

STATUTORY INSTRUMENTS SUPPLEMENT
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S T A T U T O R Y I N S T R U M E N T S .

2003 No. 35.

THE FISH (BEACH MANAGEMENT) RULES, 2003.

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STATUTORY INSTRUMENTS

2003 NO. 35.

The Fish (Beach Management) Rules, 2003.

(Under section 43 of the Fish Act, Cap 228)

In exercise of the powers conferred upon the Minister responsible for fisheries by Section 43 of the Fish Act, these Rules are made this 19th Day of May, 2003.

PART 1—PRELIMINARY.

1. These Rules may be cited as the Fish (Beach Management) Rules, 2003;
2. In these Rules, unless the context otherwise requires:-

"Authorized Licensing Officer" means any officer authorized in writing by the Chief Fisheries Officer to issue licenses under the Fish Act;

"Authorized Officer" has the same meaning as in the Act;

"Beach" means the geographical limit of the area of Jurisdiction of the Beach Management Unit where fish is landed together with attendant cluster settlement of riparian communities deriving services from the local fisheries either directly or indirectly within a given Parish;

"Beach Management Unit" means an organization of fishers (boat crew or barias), boat owners, owners, managers, chatterers, fish processors, fish mongers, boat makers, local gear makers or repairers and fishing equipment dealers;

"Beach Management Unit Chairperson" means an individual democratically elected by the Beach Management Unit for the purpose of leadership in fisheries management of that beach;

"Beach Management Committee" means members democratically elected by the Beach Management Unit to perform specific tasks;

"Beach Management Unit Assembly" means a formal gathering of all the registered Beach Management Unit members

"Boat Owner" means an individual or entity whose name appears in the current vessel license.

"Chatterer" means any individual or entity that leases or rents out a vessel for a period of time for a fishing operation;

“Chief Fisheries Officer” means the officer for the time being in charge of the Fisheries Department.

"Fisher" means an individual who is authorized to fish and takes part in fishing conducted from a fishing vessel, platform (whether fixed or floating) or from the shore;

“Fisheries” includes the management, catching, processing, and marketing of fish.

“Fisheries Management” means carrying out the tasks of determining access rights, harvesting regulations, market regulations, monitoring, control and enforcement.

"Fisheries Patrol Vessel" means a vessel not engaged in commercial activities, deployed by government, for the purpose of fisheries monitoring, control, surveillance and law enforcement; and is clearly identifiable as being on a government service;

"Fishing Vessel" means any vessel used or intended to be used for the exploitation of living fresh water fisheries resources, including fish transport or collecting vessels and any other vessel directly engaged in fishing operations;

"Local Government" has the same meaning as that provided in the Local Government Act 1997; *spell it out*

"Manager" means an individual or entity acting on behalf of the owner for the operation of a fishing vessel or a fishing operation;

"Owner" means an individual or entity holding shares or interests in a fishing vessel or fishing license;

"Transshipment" means that act of transferring the catch from one fishing vessel to either another fishing vessel or a vessel used solely for the carriage of cargo;

BEACH MANAGEMENT UNIT

3. There shall be a beach management unit at all gazetted fish landing sites.
4. Each beach management unit shall democratically elect a committee comprising of:
 - 1.) Chairperson,
 - 2.) Secretary,
 - 3.) Treasurer, and
 - 4.) any other office bearersfor purposes of day-to-day running of the business of the BMU.

5. The Beach Management Unit Committee shall be charged with the responsibility of fisheries resource management in partnership with Local government and Central government Department or Institution responsible for Fisheries Regulations and Control.
6. The Beach Management Unit shall apply for registration through local governments (Parish Chief, Sub-county Chief and Chief Administrative Officer) to the Chief Fisheries Officer.

ELECTION OF BEACH MANAGEMENT COMMITTEE.

7. (1) Election of a Beach Management Committee shall be by electorate lining behind the candidates nominated for the position having fulfilled requirements as set out in the Fifth Schedule. *Change to second schedule*
- (2) A person shall qualify for election as a Beach Management Unit committee member if that person
 - a) is a citizen of Uganda;
 - b) is ordinarily a resident of that beach;
 - c) is 18 years of age and above;
 - d) is a registered Beach Management Unit member in that beach;
 - e) is able to read and write.
- (3) The Chief Administrative Officer shall be the Returning Officer for the purposes of election of Beach Management Unit committee and may delegate this responsibility to the Sub-county Chief of the area of the Beach Management Unit operation.

