

*DRAFT of 4th August, 2004
For Discussion Only*

THE FISHERIES BILL, 2004

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THE FISHERIES BILL, 2004

A BILL for an Act

ENTITLED

THE FISHERIES ACT, 2004

An Act to provide for the conservation, sustainable management, utilisation and development of the fisheries sector; to provide for the capture, conservation, marketing and processing of fish, the licensing and registration of fishing vessels and fishers, to provide for aquaculture, the methods of fishing and fishing gear; to establish a Uganda Fisheries Authority; to provide for the establishment and regulation of Lake Management Organisations and Beach Management Units; to consolidate and reform the law relating to fisheries; to repeal the Fish Act, Cap. 197 and the Trout Protection Act Cap 199; and for related matters.

BE IT ENACTED by Parliament as follows-

PART I - PRELIMINARY

1. Short title and commencement.

(1) This Act may be cited as the Fisheries Act, 2004.

(2) This Act shall come into force on a date to be appointed by the Minister by statutory instrument, and different days may be appointed for the commencement of different provisions.

2. Application of the Act

This Act applies-

- (a) within the jurisdiction of Uganda, including the fishing waters;
- (b) to any fishing vessel of Uganda and any act or omission occurring on or by such a vessel, wherever that vessel may be.

3. Purpose of the Act.

The purpose of this Act is-

- (a) to provide for the integrated management of the fisheries sector so as to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries;
- (b) to ensure that fisheries resources are conserved and managed in a manner that meets the needs of the present generation without compromising the rights of future generations;
- (c) to enable the fisheries sector to contribute to poverty reduction and economic growth in Uganda through the sustainable utilisation and management of fisheries resources and the development of aquaculture;
- (d) to create a sustainably financed institutional framework for the management of the fisheries sector that has clearly defined structures, mandates and linkages between national and local governments and the private sector;
- (e) to decentralise, devolve and delegate powers, functions and services within the fisheries sector to local governments and community-based organisations for increased efficiency in integrated planning, development and management of the fisheries sector;
- (f) to encourage public participation in the management and conservation of fisheries resources; and
- (g) to enable the increased benefits from a more productive fisheries sector to be equitably shared at all levels;

4. Environmental principles

All persons exercising or performing functions, duties, or powers under this Act, in relation to the development and utilisation of fisheries resources or ensuring sustainability, shall take into account, and give effect to environmental principles as prescribed in the National Environment Act.

5. Interpretation

In this Act, unless the context otherwise requires-

“aquarium” means an artificial pond or tank used for keeping or displaying live fish and aquatic plants for decorative, ornamental or entertainment purposes;

“Authority” means the Uganda Fisheries Authority established by section **10**;

“authorised officer” means any person or category of person appointed or designated in accordance with section **113**;

“aquaculture” means the breeding or cultivation of fish, including ornamental fish, and includes any related activity;

“aquaculture facility” means any place, area or structure constructed for the purpose of aquaculture or where aquaculture is, or can be undertaken, but does not include a personal aquarium;

“Beach Management Unit or BMU” means a community-based organisation established under Part V of this Act for fisheries planning and management purposes;

“Board” means the Board of Directors of the Authority established by section **14**;

“breeding ground” means an area in the natural aquatic environment, where fish lays its eggs or spawns;

“commercial fishing” means fishing for commercial or monetary gain where all or part of the catch is sold or bartered except in the course of aquaculture;

“competent licensing body” means the Authority, a local government or other person to whom functions relating to the issue, variation, suspension, cancellation or renewal of licences and permits are delegated by the Authority from time to time;

“currency point” represents the amount in Uganda Shillings prescribed in **Schedule 1**;

“fish” means any aquatic organism and includes any crustacean or mollusc, as well as their eggs, fry, fingerlings, or young but does not include reptiles or mammals;

“fish product” means any derivative of fish and includes dried, frozen and chilled fish;

“Fisheries Management Strategy” means a Fisheries Management Strategy prepared for a major or minor lake in accordance with section **71**;

“Fisheries Sector Strategic Plan” means the plan defined in section **8**;

“fishing” means fishing for or catching or taking or killing fish by any method and includes attempts to catch and searching for fish, but does not include aquaculture or the transportation of fish;

“fishing vessel” means any craft, raft, canoe or floating object used for fishing but does not include a vessel used for the transport of fish or for aquaculture;

“fishing waters” includes all permanent or seasonal water bodies within the land borders of Uganda, capable of supporting fish and those parts of lakes, rivers and other water bodies shared with neighbouring states, and over which Uganda exercises sovereignty;

“foreign fishing vessel” means any fishing vessel that is licensed or registered in a neighbouring state;

“gear” means, any net, basket, trap, hook, line, spear or other implement or tool used for fishing;

“Hazard Analysis and Critical Control Point (HACCP)” means.....;

“immature” in relation to a species of fish means that it is of a length less than such length as may from time to time be notified by the Authority, either generally or in respect of any specified area;

“Lake Management Organisation” means a local government association established to co-ordinate the integrated planning and management of a lake under section 49;

“landing site” means a defined area adjacent to a water body that is used principally for fisheries purposes, including the landing of fish from fishing vessels and fish transport vehicles and the onward processing and sale of such fish, together with the related land, buildings and facilities;

“Landing Site User Fee” means a fee payable by a BMU to a local government and to the Authority for commercial activities at the beach;

“lead agency” means a person, Ministry, Government department, local government council or administrative unit established under the Local Governments Act, a parastatal, agency or public officer in which or whom a law vests functions related to the management of fisheries resources and fisheries products;

“licence” means a licence issued under this Act;

“local council” means local government councils and administrative unit councils established under the Local Governments Act;

“local government” means a local council established under section 3(2) to (5) of the Local Governments Act;

“local fishing” means fishing without a fishing vessel, where fish is caught solely for consumption by the person engaging in the fishing and his or her family and not for the sale or barter of the fish caught;

“minor lake” means a lake other than lake Victoria, Albert, Edward, George and Kyoga;

“Minister” means the Minister responsible for fisheries;

“Monitoring Office” means the Beach Management Unit Monitoring Office established by section 67;

“ornamental fish” means fish which are caught or targeted for the purposes of display or and which are not killed or consumed;

“permit” means a permit issued under this Act;

“prescribed” means prescribed by regulations made under section 145;

“processing” includes cleaning, filleting, icing, freezing, canning, salting, smoking, drying, cooking, pickling or otherwise preserving or preparing fish;

“processing establishment” includes any premises or vessel on or in which fish are processed or stored but does not include a restaurant, eating place, hotel or place where fish is prepared for retail sale;

“recreational fishing” means fishing for sport, recreation or amusement which does not lead to the sale or barter of any fish;

“regulations” means regulations made under section 145;

“relevant Fisheries Management Strategy” means the Fisheries Management Strategy that applies to the waters in which the applicant for a licence or permit intends to carry out fisheries activities;

“shared lake” means a lake that cuts across the administrative boundary between two or more districts;

“vehicle” includes a machine or implement of any kind drawn or propelled along a road, whether by animal, mechanical, electrical or other motive power;

“vessel” means any ship, boat or canoe or other description of vessel used in navigation, however propelled.

PART II - ADMINISTRATION

6. Administration and management

The administration and management of fisheries and aquaculture under this Act shall be undertaken-

- (a) by the Authority, subject to the overall guidance of the Minister; and

- (b) by local governments, Lake Management Organisations and Beach Management Units on the basis of such powers and duties as may be delegated to them by the Authority from time to time.

7. Responsibilities of the Minister

The Minister is responsible for-

- (a) ensuring the implementation of functions connected with the implementation of the National Fisheries Policy, the Fisheries Sector Strategic Plan and this Act;
- (b) representing Uganda in its relationships with foreign countries and international organisations in connection with fisheries and aquaculture;
- (c) co-ordinating the provision of aid and assistance from foreign and multi-national donors and for entering into appropriate agreements with such bodies; and
- (d) fulfilling any other function conferred on him or her by this Act.

8. Fisheries Sector Strategic Plan

(1) The Minister shall cause to be prepared, by the Authority in consultation with stakeholders, a Fisheries Sector Strategic Plan, which shall be a public document and which shall be the framework for the implementation of the fisheries policy and programmes by Government and stakeholders in the fisheries and aquaculture sectors.

(2) In preparing the Fisheries Sector Strategic Plan under subsection (1), the views of persons and organisations in the public and private sector involved in fisheries shall be sought and taken into account, and in particular, the views of persons whose livelihoods are dependent on the fisheries sector.

(3) The Fisheries Sector Strategic Plan shall be submitted to the Board for its consideration.

(4) The Minister shall submit the Fisheries Sector Strategic Plan to Cabinet for approval.

(5) The Fisheries Sector Strategic Plan shall, after Cabinet has approved it, be published in the *Gazette*.

(6) The Minister shall cause every District Council to be given a copy of the Fisheries Sector Strategic Plan.

9. Review of Fisheries Sector Strategic Plan

The Minister shall cause the Fisheries Sector Strategic Plan to be monitored and periodically reviewed.

PART III – UGANDA FISHERIES AUTHORITY

10. Establishment of the Authority.

(1) There is established the Uganda Fisheries Authority.

(2) The Authority is a body corporate with an official seal and may, for the discharge of its functions under this Act -

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued; and
- (c) do all acts and things as a body corporate may lawfully do.

(3) The Authority shall be under the general **guidance** of the Minister.

11. Official seal of the Authority

(1) The official seal of the Authority shall be in a form determined by the Board.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Executive Director and one other member of the Board.

