History: Cap. 347.