BEACH MANAGEMENT UNIT CHAIRPERSON

8. The Beach Management Unit Chairperson upon appointment and having taken an oath before a magistrate or authorized commissioner of oath shall have powers of an Authorized Officer under the Act and shall in addition have power to: -
 - (1) issue Fish Movement Permit as set out in Fourth Schedule;
 - (2) convene and preside over the committee meeting at least once every month;
 - (3) convene and preside over Beach Management Unit assembly at least once every three months with a minimum notice of one weeks before the date of the meeting;
 - (4) account for all assets and liabilities of the Beach Management Unit;
 - (5) delegate Authority in writing to any or all of the Beach Management Committee Members for the purpose of implementing his or her functions;
 - (6) ensure that the Beach Management Unit member and any other boat owner, fisher, owner, manager or chatterer operating on the Beach takes all necessary measures or individual action to comply with these Rules;

- (7) ensure collection and recording of information in an indelible manner by the Beach Management Unit Committee.
9. No person shall obstruct, impede or refuse to obey orders from a Beach Chairperson or other authorized person acting in the exercise of his or her functions under these rules, or aid any person in obstructing, impeding or refusing to comply by any provision to these rules;
10. A Beach Chairperson or other persons authorized by these rules shall on demand produce an identity card or authority Card endorsed by Chief Fisheries Officer as a means of identification whenever may be necessary to show that he or she is authorized for the purpose;
11. The Beach Chairperson shall, to the greatest extent possible, Consult and Co-operate with local governments, branches and agencies of Government in implementing these rules.

DISMISSAL OF THE BEACH MANAGEMENT UNIT CHAIRPERSON

12. Beach Management Unit assembly shall dismiss the Chairperson if he/she:
 - (1) is of unsound mind;
 - (2) fails to call a BMU assembly for 6 consecutive months;
 - (3) fails to account for finances of the Beach Management Unit;
 - (4) convicted for criminal offence.

ROLES OF A BEACH MANAGEMENT UNIT COMMITTEE

13. There shall be a committee for each Beach Management Unit to perform the following functions:
 - (1) Maintain and keep in collaboration with Central government or local government register of all boat owners and their equipment and Beach Management Unit members operating from the beach as per Schedule I to these Rules;
 - (2) Participate in selection of boat owners for licensing and vetting of the Fishers in collaboration with the local authorities;
 - (3) Ensure licenses for fishers and vessels operating from the beach are granted for those registered with the Beach Management Unit in cooperation with authorized licensing officers;
 - (4) Enforce in collaboration with Central government or local government safety guidelines for fishing operations provided in Schedule III;
 - (5) Enforce in collaboration with government or local government Fish Quality Assurance and Sanitary Guidelines as provided in Schedule II;
 - (6) Give authority through byelaws for fishers operating from the beach to fish in particular areas, for particular species of fish using recommended and legal fishing gears and methods;
 - (7) Record, inspect and grant permission to visiting boats to land at the beach;
 - (8) In consultation with Central Government and local government establish where necessary prohibited fishing zones in specified areas for specified periods for purposes of fisheries management;

- (9) Decide on local markings for identification of fishing gears and outboard engines by licensed fishers;
- (10) Make and enforce fisheries bye-laws;
- (11) Conduct patrols in the beach and neighborhood fishing grounds in collaboration with fisheries staff and other government agencies;
- (12) Co-ordinate with neighborhood Beach Management Units to determine areas of jurisdiction fisheries management;
- (13) Ensure fish is landed and generally transacted exclusively by registered fishers, owners, managers and chatterers as per these Rules;
- (14) develop local fisheries management and beach development plans In consultation with the Beach Management Unit assembly and advocate for their integration in other development plans;
- (15) Link with National Agricultural Advisory Services (NAADS) and other service providers for capacity building and fisheries advisory services;
- (16) Generate funds through fisheries resource user fee or income generating projects for operation of the Beach Management Unit's activities;
- (17) Arbitrate in fisheries disputes among Beach Management Unit members.
- (18) keep written record in an indelible manner and make the following information accessible to government agencies :
 - a) Fisheries catch data by number, weight and value for each species
 - b) Fish marketing data as derived from the fish movement permits;
 - c) Minutes of Beach MU meetings;
 - d) Financial statements of the BMU
 - e) Record of assets and liabilities of the BMU.

TENURE OF OFFICE

14. The BMU Committee members shall be elected to serve for a maximum of two terms each lasting 2 years.

DISMISSAL OF COMMITTEE MEMBERS

15. A BMU Committee member shall be dismissed if he/she:
 - (1) is of unsound mind;
 - (2) fails to attend 6 consecutive meetings;
 - (3) fails to account for finances of the BMU;
 - (4) is convicted for criminal offence;

THE ROLE OF THE BMU ASSEMBLY.