(3) In the absence of the Executive Director, the person performing the functions of the Executive Director shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Authority by the Executive Director, or by any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Authority in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

12. Functions of the Authority.

(1) The functions of the Authority are-

- (a) to be the competent authority and lead agency for all fisheries and aquaculture activities;
- (b) to compile information relating to fisheries, including research information commissioned by the Authority and other organisations and analyse and use it to guide fisheries policy, plans and legislation, and to

disseminate it in harmony with the national policy on agriculture research systems and relevant legislation;

- (c) to periodically review national policy, legislation and strategic plans and to advise the Minister on them, and their implementation;
- (d) to provide technical advice and guidance on fisheries and aquaculture to local governments, the private sector, Lake Management Organisations and Beach Management Units in harmony with the National Agricultural Advisory Services Act, 2001;
- (e) to implement and administer international Conventions, laws and agreements relating to fisheries to which Uganda is a party, and to meet other international or bilateral obligations relating to fisheries which are binding on Uganda;
- (f) to ensure that sustainable sources of finance are secured to cover operational and development activities of the Authority using a results orientated financial management approach;
- (g) to promote investment at all levels in fisheries and aquaculture by government, the private sector and development partners and other sources;
- (h) to promote, guide and support the establishment of Lake Management Organisations, Lake Management Plans and Fisheries Management Strategies;
- (i) to regulate the conduct of fisheries operations including aquaculture, fishing, transporting, processing, marketing, exporting and importing and the monitoring and control of quality standards of fish and fish products;
- (j) to promote and build the capacity of the aquaculture private sector, Beach Management Units, Lake Management Organisations and local governments, and to monitor their performance and impact;
- (k) to undertake monitoring, surveillance and control of fishing and aquaculture operations;

- (l) to take measures, in consultation with lead agencies, to ensure that fish stocks and fish habitats are not harmed directly or indirectly by land based environmental influences; and
- (m) to perform such other functions as may be conferred on it under this Act or by the Minister.

(2) The Authority may delegate any of its functions under this section, including its licensing functions, to a local government, a Lake Management Organisation, a Beach Management Unit or any other person.

13. Powers of the Minister.

(1) The Minister may give directions in writing to the Authority with respect to the policy to be observed and implemented by the Authority, and the Authority shall comply with those directions.

(2) Directions given by the Minister under subsection (1) shall not adversely affect or interfere with the performance of the functions and exercise of the powers of the Authority under this Act.

(2) The Minister shall cause a copy of any directions given to the Authority under subsection (1) to be published in the *Gazette*.

14. Board of Directors

(1) The Authority shall have a Board of Directors appointed by the Minister as follows-

- (a) one representative of the Ministry responsible for fisheries;
- (b) one representative of the Ministry responsible for local governments;
- (c) one representative of the National Fisheries Research Institute;
- (d) one representative of the National Environmental Management Authority;
- (e) one representative of fish farmers nominated for appointment by the fish farmers in Uganda;
- (f) one representative of community-based fisheries management associations nominated for appointment by the community-based fisheries associations;

- (g) one representative of Lake Management Organisations nominated for appointment by the Lake Management Organisations; and
 - (h) one representative of fish processors and exporters nominated by the national fish processors and exporters association.
- (2) The members of the Board shall be persons of high moral character and proven integrity who have had experience of and shown capacity in the fisheries, aquaculture or environment sectors and in management, business and administration.
- (3) The Minister shall, in appointing the members of the Board, ensure that there is a balance of skills and experience among the members of the Board.
- (4) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

15. Chairperson of the Board

The Board shall elect one of their members to the position of Chairperson of the Board.

16. Disqualification from appointment as member

A person shall not be appointed to the Board who is an undischarged bankrupt or who has made any assignment or arrangement with his or her creditors or who has been convicted of an offence pursuant to this Act.

17. Tenure of office of Board members

- (1) A member of the Board shall hold office for three years and is eligible for re-appointment for one more term.
- (2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister.
- (3) The Minister may, at any time, remove a member of the Board from office for-
- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (b) misbehaviour or misconduct;
 - (c) incompetence;
 - (d) absence without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister for more than four consecutive meetings of the Board, or absence from Uganda for more than twelve months;

- (e) bankruptcy or insolvency; or
- (f) conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment.

18. Filling of vacancies of the Board

Where a member is removed from office under this section, the Minister may appoint another person representing the institution of that member, or qualified in accordance with section 14(1) to replace the member.

19. Remuneration of Board members.

The Chairperson and the members of the Board shall be paid such remuneration as the Minister may determine.

20. Functions of the Board

(1) The Board is responsible for the general direction and supervision of the Authority.

(2) Without prejudice to the generality of subsection (1) the Board shall-

- (a) review and approve operating plans, budgets, reports and audited financial statements of the Authority;
- (b) oversee the operations of the Authority;
- (c) provide guidance to the Executive Director and staff of the Authority; and
- (d) establish and approve rules and procedures for appointment, termination, discipline and terms and conditions of service of staff of the Authority.

(3) The Board is, in the performance of its functions, responsible to the Minister.

21. Meetings of the Board

(1) **Schedule 2** has effect in relation to meetings of the Board and other matters provided for in that Schedule.

(2) The Executive Director shall attend the meetings of the Board, except as requested otherwise, but shall not be entitled to vote.

22. Committees of the Board

(1) The Board may appoint committees to advise it on any matter concerning the functions of the Board as it may determine.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Board and such other persons, whether members of the Board or not, as the Board may determine.

(3) The Board shall, in writing, specify the terms and conditions of service of the members of any committee appointed under subsection (1).

(4) The Board may delegate any of its functions under this Act to a committee appointed under this section, subject to any limitations imposed by the Board.

(5) The Board may require any committee appointed under this section to act jointly or in co-operation with any other committee.

(6) Members of a committee appointed under this section may be paid such allowances as the Board may determine.

(7) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

Staff of the Authority

23. Executive Director

(1) There shall be an Executive Director of the Authority who shall be appointed by the Board on terms and conditions to be specified in the instrument of appointment.

(2) The Executive Director shall be a person with professional qualifications and relevant experience in administration, economics, finance, law, management, environment or technical knowledge relating to fisheries.

24. Functions of Executive Director

(1) The Executive Director is the chief executive officer of the Authority and is responsible for the day- to- day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for -

- (a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation, control and discipline of the staff of the Authority;
- (d) the development of an operating plan to guide the Authority in achieving its objectives;

- (e) the development of strategic management plans for the sustainable utilisation of fisheries resources;
- (f) co-operation with relevant lead agencies and organisations in the fisheries sector;
- (g) the development of an economic, efficient and cost effective internal management structure; and
- (h) performing any other duty that may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

25. Tenure of office of Executive Director

(1) The Executive Director shall hold office for five years and is eligible for re-appointment.

(2) The Executive Director shall cease to hold office if-

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment;
- (d) he or she is removed from office by the Board for-
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (ii) misbehaviour or misconduct; or
 - (iii) incompetence.

26. Other officers and staff of the Authority

(1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority as may be necessary for the effective performance of the functions of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their instruments of appointment.

Surveillance Unit

27. Surveillance Unit

(1) There is established a Surveillance Unit within the Authority.

(2) The Unit shall consist of such number of persons as the Board, on the advice of the Executive Director, may determine.

(3) The Minister may, in consultation with the Minister responsible for internal affairs and the Minister responsible for defence, by statutory instrument, make **regulations** providing for-

- (a) the organisation and deployment of the Unit,
- (b) the terms and conditions of service and the grades ranks and appointment and discipline of officers;
- (c) the functions and duties of members of the Unit;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms and other necessary supplies to members of the Unit;
- (e) matters relating generally to the good order and administration of the Unit.

28. Functions of Surveillance Unit

(1) The function of the Surveillance Unit is to protect fish and their environment, fish products and aquatic flora and fauna against fisheries malpractices, and generally to enforce the provisions of this Act.

(2) *The Surveillance Unit shall have a separate budget line within the general budget of the Authority.*

29. Powers of Surveillance Unit

The officers of the Surveillance Unit shall enjoy all the powers of authorised officers under section 114.

30. Protection of members and employees

A member of the Board or an employee of the Authority or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Authority.

Finances

31. Funds of the Authority

The Funds of the Authority shall consist of-

- (a) money appropriated by Parliament for the purposes of the Authority;
- (b) fees charged for services rendered by the Authority under this Act;
- (c) grants, gifts or donations from the Government or other sources made with the approval of the Minister responsible for finance;
- (d) a levy on fish exports;
- (e) a levy on the use of fish landing sites; and
- (f) any other funds received by the Authority in the performance of its functions under this Act.

32. Fish levy

(1) There shall be a fish export levy payable on all fish exported from Uganda.

(2) The Minister, in consultation with the Minister responsible for finance and the Board of, shall determine the level of the fish export levy *or non-tax revenue payable to the Authority*.

(3) The fish export levy shall be published by Notice in the *Gazette*. [*at the end of each financial year.*]

33. Duty to operate on sound financial principles.

The Board shall, in discharging its duties in relation to the Authority, perform its functions in accordance with sound financial and commercial practice and shall ensure that revenue is sufficient to meet expenditure.

34. Power to open and operate bank accounts

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of the functions of the Authority.

(2) The Executive Director shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the Authority's bank accounts without the authority of the Board.

35. Borrowing powers

The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

36. Investment of surplus funds

Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner which the Board may, after consultation with the Minister and the Minister responsible for finance, determine.

37. Estimates

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority, and the operating plan for the next financial year.

(2) The Board shall, within two months, cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure submitted by the Executive Director under subsection (1) as approved by the Board.

38. Financial year of the Authority

The financial year of the Authority is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

39. Accounts

(1) The Executive Director shall cause to be kept, proper books of accounts and records of the transactions of the Authority.

(2) Subject to any direction given by the Minister, the Executive Director shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include-

- (a) a balance sheet, a profit and loss account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Authority as the Minister responsible for finance may, in writing require.

40. Audit

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Authority.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section **39(2)** is submitted to the Auditor-General or an auditor appointed by the Auditor General for auditing.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Authority and is entitled to any information and explanation required in relation to those records.

41. Annual and other reports

(1) The Board shall, within three months after the end of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, containing such information as the Minister may require.

(2) The Board shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

42. Service of documents

Any notice or document may be served on the Authority by delivering it at the office of the Executive Director or by sending it by registered post to the Executive Director.

43. Evaluation

(1) Within five years after the appointment of the first Executive Director, and every five years thereafter, the Board shall commission an independent evaluation of the performance of the Authority.

(2) An evaluation shall assess the utility, relevance and effectiveness of the Authority and the extent to which it-

(a) discharges its statutory functions; and

(b) contributes towards the fulfillment of the purposes of this Act

(3) The Board of Directors, shall in consultation with the Minister, issue specific terms of reference for the evaluation.

(4) Copies of the evaluation report shall be submitted to the Board of Directors and to the Minister, and shall be made public.

PART IV - ROLE OF LOCAL GOVERNMENTS

44. Mandate of line Ministry in relation to local governments

For the purposes of ensuring the implementation of national policies with respect to the fisheries sector and adherence to performance standards by local governments, the Minister is, in accordance with the Local Governments Act, responsible for ensuring the-

(a) inspection, monitoring and co-ordinating of Government initiatives and policies in the fisheries sector as they apply to local governments;

- (c) co-ordinating and advising persons and organisations in relation to fisheries projects involving direct relations with local governments; and
- (c) assisting in the provision of technical advice, support, supervision and training to local governments for them to carry out the delivery of fisheries services in their respective areas, and to develop their capacity to manage fisheries resources entrusted to them.

45. Local governments

Local governments shall-

- (a) collaborate through Lake Management Organisations to ensure the sustainable management of fisheries on shared lakes;
- (b) collaborate with BMU associations as partners in the management of minor lakes;
- (c) identify activities in the catchment area of any lake or water body that lies entirely within their administrative boundaries that may impact on the biodiversity of the lake or water body and on the livelihoods of persons who depend on fisheries, and shall include measures within local plans, including those relating to land use and natural resources to prevent or mitigate such impacts;
- (d) develop a District Fisheries and Aquaculture Management Plan which shall be in consonance with the relevant Fisheries Sector Strategic Plan;
- (e) perform such tasks as have been devolved to them by this Act or any other law; and
- (f) perform such functions as may be delegated to them by the Authority from time to time under this Act.

46. District Fisheries Office

A District Council shall, in accordance with the Local Governments Act establish a District Fisheries Office.

47. District Fisheries Officer

(1) A District Council shall appoint a District Fisheries Officer and such other officers, as the Government may determine, to run the District Fisheries Office.

48. Functions of District Fisheries Officer

The functions of a District Fisheries Officer are-

- (a) to advise and guide the District Council on all matters relating to fisheries and aquaculture;
- (b) to liaise with the Authority and other lead agencies on matters relating to fisheries and aquaculture;
- (c) to promote, guide, and support the establishment and operation of Beach Management Units and BMU associations and lake management organisations;
- (c) to provide technical guidance and collaborate in the collection, analysis, use, storage and transfer of fisheries data and information for management purposes and to link the data to wider information management systems and development planning systems of the local government;
- (d) to provide such information to the Authority as may be required for the purposes of fisheries management;
- (e) to provide technical guidance and collaborate in the development of fisheries management strategies;
- (f) to support and promote local governments to liaise with the National Agricultural Advisory Services and the NARS in the development and provision of advisory services, including research, relating to fisheries and aquaculture;
- (g) to ensure, in collaboration with Lake Management Organisations, Beach Management Units and BMU associations, that this Act and the regulations are enforced;
- (h) to ensure, in collaboration with Lake Management Organisations and Beach management Units and BMU associations that licences and permits are issued and that revenue raised by BMUs is submitted to the local government.

Lake Management Organisations

49. Lake Management Organisations

- (1) Two or more district councils shall form a Lake Management Organisation as a local government association in accordance with the Local Governments Act to co-ordinate and implement the integrated planning and management of the fisheries resources of a shared lake.

- (2) A Lake Management Organisation shall have a constitution, which shall be submitted to the Attorney General for approval.

50. Lake Assembly

- (1) A Lake Management Organisation shall have a Lake Assembly, which shall be the main decision making forum of the Organisation.
- (2) A Lake Assembly shall comprise representatives of persons and communities that have an interest in the management of the relevant shared lake, including-
- (a) Beach Management Units;
 - (b) local persons and community based and non-government organisations;
 - (c) private sector representatives in the area;
 - (d) one or more representatives of the Authority; and
 - (e) government bodies responsible for the environment, wetlands, water resources and wildlife conservation.
- (3) Lake Assembly meetings be funded by the Authority to the extent possible and a meeting of the Lake Assembly shall be held at least once in each year.

51. Lake Management Plan

- (1) Every Lake Management Organisation shall commission develop, approve and implement a Lake Management Plan.
- (2) A Lake Management Plan -
- (a) shall contain a Fisheries Management Strategy for that lake;
 - (b) shall be consistent with national policies, plans and law; and
 - (c) shall identify activities in the catchment area that may adversely impact on the biodiversity of the shared lake and the livelihoods of those who depend on fisheries and propose measures to prevent or mitigate those impacts.

- (3) A lake management plan shall be submitted to the Authority for verification that it is in compliance with applicable policies and plans, and with this Act.
- (4) A Lake Management Plan shall be approved by the Lake Assembly.
- (5) The Authority shall, with the approval of the Board, to the extent possible, fund the implementation of the Lake Management Plan.

52. Implementation and review

- (1) All members of the Lake Assembly shall implement the relevant Lake Management Plan.
- (2) Without prejudice to subsection (1), a local government shall ensure that measures to prevent or mitigate adverse impacts on fisheries resources and dependant livelihoods identified in accordance with section 51(2)(c) are given full effect in local plans, including those activities relating to land use and natural resources.
- (3) A Lake Management Organisation shall monitor and review the implementation of the lake management plan and shall present its findings each year to the Lake Assembly.

PART V - BEACH MANAGEMENT UNITS

53. Beach Management Units

- (1) There shall be a Beach Management Unit at each landing site.
- (2) A Beach Management Unit shall be a community-based body corporate with an official seal and may, for the discharge of its functions under this Act –
 - (a) acquire, hold and dispose of movable and immovable property;
 - (b) sue and be sued;
 - (c) do all acts and things as a body corporate may lawfully do.

54. Functions of Beach Management Unit

The functions of a Beach Management Unit are-

- (a) to operate, manage and maintain the landing site within its area, and to provide the necessary equipment and services to so as to ensure that the landing site is kept in an orderly, safe, clean and hygienic condition;

- (b) to collect, analyse, use, transfer and store information and data concerning the fishing and related activities of its members as is necessary for the purposes of fisheries and environmental planning and management;
- (c) to participate in the co-management of fisheries resources and the wider environment of the water body adjacent to the landing site within its area, through its participation in the planning and management institutions and measures provided for in this Act;
- (d) to take measures to secure the implementation of, and compliance with, management decisions and plans of the type referred to in paragraph (c) and related regulations; and
- (e) to perform other tasks prescribed by this Act.

55. Rights of Beach Management Unit

(1) A Beach Management Unit may, with regard to its Gazetted Landing Site-

- (a) collect all fees payable on behalf of the relevant local government, the Authority and itself in connection with the use of the landing site, including the fees for the landing, storage, processing and sale of fish and other general services within the landing site;
- (b) exclude any person who is not one of its members from engaging in commercial fishing activities.

(2) Section (1)(b) shall not apply with respect to a person who is a member of a different Beach Management Unit in respect of which the relevant Fisheries Management Strategy or Beach Management Unit Association agreement permits that person to undertake such activities.

56. Jurisdiction of Beach Management Unit

(1) The jurisdiction of a Beach Management Unit shall be well-defined and shall be defined in consultation with the local government, and where necessary with neighbouring Beach Management Units, [*and specified in the application for registration.*]

(2) The jurisdiction of a beach management Unit may extend to more than one landing site [*as specified in the BMU application for registration.*]

(3) Where there is only one Beach Management Unit in a parish, the administrative boundary of the parish will constitute the boundary on land of the Beach Management Unit.

(4) Where there is more than one Beach Management Unit in a parish, the boundary of each Beach Management Unit shall be agreed between them and the local government.

(5) If no Beach Management Unit can be formed at parish level, then a Beach Management Unit may be formed at the higher sub-county level and assume the sub-county administrative boundary as its boundary.

57. Structure of Beach Management Unit

A Beach Management Unit shall have-

- (a) an Assembly, which shall meet at least once in every three months;
- (b) a Committee, which shall meet at least once in every month and which is accountable to the Assembly for the routine operation of the Beach Management Unit; and
- (c) such other structures or sub-committees as may be determined by the Assembly.

58. Membership of Beach Management Unit

(1) Membership in a Beach Management Unit shall be open to persons involved in fisheries activities at the landing sites under the jurisdiction of the BMU Assembly.

(2) Each Beach Management Unit shall keep a register of members in which shall be recorded the names of all the members.

(3) The register shall be open to the public and is conclusive evidence as to membership.

(4) A BMU may have different categories of membership, depending on the type of activities in which the members are engaged.

(6) A BMU may, from time to time determine the maximum number of members for each category where required to give effect to the relevant Fisheries Management Strategy.

(7) The criteria for the determination of the maximum number of members shall be agreed upon in an open, fair and transparent manner, and shall be promptly notified to the Authority and the local governments.

(8) A Beach Management Unit shall establish its own rules of procedure for meetings, the admission of new members and the termination of membership.

59. Rights of members of Beach Management Unit

A member of a Beach Management Unit may-

- (a) engage in fishing or fisheries related activities, depending on membership category, within the area of jurisdiction of the Beach Management Unit in accordance with the provisions of this Act, the relevant Fisheries Management Strategy and the rules of the Beach Management Unit;

- (b) attend, participate in and vote at meetings of the Assembly;
- (c) propose matters for discussion by the Assembly;
- (d) stand for election to the Committee or to nominate a candidate for election;
- (e) elect the members of the Committee, including the Chairperson and representatives of the Beach Management Unit to other organisations and bodies;
- (f) access information regarding the functioning of the Beach Management Unit and inspect such books and accounts that are required to be maintained by the Beach Management Unit.

60. Duties of members of Beach Management Unit

A member of a Beach Management Unit shall-

- (a) comply with the rules of the Beach Management Unit;
- (b) pay to the Beach Management Unit, as may be prescribed by the Beach Management Assembly, any applicable fee, including a user fee;
- (c) obtain and maintain the validity of any licence or permit required by this Act;
- (d) provide information and data regarding fishing and fishing activities to the Beach Management Unit;
- (e) to comply with this Act and with applicable local fisheries legislation.

61. Functions of Beach Management Assembly

(1) The functions of a BMA are -

- (a) to be the supreme decision making body of the Beach Management Unit in regard to all matters that affect its functions and operations;
- (b) to elect and remove the members of the Beach Management Committee, including the Chairperson;
- (c) to approve the annual development and management plans and their budgets;
- (d) to approve allowances payable to the members of the Beach Management Committee and to other members providing a service to the Beach Management Unit;
- (e) to approve user fees and other fees due to the Beach Management Unit;
- (f) to approve the rules of the Beach Management Unit, including rules for the calling of meetings of the Assembly and the procedure at meetings;

- (g) to approve ordinances and bylaws to be proposed to local governments;
- (h) to elect, and remove representatives to higher Beach Management Unit associations; and
- (i) to receive, deliberate and approve the annual audited accounts of the Beach Management Unit.