16. There shall be a BMU assembly and a minimum of one third of the registered members shall constitute a quorum.
17. The BMU assembly shall perform the following functions:
 - (1) elect and dismiss the BMU Chairperson and committee;
 - (2) elect representatives to higher BMU associations;
 - (3) approve the local BMU management plans, budgets and by-laws;
 - (4) receive, deliberate and approve audited accounts;

(5) Arbitrate on disputes among the committee members and among themselves.

ROLES OF BMU MEMBERS:

18. The BMU members shall have the following roles:

- (1) Register as a member of the BMU
- (2) Participate in a free and fair election of the BMU committee.
- (3) Participate in community fisheries self help programmes
- (4) Attend BMU meetings
- (5) Abide by the fisheries regulations and laws
- (6) Participate in formulation and abide by the BMU byelaws
- (7) Report illegal fishing activities
- (8) Provide data on fish catch and other information
- (9) Participate in identification of fish breeding areas

DISQUALIFICATION OF A BMU MEMBER

19. A BMU member shall be disqualified under the following conditions:

- (1) if she/he is a habitual criminal for fisheries malpractices;
- (2) is of unsound mind.

ROLE OF THE CHIEF FISHERIES OFFICER

20. The Chief Fisheries Officer may approve the establishment of Beach Management Units.

21. The Chief Fisheries Officer shall carry out the following functions:-

- (1) Register all Beach Management Units on recommendations of the Local Governments and issue Certificates of Registrations in a form prescribed in the Sixth Schedule;
- (2) Receive and examine complaints related to these rules lodged within or outside the BMU institutions;
- (3) Inquire or cause an inquiry into BMU complaints.

22. The Chief Fisheries Officer shall delegate his/her functions to any person or authority subject to such conditions and limitations as deemed fit.

23. The Chief Fisheries Officer shall consult and co-operate with other arms of government in implementing these rules.

24. The Chief Fisheries Officer shall inspect, monitor and evaluate the operations of the BMU.

25. The Chief Fisheries Officer shall provide guidelines for the better implementation of these Rules.

FINANCING OF THE BMU ACTIVITIES

26. BMU activities shall be funded through the following sources:
1. 25% of the money generated from issuing of the Fish Movement Permits at the fish landing sites as prescribed in Statutory Instrument No. 61 of 2002.
 2. Profit generated from tender holding for those who shall win district fish landing site tenders.
 3. Collection of a number fish or a set value per boat landing as established through bye-laws vetted by the Lower Councils.
(Section 40 (1) of the Local Government Act 1997 refers)

SUPERVISION OF BMUS

27. The operations of the BMUs shall be monitored and supervised by the Parish or Village Executive Committee as set out in Section 50(f) of the Local Government Act 1997.
28. The Chief Administrative Officer shall on behalf of the Chief Fisheries Officer, be responsible for overall supervision and monitoring of the BMUs in his/her area of jurisdiction and make reports to the Chief Fisheries officer.
29. The Chief Administrative Officer may delegate any such responsibility to the sub-county Chief/s as deemed fit.

GENERAL

30. The BMU Committee may associate with other BMU committees to form higher BMUs for purposes of developing lakewide management plans.
31. No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, certificate, identification label and other document made or issued under these Rules.
32. A person who contravenes these Rules is liable, on conviction, to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding three months, or both.
33. The Court may, in addition to, or in substitution for any penalty that it may impose under these Rules, withdraw any authorization granted under these Rules.
34. No liability, civil or criminal shall attach to the Beach Chairman or Beach committee members so authorized in writing by the Beach Chairman in respect of loss arising from the exercise in good faith in the performance of his or her function under these Rules.
35. Positions in the BMU committee are voluntary without associated financial implications unless provided for by BMU assembly from its financial resources.

FIRST SCHEDULE

Form 2

ANNUAL BOAT OWNER REGISTER FORM YEAR

..... BEACH MANAGEMENT UNIT District Sub-county Parish

No	Name of Boat Owner	Reg. No. of boat	Previous landing of operation	Type of boat	Size in Metre.	Intended Use (Fishing/transport)	Type of Gear	Number of Gear	Gear sizes	Out board engines			Gear markings	Principal Target areas
										model	Hp	Serial number		

Registration Form for BMU members

Form 1

No.	Name of Member	Nationality	Occupation	Age	Sex

SECOND SCHEDULE

Sec 13(4)

Fish Quality Assurance & Sanitary Guidelines for the Beach

1. Requirements for Handling Fish

- (1) Fishing vessels and fish transport boats shall always be cleaned and well maintained;
- (2) Fish transport boats shall not be used for transport of people and other cargo;
- (3) Fish shall be handled properly to prevent contamination, spoilage and preserve wholesomeness;
- (4) Fish shall not be placed on the bare ground.
- (5) Fresh fish shall be properly iced after catching, transshipment and during transportation in clean containers.