(2) All decisions at a meeting of the Beach Management Assembly shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

62. Beach Management Unit Committee

(1) A Beach Management Unit shall elect a Committee for purposes of the day-to-day running of the business of the Beach Management Unit in accordance with procedures developed in a participatory manner by the Authority and published in the *Gazette*.

(2) The Committee shall consist of not less than nine and not more than fifteen members elected by the Assembly.

(3) Members of the Committee shall serve on a voluntary basis but may be paid an allowance determined by the Assembly.

(4) A member of the Beach Management Committee shall hold office for a period of two years and is eligible for re-election for one more term.

63. Functions of Beach Management Unit Committee

(1) A Beach Management Committee shall-

- (a) be responsible for the day-to-day operation of the Beach Management Unit;
- (b) maintain a register of members and such other information as may be prescribed;
- (c) supervise the operation of the landing site;
- (d) call and organise meetings of the Assembly;
- (e) prepare draft documents, including the draft work plan, budget, accounts as well as draft internal rules and regulations for the approval of the Assembly;

- (f) maintain the financial accounts and records of the Beach Management Unit together with minutes of the meetings of the Committee and the Assembly;
- (g) develop draft local fisheries management and beach development plans in for the approval of the Assembly and advocate for their integration in other local development plans that must give effect to the Lake Management Plan, the relevant Fisheries Management Strategy and the provisions of this Act;
- (h) hire and supervise persons employed by the Beach Management Unit in accordance with the approved work plan and budget;
- (i) organise and implement patrols and controls relating to fishing and related activities either alone or with the police and other law enforcement bodies, local governments, Lake Management Organisations, Beach Management Unit Associations and/or the Authority;
- (j) participate with local governments, Lake Management Organisations and the Authority regarding the issue of fisheries licences and permits;
- (k) enforce, in collaboration with Central Government and local governments, safety guidelines for fishing operations;
- (l) enforce, in collaboration with Government and local governments, Fish Quality Assurance and Sanitary Guidelines;
- (m) record inspection and granting of permission to visiting boats with their crew and equipment to land at the landing site;
- (n) link with the National Agricultural Advisory Services and other service providers for capacity building and fisheries advisory services; and
- (o) perform any other tasks conferred on it by the Assembly.

(2) The Committee shall, in the performance of its functions, consult and co-operate with local governments, and agencies of Government.

64. Income of Beach Management Unit

(1) The income of a Beach Management Unit shall consist of-

- (a) the share of the landing site user fee that is permitted to be retained by the Beach Management Unit;

(b) fees charged by the Beach Management Unit for services provided to its members and to third parties;

(c) grants, gifts or donations from Government, the Authority or other sources.

(2) Any surplus of annual income over expenditure shall be retained within the Beach Management Unit and shall not be distributed amongst its members.

(3) A Beach Management Unit may borrow money up to such limits and in accordance with such procedures, including the prior written approval of the Authority, as may be prescribed.

65. Landing Site User Fee

(1) A Beach Management Unit shall pay a Landing Site User Fee in respect of the landing site or sites at which it is established.

(2) The Authority shall, for the purpose of determining the fees payable for a landing site, in consultation with local governments and Beach Management Units, classify fish landing sites into categories in accordance with prescribed criteria.

(3) The Authority shall publish, by Notice in the *Gazette*, the Landing Site User Fee for each category of landing site.

(4) A Beach Management Unit shall collect the landing site use fee in a fair and transparent manner from its members through a charging scheme and from such non-members as may be entitled to engage in commercial fisheries and non-fisheries activities at the landing site.

(5) The Beach Management Unit Committee shall ensure that all money received by or on behalf of the Beach Management Unit is banked into the Beach Management Unit's bank account as soon as practicable after being received.

(6) The landing site use fee shall be determined in each financial year by the Authority in consultation with the relevant local government.

66. Accounts

(1) The Beach Management Unit Committee shall cause to be kept proper books of accounts and records of the transactions of the Beach Management Unit.

(2) The Chairperson of the Beach Management Unit Committee shall cause to be prepared and submitted to the Assembly for its approval, within three months after the end of the financial year, a statement of accounts, which shall include-

(a) a balance sheet and a profit and loss account;

(b) any other information in respect of the financial affairs of the Beach Management

Unit as may be prescribed or specified in the internal rules and regulations of the Beach Management Unit.

(3) The statements of accounts shall be approved annually by the Assembly.

67. Monitoring and supervision of Beach Management Unit

(1) There is established, within the Authority, a Beach Management Unit Monitoring Office to undertake audits of BMUs.

(2) The Beach Management Unit Monitoring Office may delegate its functions to a suitably qualified and responsible body.

(3) A Beach Management Unit shall, within four months after the end of its financial year, file with the Monitoring Office, in the prescribed form, an annual return together with statement of accounts and a filing fee if so prescribed.

(4) The Monitoring Office shall audit the statement of accounts of a Beach Management Unit submitted to it under subsection (3).

(5) The members of the Beach Management Unit Committee of a Beach Management Unit that fails to file returns under subsection (2) shall jointly and severally commit an offence and each liable on conviction to[.....]

(6) The Monitoring Office may, from time to time, request for copies of the accounting records from the Beach Management Unit, together with copies of books and records required to be maintained in accordance with this Act.

(7) A duly authorised officer of the Monitoring Office may undertake a special audit and inspection of the books and records of a Beach Management Unit-

- (a) on the written request of a member of that Beach Management Unit; or
- (b) if, having reviewed a copy of the annual return and accounts of that Beach Management Unit, there is, in the opinion of the Director of the Monitoring Office, *prima facie* evidence of financial malpractice or irregularity.

(7) Where, following an audit and an inspection of the books and records of a Beach Management Unit, the Monitoring Office finds evidence of financial malpractice or that the Beach Management Unit has not been operating in accordance with the provisions of this Act, it may require the Beach Management Unit Committee to call a meeting of the Assembly of the Beach Management Unit at which the findings of the Monitoring Office shall be presented to the members.

(9) Where the Committee fails to call a meeting of the Assembly within 30 days, under subsection (8), the Monitoring Office may suspend the Beach Management Unit Committee and may call such a meeting itself.

(10) Where the Beach Management Unit Committee is suspended in accordance with subsection (9), the Monitoring Office may appoint a temporary manager to run the Beach Management Unit until the Assembly elects a new Committee

68. Associations of Beach Management Units

(1) Two or more Beach Management Units may associate at parish, subcounty and district levels on the basis of a written agreement, to establish a Beach Management Unit Association as an un-incorporated association for the purpose of developing and implementing a Fisheries Management Strategy in partnership with the local government for the purposes of this Act.

(2) A Beach Management Unit Association shall make rules which shall be binding on each Beach Management Unit that is a member of the Association.

(3) The Authority shall prescribe the form of agreement to establish a Beach Management Unit Association, together with rules for the operation of the Association.

PART VI - SUSTAINABLE USE AND MANAGEMENT OF FISHERIES RESOURCES

Information and Planning

69. Establishment of landing sites

The Authority shall, in consultation with local governments, Beach Management Units and other stakeholders, establish, by Notice in the *Gazette*, landing sites throughout Uganda.

70. Information

The Authority shall issue directions to local governments, Lake Management Organisations and Beach Management Units and BMU Associations relating to-

- (a) the collection, analysis, use, transfer and storage of fisheries information; and
- (b) social, economic and environmental information for the purposes of effective and sustainable fisheries management.

71. Fisheries Management Strategy

(1) A Fisheries Management Strategy shall be prepared for each lake.

(2) A Fisheries Management Strategy shall-

- (a) contain a description of the area covered;
- (b) include a statement of objectives;
- (c) identify the main threats to and opportunities for fisheries resources and livelihoods, including environmental threats;
- (d) consider the extent to which measures could be taken to minimise the impact of fisheries activities on the environment;
- (e) comply with the relevant Fisheries Sector Strategic Plan, the National Fisheries Policy and this Act;
- (f) contain a description of the management measures and activities to be undertaken;
- (g) set out the rules governing the use of and access to fisheries resources; and
- (h) specify its duration and the requirement for periodic review.

72. Responsibility for preparation of Fisheries Management Strategy

(1) Where a Lake Management Organisation has been established, in respect of a lake, the Lake Management Organisation shall be responsible for the preparation of the Fisheries Management Strategy as part of the Lake Management Plan.

(2) Where no Lake Management Organisation has been established, in respect of a lake, the BMUs shall, in liaison with the local governments, establish a lake wide body which shall prepare a Fisheries Management Strategy.

(3) A Fisheries Management Strategy shall contain provisions giving effect to the Fisheries Sector Strategic Plan, applicable national policies and the provisions of this Act.

(4) A draft of each Fisheries Management Strategy shall be submitted to the Authority to verify its compliance with subsection (3).

(5) Where, in the opinion of the Authority, a draft Fisheries Management Strategy does not comply with the requirements of subsection (3), the Authority shall return the Fisheries Management Strategy to the Lake Management Organisation or lake-wide body which submitted it, with a request for revision and amendments.

73. Trans-frontier lakes

The Authority shall co-operate with lake organisations, or fisheries management organisations at international and national levels, local councils and Beach Management Units in the preparation of Fisheries Management Strategies relating to fisheries on water bodies that are shared with neighbouring **states**.

74. Procedure for preparation of Fisheries Management Strategy

Every Fisheries Management Strategy shall be prepared in a consultative manner, in accordance with **guidelines** issued from time to time by the Authority.

75. Implementation

Every person involved in the preparation of a Fisheries Management Strategy shall give effect to its provisions to the fullest possible extent.

PART VII – LICENCES AND PERMITS

76. Issue of licences

Subject to this Act, the Authority, or a competent licensing body may, on application being made in the prescribed manner and on payment of the prescribed fee, issue to an applicant a licence in such manner and subject to such conditions as it may deem fit to impose.

77. Fishing vessel licence

(1) A vessel shall not be used for commercial fishing unless there is in force in respect of that vessel, a valid fishing vessel licence.

(2) The owner of the vessel shall apply, to the competent licensing body in the prescribed form, for a fishing vessel licence.

(3) The competent licensing body shall, in determining an application under this section, have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries Management Strategy.

(4) A fishing vessel licence shall only be issued-

- (a) if the owner of the vessel to which the application relates is a member of the Beach Management Unit at the landing site from which the vessel is to be operated;
- (b) if the owner of the vessel to which the application relates is a Ugandan citizen or has been habitually resident in Uganda for a period of more than **twenty** years; and
- (c) if the fishing vessel complies with prescribed restrictions or requirements relating to size and condition or to the safety or other equipment that it carries.

(5) The owner and crew of any vessel that is used in contravention of subsection (1) each commit an offence and are liable, on conviction, to a fine not exceeding **twenty five** currency points or to imprisonment for a term not exceeding **two** years, or both.

78. Fishing vessel licence conditions

(1) A fishing vessel licence may be subject to general conditions and special conditions and shall specify a unique vessel registration number for the vessel to which it relates.

(2) It shall be a general condition of every fishing vessel licence that-

- (a) the vessel licence registration number is painted on the vessel in the prescribed format;
- (b) a copy of the fishing vessel licence is kept on board the vessel;
- (c) the vessel is only used or operated by persons who are in possession of valid fishing permits;
- (d) the vessel is maintained in compliance with prescribed standards regarding safety and hygiene;
- (e) the fishing vessel is only used on specified waters or in specified areas or at specified times; and
- (f) the vessel is only used for fishing using legal gears and methods.

(3) A fishing vessel licence shall be subject to such special conditions as may be necessary to give effect to the relevant Fisheries Management Strategy.

(4) The owner and crew of a vessel that is used in contravention of its vessel licence conditions each commit an offence and are each liable, on conviction, to a fine not exceeding **50** currency points or to imprisonment for a term not exceeding **two** years, or both.

79. Fish transport licence

(1) Subject to subsection (2), a vessel shall not be used to transport fish unless there is in force in respect of that vessel, a valid fish transport licence.

(2) This section does not apply to a fishing vessel in respect of which a valid fishing licence has been issued and which is returning to a landing site with its catch.

(3) The owner of the vessel shall apply to the competent licensing body in the prescribed form, for a fish transport licence.

(4) The competent licensing body shall, in determining an application under this section, have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries Management Strategy.

(5) A fish transport licence shall only be issued if-

- (a) the owner of the vessel is a member of a Beach Management Unit;
- (b) the licensing of fish transport vessels is specified in the relevant Fisheries Management Strategy;
- (c) the vessel complies with prescribed conditions relating to such matters as its condition and equipment.

(6) A fish transport licence shall be subject to such general conditions as may be prescribed including a condition that a copy of the licence shall be kept on board the vessel.

(7) A fish transport licence shall be subject to such special conditions as are necessary for the implementation of the relevant Fisheries Management Strategy.

(8) The owner and crew of a vessel that is used to transport fish without a valid fish transport licence contrary to the provisions of subsection (1) or in breach of any applicable licence conditions each commit an offence and are each liable, on conviction, to a fine not exceeding **fifty** currency points or to imprisonment for a term not exceeding **two** years, or both.

80. Foreign fishing vessel licence

(1) A foreign fishing vessel shall not be used for commercial fishing unless there is in force in respect of that vessel, a valid foreign fishing vessel licence.

(2) The owner of the vessel shall apply to the competent licensing body, in the prescribed form, for a foreign fishing vessel licence.

(3) The competent licensing body shall, in determining an application under this section the have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries Management Strategy.

(4) A foreign fishing vessel licence shall only be issued if-

- (a) the licensing of foreign fishing vessel is specified in the relevant Fisheries Management Strategy; and
- (b) the vessel complies with prescribed conditions relating to such matters, including its condition and equipment.

(5) A foreign fishing vessel licence shall be subject to such general conditions as may be prescribed, including a condition that a copy of the licence shall be kept on board the vessel while it remains within the fishing waters.

(6) A foreign fishing vessel licence shall be subject to such to such special conditions as are necessary for the implementation of the relevant Fisheries Management Strategy.

(7) The owner and crew of a foreign fishing vessel that is used contrary to the provisions of subsection (1) or in breach of any applicable licence conditions each commit an offence and are each liable, on conviction, to a fine not exceeding **one hundred** currency points or to imprisonment for a term not exceeding **three** years, or both.

Special Permits

81. Commercial fishing permit

(1) A person shall not undertake commercial fishing unless he or she has a valid commercial fishing permit issued by the competent licensing body.

(2) For the purpose of subsection (1) every person who is present on board a vessel engaged in commercial fishing is deemed to be undertaking commercial fishing.

(3) An application for a commercial fishing permit shall be made, in the prescribed form, to the competent licensing body.

(4) The competent licensing body shall, in determining an application for a fishing permit, have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries Management Strategy.

(5) A permit issued under this section may permit fishing generally or may permit fishing with limitations -

- (a) to an area;
- (b) to a period, times or particular voyages;
- (c) to descriptions, quantities, size and weight of fish which may be taken; or
- (d) to the method of fishing.

(6) A permit issued under this section may impose conditions relating to fisheries conservation or management, including-

- (a) the landing of fish;
- (b) the handling of fish;
- (c) the use to which fish may be put;
- (d) the marking of fishing vessels;
- (e) the marking of fishing gear;

- (f) records of operations to be kept;
- (g) the places, if any, where fish may be transferred to a fish transport vessel;
- (h) the observance of any relevant Codes of Practice; and
- (i) the design and construction of a vessel; and the equipment required to be on the vessel.

(7) A fishing permit is not transferable, except as prescribed.

(8) A person who undertakes commercial fishing in contravention of this section commits an offence and is liable, on conviction, to a fine not exceeding **twenty** currency points or to imprisonment for a term not exceeding **one** year, or both.

(9) Any fish found on board the vessel of a person charged with an offence under this section shall be forfeited to the Authority.

(10) Unless the contrary is proved, the owner of a fishing vessel that is used for commercial fishing contrary to this section shall be deemed also to have committed an offence under this section.

82. Research fishing permit

(1) A person shall not undertake research fishing without a valid research permit issued by the competent licensing body.

(2) An application for a research permit shall be made, in the prescribed form, to the competent licensing body and shall be accompanied by-

- (a) a detailed work plan;
- (b) a description of the lake or water body to which the proposed research relates;
- (c) a description of how the research to be undertaken will contribute towards the implementation of the Fisheries Sector Strategic Plan; and
- (d) any information reasonably required by the competent licensing body to enable it to make a determination under this section.

(3) The competent licensing body shall, before issuing a research permit under this section-

- (a) consult relevant local governments and the Lake Management Organisation that has responsibility for the lake or water body on which it is proposed that the research will take place;

- (b) have regard to the Fisheries Sector Strategic Plan and the purposes of this Act.

(4) A research permit granted under this section-

- (a) shall specify the water body or water bodies on which research fishing is permitted;
- (b) shall be valid for a period of up to one year and is renewable;
- (c) shall include a condition that at least one Ugandan scientist be included in the research project to which the permit relates, at the expense of the person to whom the permit is issued;
- (d) shall require the research findings and raw data to be communicated to the competent licensing body within a specified period;
- (e) may impose conditions as the Authority or competent licensing body sees fit;
- (f) shall be issued on the payment of a prescribed fee;
- (g) may permit the use of prohibited fishing gear and methods.

(5) For the purposes of this section research fishing means fishing for scientific, experimental or other research purposes and includes the collection of fish for museums.

(6) A person who undertakes research fishing without a research permit or in contravention of the conditions of a research permit commits an offence and is liable, on conviction, to a fine not exceeding **one hundred** currency points or to imprisonment for a term not exceeding **three** years, or both.

83. Ornamental fishing permit

(1) A person shall not engage in fishing for ornamental fish without a valid ornamental fishing permit issued by the competent licensing body.

(2) An application for an ornamental fishing permit (1) shall be made, in the prescribed form, to the competent licensing body.

(3) The competent licensing body shall, in determining an application under this section, have regard to the purposes of this Act and to the relevant Fisheries Management Strategy.

(4) An ornamental fishing permit shall be subject to prescribed conditions and to payment of the prescribed fee.

(5) A person who engages in fishing for ornamental fish contrary to subsection (1) or in breach of the conditions of a permit commits and is liable, on conviction, to a fine not exceeding **fifty** currency points or to imprisonment for a term not exceeding **one** year, or both.

84. Recreational fishing permit

(1) A person shall not engage in recreational fishing without a recreational fishing permit issued by the competent licensing body.

(2) An application for a recreational permit under subsection (1) shall be made, in the prescribed form, to the competent licensing body.

(3) The competent licensing body shall, in determining an application under this section, have regard to have regard to the purposes of this Act and to the relevant Fisheries Management Strategy.

(4) A recreational fishing permit shall be subject to prescribed conditions and to the payment of the prescribed fee.

(5) A person who engages in recreational fishing contrary to subsection (1) or in breach of the conditions of a permit commits an offence and is liable, on conviction, to a fine not exceeding **50** currency points or to imprisonment for a term not exceeding **one** year, or both.

85. Permits for stocking, transfers and introductions.

(1) A person shall not, without a valid permit issued by competent licensing body -

- (a) stock a water body with live fish, whether taken from that or any other water body;
- (b) transfer live fish from one water body to another;
- (c) introduce any species of fish into the fishing waters.

(2) For the purposes of this section, a reference to a water body in the context of stocking that water body or transferring live fish to it, shall not include the stocking of or transfer of fish to an aquaculture facility.

(3) An application for a permit under subsection (1) shall be made, in the prescribed form, to the competent licensing body shall contain such information as may be reasonably be required so that a determination can be made and shall be accompanied by the prescribed fee.

(4) The Authority shall, before issuing such a permit under subsection (1) -

- (a) consult with local governments, the Lake Management Organisation and Beach Management Units or BMU Associations having responsibilities relating to the affected water body or bodies; and
- (b) have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries Management Strategy.

(5) The Authority shall not issue a permit under this section where there are reasonable grounds to believe that the introduction, transfer or stocking of native or non-native species may harm native fish stocks, livelihoods, biodiversity or the environment.

(6) A permit issued under this section shall be subject to such general conditions as may be prescribed and to such specific conditions as may be necessary to safeguard native fish stocks, livelihoods, biodiversity or the environment.

(7) A person who contravenes subsection (1), or who fails to comply with the conditions of a permit issued under this section commits an offence and is liable, on conviction, to a fine not exceeding **50** currency points or to imprisonment for a term not exceeding **three** years, or both.