2. Requirements for Fish Landing Sites

- (1) There shall be sufficient toilet facilities for operators at the
- (2) fish landing site;
- (3) There shall be potable water;
- (4) There shall be suitable and clearly marked areas for waste disposal;
- (5) There shall be suitable unloading, display, and landing facilities for fish which shall be kept clean.

3. All persons at the beach shall use toilets for human waste disposal.

4. Beach Management Unit shall establish and maintain hygienic and sanitary conditions in the beach.

THIRD SCHEDULE

Sec 13(3)

Safety Guidelines for Fishing Operations

1. The BMU shall ensure;
 - (1) Fishers and fish transporters shall at all times use life saving devices such as life jackets and life buoys during fishing operations;
 - (2) The vessels used in fishing and fish transport must be sea-worthy, have a water line clearly marked and shall not be loaded above the water line.
2. BMU committee shall ensure the integration of local fishing vessels into search and rescue operations;

FOURTH SCHEDULE

(National emblem)

(Serial No)

DEPARTMENT OF FISHERIES RESOURCES

FISH MOVEMENT PERMIT

(Valid in Uganda only)

Section A

1. Name
.....
.....

2. Address
.....
.....

The bearer is authorized to move fish and/or fishery products from one part of Uganda to another part as per details below and in accordance with the Fish (Quality Assurance) Rules, (1998)

3. Fish species (indicate local name).....Quantity (kg).

4. Form (Fresh/Smoked/Salted/Sun dried)
.....

5. Details of origin (i) Lake (ii) Landing site.....
(iii) Fish market..... (iv) District.....

6. Destination.....District.....
.....
.....

7. Mode of transport..... Regn. No.....

Section B Attestation

I the undersigned official certify that the fish has been inspected and conforms to regulations stated in the Fisheries Act and associated statutory instruments.

Date of issue..... Permit validity.....

Fees paid (Ug. Shs.)in words
.....

Issuing Officer
Title.....

Signature and official stamp

Original to the owner of the fish
Duplicate to the commissioner for Fisheries
Triplicate to remain in the book

FIFTH SCHEDULE

Sec 7(1)

ELECTION OF BEACH MANAGEMENT UNIT CHAIRPERSON/COMMITTEE MEMBER

NOMINATION FORM FOR ELECTIONS

Form 1

We the undersigned, being registered members, nominate the under mentioned person as a candidate for the position of

Candidate's First Name	Other names	Place of Residence	Occupation	Registration Number	Age	Sex

Name	Place of residence	BMU Registration number	Signature
Proposer _____	_____	_____	_____
Seconder _____	_____	_____	_____

We, the undersigned, being registered members, support the foregoing nomination.

Name	Place of residence	BMU Registration number	Signature
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

FIFTH SCHEDULE

Sec 7(1)

ELECTION OF BEACH MANAGEMENT UNIT CHAIRPERSON/COMMITTEE MEMBER

PROPOSED BMU CANDIDATE

form 2

I, consent to my nomination as a candidate for the position ofelection and my name and place of residence for serving papers are –

.....
name in full (Block Capitals)

Place of Residence

Date Candidate's Signature

Form 3

DECLARATION OF A PERSON SEEKING TO BE NOMINATED AS A CANDIDATE FOR ELECTION AS

I declare that :

- 1. I am citizen of Uganda.
- 2. I have attained the age of 18 years.
- 3. I am registered as a member of Beach with registration number
- 4. I can read and write.
- 5. I am of sound mind
- 6. I am not a convicted criminal

I declare to the best of my knowledge the above information is true and correct on thisday of20.....

.....
Candidate's Signature.

SIX SCHEDULE

Sec 21(1)

**REPUBLIC OF UGANDA
FISH ACT (CAP 228)**

BEACH MANAGEMENT UNIT CERTIFICATE OF REGISTRATION

This is to Certify that Beach of

ParishSub-county District

is Registered this Day of, 20.. as a Beach Management Unit (BMU), Registration No. Having fulfilled all the Requirements under the Fish (Beach Management) Rules, 2002.

.....

Chief Fisheries Officer.