86. Local fishing

Local fishing shall be regulated in accordance with the Local Governments Act, subject to any restrictions imposed by the Authority as may be required to give effect to the relevant Fisheries Management Strategy or to minimize threats to fisheries resources not included under a Fisheries Management Strategy.

General provisions Relating to Licences and Permits

87. Licence or permit not to be borrowed

(1) A person shall not borrow or use a licence or permit issued to any other person.

(2) A person who contravenes subsection commits an offence and is liable for each offence on conviction to a fine not exceeding **twenty** currency points.

88. Procedure on loss of licence or permit

Where a licence or permit issued under this Act is accidentally destroyed, defaced or lost, the competent licensing body may, if satisfied as to the destruction, defacement or loss of that licence or permit, and on payment of the prescribed fee, issue to the person a certificate setting out the purport and effect of the licence or permit, and reciting the destruction, defacement or loss, and the certificate shall have the same force and effect as the original licence or permit.

89. Power to restrict number of licences or permits.

The Authority may, with the approval of the Minister, by Notice in the *Gazette*, limit the number of all or any of the licences or permits which may be issued under this Act either generally or in respect of any particular waters or area of Uganda.

90. Display and production of licences.

A licensee shall display at his or her place of business or carry his or her licence on him or her whenever and wherever he or she engages in the activities authorised by or under his or her licence and shall produce his or her licence on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the licensee, the date of issue of the licence and the authority by which it was issued.

91. Prohibition of transfer or assignment of licence or permit

(1) Except in respect of a fishing vessel licence, a licence or permit shall be personal to the holder of the licence or permit and shall not be transferred or assigned.

(2) A licence or permit may be issued to a body of persons, whether corporate or unincorporated and the rights conferred by any licence so issued may, notwithstanding any other provisions of this Act, be exercised by any person authorised in writing by the licence or permit holder.

(3) Any person who transfers or assigns such a licence or permit to any other person commits an offence and is liable on conviction to a fine not exceedingcurrency points, and the licence or permit shall be deemed to have been cancelled as and from the date of the purported transfer or assignment.

92. Fishing vessel licence not transferable

(1) A fishing vessel licence shall be personal to the owner of the vessel concerned at the time of the issue of the licence and shall not be transferred or assigned.

(2) In the event of any contemplated change of ownership of the vessel during the currency of the fishing vessel licence, the person to whom the licence was issued may surrender the licence to the competent licensing body, which shall cancel the licence and thereupon the owner shall be entitled to a refund –

(a) if the unexpired period of the licence is six months or more, of one-half of the prescribed fee; or

(b) if the unexpired period of the licence is less than six months and more than three months, of one-quarter of the prescribed fee.

(3) Any person who purports to transfer or assign a fishing vessel licence commits an offence and is liable on conviction to a fine not exceeding **twenty five** currency points, and the licence shall be deemed to have been cancelled as and from the date of the purported transfer or assignment.

(4) In any proceedings under this Act, the name of any person appearing in any current fishing vessel licence shall be prima facie proof that that person is the owner of the fishing vessel in respect of which the licence was issued.

93. Variation, suspension, cancellation of licences, permits etc.

The competent licensing body may vary, suspend or cancel a licence or permit -

- (a) if the holder has been convicted of an offence under this Act;
- (b) if the licence or permit was granted in error or on the basis of false or misleading information;
- (c) if any of the conditions of the licence or permit have been breached;
- (d) on the request of the holder, subject to such conditions as the competent licensing body considers appropriate; or
- (e) if it is reasonably necessary for the effective management of fishing , the conservation or management of fisheries resources or for the economic benefit of Uganda.

94. Appeals

(1) A person may appeal in writing against a decision of the competent licensing body in respect of-

- (a) a decision to refuse the issue or renewal of a licence or permit issued under this Act; or
- (b) a decision to vary, suspend or cancel a licence or permit.

(2) Where the competent licensing body is a local government or some other duly appointed person, an appeal against a decision of that competent licensing body or person shall be made to the Board.

(3) Where the competent licensing body is the Authority, an appeal shall be made to the Minister.

(4) An appeal shall be lodged within **thirty** days of the date of the relevant decision.

(5) The Minister shall make **regulations** concerning appeals under this section and in particular, the manner in which appeals are to be conducted.

(6) Where an appeal is successful the person hearing the appeal shall at the same time, as appropriate-

- (a) re-determine the application, after which it shall be the duty of the competent licensing body which originally determined the application to give effect to the new determination;
- (b) cancel the decision and restore the licence or permit to which the appeal relates.

(7) Where an appeal is not successful the person hearing the appeal shall give reasons in writing for the decision.

95. Form and duration of licences and permits

Licences and permits shall be in such form and subject to such conditions either generally or in respect of any particular licence as may be prescribed

96. False statements and evidence of application.

- (1) Any person who –
 - (a) makes any statement which he or she knows to be false for the purpose of procuring, whether for himself or herself or any other person, the issue of a licence or permit under this Act;
 - (b) falsely represents himself or herself to be a person to whom a licence or permit has been issued under this Act,

commits an offence and is liable on conviction to a fine not exceeding **one hundred** currency points or to imprisonment for a term not exceeding **three** years or both.

(2) In any proceedings, the fact that a licence or a permit has been issued to a person shall be evidence that the person for the purpose of obtaining that licence or permit made a declaration that he or she was not disqualified from holding or obtaining the licence or permit.

97. Registers

(1) The competent licensing body shall keep the following registers-

- (a) a Fishing Vessel Register; and
- (b) a Permit Register.

(2) The competent licensing body shall, by notice in the *Gazette*, appoint the places at which the registers are to be located and state the hours when they are to be open for inspection by the public.

98. Matters to be shown in Fishing Vessel Register

A Fishing Vessel Register shall contain the following particulars in relation to every vessel currently registered under this Act-

- (a) the name of the vessel;
- (b) the name and postal address of the owner of the vessel:
- (c) the name and postal address of the operator and notified users (if any) of the vessel:
- (d) the vessel identification number:
- (e) whether the vessel is registered as a fishing vessel or a fish transport vessel;
- (f) the period for which the vessel is registered; and
- (g) such other particulars as may be required by regulations.

PART VIII - AQUACULTURE

99. Regulation of aquaculture practices

The Authority, in collaboration with relevant lead agencies, shall regulate all aquaculture practices.

100. Aquaculture permit

(1) Subject to section **104**, a person shall not undertake commercial aquaculture without a valid aquaculture permit issued by the competent licensing body.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding **fifty** currency points.

101. Application for an aquaculture permit

(1) An application for an aquaculture permit shall be made, in the prescribed form, to the competent licensing body, and shall be accompanied by the prescribed application fee.

(2) The competent licensing body, shall, in determining an application under this section, have regard to the purposes of this Act and to the Fisheries Sector Strategic Plan.

(3) The competent licensing body shall, before determining an application under this section, carry out such consultations, in accordance with such procedures as may be prescribed.

(4) Procedures referred to in subsection (3) may require the costs of, and ancillary to Consultation, to be borne wholly or partly by the applicant

(5)The competent licensing body shall not issue a permit under this section unless it is satisfied that-

- (a) the applicant has the legal right to occupy any land required for the operation of the aquaculture facility, and to use the land for that purpose;
- (b) the applicant has the legal right to abstract or use any water required for the operation of the aquaculture facility and to discharge any waste water or effluent from that facility;
- (c) the applicant has complied with the applicable environmental protection legislation, including any requirement to undertake an environmental impact assessment, and that the applicant has obtained the necessary environmental permits or licences, whether provisionally or otherwise;
- (d) the applicant has the necessary skills and experience, either personally or through the employment of suitably qualified staff, to operate the aquaculture facility in a manner that will not harm the environment, fish in adjacent or connected waters, or the quality of those waters; and
- (e) the operation of the aquaculture facility will not harm the environment, fish in adjacent or connected waters, or the quality of those waters.

102. Conditions of aquaculture permits

(1) An aquaculture permit may contain such conditions as the competent licensing body considers necessary to ensure the protection of the environment and fish in adjacent or connected waters including conditions relating to-

- (a) the species and quantities of fish that may be introduced into a particular aquaculture facility;
- (b) the structure, equipment and maintenance practices pertaining to that aquaculture facility, whether provisionally or otherwise;
- (c) measures relating to the health of fish maintained within the aquaculture facility, including the use of any drugs or pharmaceutical applications;
- (d) the types of feed that may be used;
- (e) the disposal of dead fish, waste or other materials resulting from aquaculture.

(2) The competent licensing body shall, in determining the conditions to be included in an aquaculture permit, have regard to guidelines and instructions as may be issued by the Authority from time to time.

(3) An aquaculture permit is not transferable without the written consent of the competent licensing body.

(4) A person who operates an aquaculture facility in breach of the conditions of the relevant aquaculture permit commits an offence and is liable, on conviction, to **twenty five** currency points.

103. Effect of aquaculture permit

An aquaculture permit issued under this section shall confer the exclusive right to harvest the products of the aquaculture facility to the holder of the permit.

104. Small scale aquaculture

(1) The requirement to obtain an aquaculture permit shall not apply to aquaculture undertaken in a small scale aquaculture facility as specified in **Schedule 3**.

(2) Notwithstanding subsection (1), the Authority may issue **regulations-**

- (a) requiring each person to periodically notify the Authority that he or she is undertaking aquaculture and to provide prescribed information;
- (b) temporarily or permanently suspending aquaculture in a specified area;
- (c) setting standards for small-scale aquaculture.

105. Alterations to aquaculture facility

An aquaculture facility shall not be altered without the prior consent in writing of the competent licensing body.

106. Aquaculture not to impair other activities

The competent licensing body shall, in collaboration with local councils and other relevant bodies ensure that-

- (a) aquaculture development is ecologically sustainable and allows rational use of the resource shared by aquaculture and other activities;
- (b) the livelihood, culture and traditions of local communities and their access to fishing grounds are not affected by aquaculture development; and
- (c) the siting of aquaculture facilities does not deprive local communities of access to fishing grounds.

107. Register of aquaculture farmers

The Authority shall maintain a central register of aquaculture permit holders, to which details of all valid aquaculture permits shall be promptly submitted by the Competent licensing body.

108. Monitoring and control of disease in fish

(1) The competent licensing body shall monitor the performance of aquaculture practices within the area of its jurisdiction and shall, if it is a body other than the Authority,

promptly inform the Authority of any breach by the holders of aquaculture permits, of permit conditions.

(2) Where, in the opinion of the Authority, any fish or fish products in any waters are infected with any epidemic disease, the Authority shall, if satisfied with the opinion of the local council, give notice in writing to the owner of the waters, requiring the destruction of all fish or fish products in the waters or the for the taking of such measures as the Authority may specify in the notice.

(3) Any person who receives a notice under subsection (2) shall comply with the requirements set out in the notice at his or her own expense, and in default of compliance, the local council may enter upon the area taken or cause to be taken such measures as may be necessary for complying with the requirements of the notice and any expenses incurred therein shall be recoverable as a civil debt from the person in default.

PART IX - POST HARVEST PRACTICES

109. Conditions for quality management

(1) The Authority shall, by statutory instrument, make **regulations** prescribing conditions necessary for ensuring that consumers are supplied only with safe, wholesome and unadulterated fish and fish products including -

- (a) prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing stations;
- (b) prescribing conditions to which dealers of fish and fish products shall abide;
- (c) requiring the management of fish processing establishments to prepare and implement quality management programmes and own checks;
- (d) monitoring quality management programmes and application of Hazard Analysis and Critical Control Point (HACCP);
- (e) performing microbiological and chemical and physical analyses on fish and fish products before they are released for human consumption;
- (f) certifying the quality of fish and fish products through issuance of a sanitary certificate before they are placed on the market;
- (g) prohibiting the sale of certain types of fish and fish products;
- (h) establishing a traceability system of fish and fish products at any stage from the source; and
- (i) prescribing the manner in which fish and fish products placed on the

market shall be labelled.

(2) The Authority shall prescribe **standards** for hygienic and quality placements in the market, set and adopt minimum **standards** for safety and quality assurance and ensure that the **standards** are applied throughout the fishing industry.

(3) The Authority shall specify hygienic conditions for-

- (a) fish and fish products;
- (b) staff working in fish processing establishments;
- (c) thawing of fish products;
- (d) freezing of fish products; and
- (e) fresh fish products.

110. Post harvest licences

(1) The Minister may, by statutory instrument, make **regulations** for the handling, sale, transport, storage, treatment and processing of fish to promote the value of fish and fish products, and to minimise or prevent risks to human health.

(2) Regulations made under subsection (1) may-

- (a) require any person who operates a fish processing establishment to obtain a fish processing establishment licence in respect of that establishment;
- (b) require any person who transports fish for commercial purposes beyond the borders of a district by road, rail or any other method, to obtain a fish transportation licence;
- (c) require any person who sells or otherwise deals in fish, on either a retail or wholesale basis, other than cooked fish that is sold directly for final consumption, to obtain a fish traders licence;
- (d) set out procedures for the grant of such licences and the conditions to which they may be subject;
- (e) create offences for the breach of such provisions and prescribe penalties not exceeding **two hundred** currency points.

111. Prevention of commercial fraud

The Authority shall establish and maintain effective systems to detect and prevent commercial fraud by requiring every batch of fish or fish products placed on the market

to have a sanitary mark showing-

- (a) the common name and scientific name of fish species;
- (b) the grade;
- (c) the weight;
- (d) the name, postal and physical address of the processor;
- (e) the date and place of manufacture;
- (f) the expiry date; and
- (g) the origin of the product.

112. Fish marketing

The Authority shall, in collaboration with other relevant lead agencies and the private sector, ensure hygienic fish marketing and distribution of fish.

PART X - ENFORCEMENT

113. Authorised officers

For the purposes of this Act the following persons shall be authorised officers-

- (a) officers employed in the Surveillance Unit of the Authority;
- (b) any other officer or employee of the Authority designated as such by the Executive Director;
- (c) the Chairperson of a Beach Management Unit Committee;
- (d) such other elected officers of Beach Management Units whose functions relate to the co-ordination and implementation of fisheries monitoring, control and surveillance activities so designated or appointed in writing by the Authority;
- (e) every police officer above the rank of a corporal;
- (f) a person, or class of persons, being a public officer so designated or appointed by the Authority;
- (g) a wildlife officer, environmental officer or member of the armed forces as the Authority may appoint in writing.

114. Powers of authorised officers

(1) An authorised officer shall have general powers of enforcement on water and land under this Act.

(2) Notwithstanding the generality of subsection (1), powers under that subsection-

- (a) shall include the power, after hot pursuit and pursuant to Uganda's rights under international law, to board a foreign or Ugandan vessel outside the fishing waters and to bring that vessel back within the fishing waters if the authorised officer has reasonable grounds to suspect that it has been used to commit an offence within the fishing waters;
- (b) may, in relation to any vessel in the fishing waters, include the power to-
 - (i) stop the vessel;
 - (ii) require the operator to stop fishing and take his or her gear back on board;
 - (iii) where practical, board the vessel;
 - (iv) require any licence or other document to be produced;
 - (v) search the vessel to determine whether an offence has been committed;
 - (vi) require an operator to take the vessel to any landing site in Uganda for the purpose of a search;
 - (vii) where he or she suspects that an offence has been committed, take the suspects and the vessel to a landing place in Uganda and detain them and the vessel and take them before a competent court;
 - (viii) immobilise a seized vessel to prevent it from being moved;
 - (ix) in the case of suspected fishing by an unregistered vessel or commercial fishing without a licence, seize the vessel together with all equipment and cargo connected with the offence;
 - (x) seize fishing gear suspected of having been used in the commission of an offence;
 - (xi) seize fish suspected of having been taken or fish products produced in the commission of an offence; and
 - (xii) seize documents relevant to an offence.

(3) Powers under this section may be exercised whether or not a vessel involved is being used for fishing.

(4) An authorised officer may arrest without warrant, any person whom he or she reasonably suspects has committed or is in the process of committing an offence under this Act.

(5) Where an authorised officer suspects that any person is in possession of any fish produce unlawfully obtained, he or she may search the person or any baggage, package, parcel, conveyance, vehicle, tent or building under the control of the person.

(6) An authorised officer may seize and detain any fish product, livestock, tools, boats, conveyance, machinery, or other implements which he or she reasonably suspects are liable to be forfeited under this Act.

(7) Where the officer acting under subsection (6) is of the opinion that the thing seized is subject to speedy and natural decay or will entail avoidable expenses on the part of Government, he or she may sell it, and the proceeds of that sale shall be treated in the manner as the thing would have been treated if there had been no sale.

(8) No action shall be brought against an authorised officer or a person acting under his or her direction in respect of any deterioration in quality or value of any fish product, instrument or thing seized under subsection (6).

(9) An officer seizing or detaining any item under subsection (6) shall commence proceedings in respect of which such thing has been seized without delay.

115. Powers of inspection

An authorised officer shall have powers of inspection, which shall include the power to-

- (a) require persons to produce licences;
- (b) inspect fishing gear, fish and fish products, explosive, poisons and similar items;
- (c) require persons to furnish names and addresses and produce identification; and
- (d) stop any vehicle, aircraft vessel or other means of conveyance and enter and inspect and require production of manifests and the like, and answers to questions relating to cargo.

116. Power to enter and search

(1) An authorised officer may, if he or she has reasonable grounds to believe that an offence has been, or is being committed-

- (a) enter onto or into any land, buildings, camps, tents, vehicles, aircraft, vessels and other conveyances;
- (b) search baggage;
- (c) require persons to produce records for inspection and copying;
- (d) seize gear and other things suspected of being used in the commission of an offence;
- (e) seize fish and fish products suspected of having been or attempted to have been reared, caught, processed, exported or imported illegally or possessed in contravention of the law or unfit for human consumption;
- (f) demolish any construction, barrier or trap that appears to have been erected or constructed illegally, or take possession of it in the name of the Government; and
- (g) arrest, without a warrant, any person suspected of having committed or of committing an offence under this Act.

(2) An authorised officer may seize anything under the powers conferred on him or her under this section, whether or not the owner can be found and the officer may-

- (a) break open any hold, container or compartment;
- (b) use any data processing system found on the premises; and
- (c) reproduce any record in the form of a printout and take it.

117. Search warrant

An authorised officer shall not exercise the powers of entry under section **117** in respect of dwelling house without a warrant obtained from a magistrate, after satisfying the court that it is necessary to make a search.

118. Use of force

An authorised officer may use reasonable force to carry out searches and seizures and erect temporary barriers on roads for the purpose of making searches of vehicles and persons.

119. Identification of authorised officers

(1) In the course of exercising any powers conferred by this Part, an authorised officer shall-

- (a) on demand, produce official identification which will show him or her to be an authorised officer; and
 - (b) provide a written receipt for any fish or goods seized by that officer under section **114** of this Act.
- (2) An authorised officer shall exercise the power of arrest conferred by section **114** in accordance with the Criminal Procedure Code Act.

120. Honorary Fisheries Officers

(1) The Minister may appoint suitably qualified persons as Honorary Fisheries Officers, on such terms and conditions as the Minister shall determine, to assist in the implementation of this Act.

(2) The appointment of an honorary fisheries officer shall be effective for an area or for such functions as the Minister shall determine.

(3) An appointment under this section shall be notified in the *Gazette*.

(4) An Honorary Fisheries Officer shall take such oath and have such powers as may be prescribed by the Minister by **regulations**.

Dealings in Fish, Vessels, etc.

121. Security for release of fishing vessels and gear

(1) Where a vessel or fishing gear is seized and the owner, operator or hirer of the vessel or gear or both is charged with an offence under this Act, the owner, operator or hirer of the vessel or fishing gear may apply to the court to release the vessel or gear or both.

(2) The court may, on an application under subsection (1), release the vessel or fishing gear on the furnishing of reasonable security or the execution of a reasonable bond by the owner, operator or hirer.

122. Disposal of seized fish and other perishables

(1) The Authority may, where fish or other perishable products are seized under this Act-

- (a) release the fish or products on obtaining adequate security from the person from whom they were seized; or
- (b) where court proceedings have been instituted, sell the fish or fish products and pay the proceeds into court.

(2) Where live fish is seized, the seizing officer shall release, destroy or otherwise dispose of the fish but where the fish is of a species listed in Appendix 1 to the Convention of Trade in Endangered Species, the fish shall not be disposed of by way of trade.

123. Dealings with arrested persons, seized vessels, etc

(1) A person arrested under this Act shall be brought before the court without delay and, subject to section **122** any thing seized shall also be produced in court.

(2) Where a person is released without being charged or where prosecution is not instituted within thirty days after a person is charged, any thing seized shall be returned to the person from whom it was seized.

(3) Where a person does not appear to answer a charge within ninety days after his or her arrest, any thing seized from that person shall be forfeited to the Government

(4) The Authority shall have a right of appeal against a refusal to order forfeiture under subsection (3).

(5) Where the owner of a seized thing cannot be found within thirty days after it is seized, the seized thing shall be forfeited to the Government and shall be sold and the proceeds of the sale shall be retained by the Consolidated Fund.

(6) Where the court does not order the forfeiture of a seized thing, it shall be returned to the owner.

(7) Where a person is fined by a court, any thing seized from that person shall be detained until the fine is paid or sold to meet the fine or any proceeds from its earlier disposal applied in payment.

(8) The Authority may destroy any seized fish, vessel or fishing gear at its disposal.

PART XI - OFFENCES

124. General offences

Any person who -

- (a) contravenes any of the terms or conditions of a licence or permit issued;
- (b) fails to comply with a Fisheries Strategic Sector Plan; or
- (c) fails to comply with the order of an authorised person, commits an offence and is liable, on conviction, to a fine not exceeding **fifty** currency points, or to imprisonment for a term not exceeding **three** years, or both.

125. Counterfeiting and similar offences

Any person who -

- (a) counterfeits or issues without due authority, any licence or permit;

- (b) is found in possession of a licence which is fraudulently issued;
- (c) submits false information in an application for or licence or permit under this Act;
- (d) counterfeits, alters, obliterates or defaces any stamp, mark, sign or licence or permit issued under this Act;
- (e) knowingly receives or keeps in his or her possession any fish product acquired in contravention of this Act;

commits an offence and is liable, on conviction, to a fine not exceeding **fifty currency points** or to imprisonment for a term not exceeding **three years**.

126. Prohibited fishing methods and gear

(1) A person who-

- (a) uses any explosive, fire-arm, any device capable of producing an electric current, poison, including poison made from natural substance or other noxious substance for killing, stunning, disabling or catching fish;
- (b) uses any fishing method or fishing gear prescribed as unlawful;
- (c) carries any thing referred to in paragraph (a) or (b) in circumstances that indicate an intention to use it; or
- (d) lands, sells, receives, transports or is found in possession of fish, knowing or having good cause to know it to have been taken contrary to paragraph (a),

commits an offence and is liable, on conviction, to a fine not exceeding **fifty currency points** or to imprisonment for a term not exceeding **three years**, or both.

(2) Subsection (1) (a) does not apply to the use of prohibited fishing methods or gear for research fishing in accordance with a valid research fishing permit.

(3) The onus is on the person found with any thing referred to in subsection 1(a) or (b) to prove that he or she was not intending to use it.

(4) Any person who-

- (a) stocks or sells prohibited fishing gear, including nets with unlawful mesh sizes; or
- (b) sells explosives or substances knowing or having good cause to know that they are likely to be used for illegal fishing,

commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding three years.

(5) A person found in possession of any thing referred to in subsection (1) (a) or (b) in the vicinity of a water body shall be presumed, unless the contrary is proved, to intend to use that thing of the purpose of fishing.

126A. Immature fish

Any person who –

- (a) in the fishing waters captures, kills or injures any fish which is immature;
or
- (b) buys, sells, exposes for sale, or is in possession of any fish or part of a fish, which is immature and was taken from any fishing waters, commits an offence and is liable, on conviction to a fine not exceeding currency points or to imprisonment for a term not exceedingyears.

127. Pollution

Any person who-

- (a) disturbs, injures, poisons, kills or detrimentally affects any fish, fish spawning ground including any aquatic plant life or food of fish in any part of the fishing waters by casting, discharging or allowing to fall, flow or percolate into those waters, oil, chlorinated hydrocarbon, biocide, pesticide, toxic or any other substance heavy metal or other material or rubbish; or
- (b) places any pollutants in a place where by natural means they can be washed into or otherwise reach the waters, commits an offence and is liable, on conviction, to a fine not exceeding **one hundred** currency points or to imprisonment for a term not exceeding **five** years, or both.

128. Offences relating to authorised officers

Any person who-

- (a) assaults or obstructs an authorised officer in the performance of his or her duties;
- (b) refuses or neglects to comply with lawful orders and directions issued under this Act;
- (c) fails to answer questions or produce anything required to be produced under the Act;
- (d) refuses or resists a lawful search or inspection;
- (e) prevents a person from complying with this Act; or

(f) supplies false information to an authorised officer, commits an offence and is liable, on conviction to a fine not exceeding ten currency points or to imprisonment for a term not exceeding three years.

129. Penalty for violating fish quality standards

Any person, who does not comply with the fish quality standards prescribed by or under this Act, commits an offence and is liable, on conviction –

- (a) for supply of a fish establishment for the export market, to a fine not exceeding **five hundred** currency points imprisonment not exceeding **five years, or both** for a first offence and for subsequent offence a fine not exceeding **one thousand** currency points or a term of imprisonment not exceeding **seven** years or both;
- (b) for supply of fish to the internal market, to a fine not exceeding **fifty** currency points or imprisonment not exceeding **two years or both**;
- (c) for an exporter, in case of a first offence, to a fine not exceeding **five hundred** currency points or imprisonment not exceeding **five years, or both** and, in addition, the court shall order revocation of the export licence.

130. General penalty.

A person convicted of an offence under this Act for which no penalty is provided is liable-

- (a) in the case of a first offence, to a fine not exceeding **fifty currency points** or imprisonment for a term not exceeding **three years** or both; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding **seventy currency points** or imprisonment for a term not exceeding **four years** or both.

131. Power of court to confiscate and order forfeiture.

(1) The court by which a person is convicted of an offence under this Act may order the forfeiture of-

- (a) any fish product in respect of which the offence was committed or which was found in that person's possession; or
- (b) any vehicle or other conveyance, machinery goods or equipment, fishing gear implement, appliance, material, container, weapon or other thing which was used to commit the offence or which was capable of being used to take, fish products found in his or her possession and used in respect of the commission of the offence; or

(2) Any fish product forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of as the Authority may determine; and the proceeds shall be retained by the Authority.

132. Power of court to order compensation

A person who is convicted of an offence against this Act may be held liable for any loss or damage caused by the offence and may be ordered by the court to pay-

- (a) to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the fish products; or
- (b) up to ten times the amount of any fees or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

133. Offences by bodies corporate

Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director or manager of the body corporate or any other person actually or purportedly in control of the activity that gave rise to the offence, that person shall be liable to be proceeded against and punished accordingly.

134. Deprivation of monetary benefits

A court convicting a person of an offence under this Act may summarily and without pleadings, inquire into the money benefit acquired or saved by the person as a result of the commission of the offence and may, in addition to other penalty imposed, impose a fine equal to the court's estimation of that monetary benefit, despite any maximum penalty elsewhere provided.

135. Cancellation of licences or permits

The court may, on convicting a person granted a licence or permit of an offence against this Act-

- (a) order that the licence or permit be cancelled; or
- (b) disqualify that person from obtaining a licence or permit for a period as the court thinks fit.

136. Further powers of court.

A court, on convicting any person for an offence against this Act, may order that person, within a time specified in the order, to do any act that the person had failed, refused or neglected to do.

137. Reward to informers

Where on conviction for an offence against this Act or any contravention of the

provisions of this Act, a fine is imposed, the court may award any sum not exceeding half the total fine to any person not appointed under this Act who gave information leading to the conviction.

138. Abandoned vessel, gear, fish or fish products

(1) Where an authorised officer has reason to believe that, any fishing gear, vessel, fish or fish product has been abandoned for the purpose of avoiding prosecution, he or she shall apply to court for an order to dispose of the gear vessel, fish or fish product.

(2) Where a fishing vessel or fishing gear or fish product is abandoned, and the authorised officer believes that any person is liable to be investigated, searched or arrested in connection with the commission of an offence under this Act, or that, that person has absconded to any place within or outside Uganda, or has concealed himself or herself so that he or she cannot be searched, arrested or otherwise investigated, the authorised officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or control of the suspect.

139. Power of officers to prosecute

(1) An officer of the authority or an authorised officer, may prosecute offences under this Act, subject to the directions of the Director of Public Prosecutions.

(2) Subject to the directions of the Director of Pubic Prosecutions, an officer of the authority or an authorised officer shall, in any prosecution under this Act, exercise all the powers of a public prosecutor appointed under any law in force.

140. Administrative Penalties

(1) Subject to subsections (5) and (6) where an authorised officer has reasonable grounds to believe that a person has committed an offence under this Act, the authorised officer may serve an administrative penalty notice on that person.

(2) An administrative penalty notice issued under subsection (1) shall-

- (a) specify the date and nature of the alleged offence;
- (b) contain a summary of the facts which the authorised officer alleges constitute an offence in sufficient detail for the accused person to reasonably be able to understand the nature of the allegation;
- (c) be endorsed with a statement setting out the provisions of this section;
- (d) specify the amount of the fixed penalty payable in respect of the offence which is alleged to have been committed; and
- (e) give details, including the address, of the court to which payment is to be made in accordance with subsection (3).

(3) A person on whom an administrative penalty notice has been served under subsection (1) may within [30] days admit the offence in writing, by notice addressed to the authorised officer, and immediately pay into court a fixed penalty in accordance with regulations.

(4) A person on whom an administrative penalty notice has been served who denies by notice in writing to the authorised officer that an offence has been committed or who fails to respond to the administrative penalty notice within **thirty** days shall be liable, in the discretion of the prosecuting authorities, to prosecution in respect of the alleged offence.

(5) An administrative penalty notice shall not be issued under this section until such time as **regulations** have been issued by the Minister specifying the offences in respect of which fixed administrative notices may be served and the amount of any penalty payable in respect of such offences.

(6) An administrative penalty notice shall not be served in respect of the offence of obstructing, assaulting or threatening an authorised officer with violence in any event.

(7) A person who admits having committed an offence described in an administrative penalty notice but who fails to pay the fixed penalty into court within **forty five** days of the date of the administrative penalty notice is liable to punishment by the court up to the maximum punishment applicable for that offence.

PART XII - MISCELLANEOUS

141. Research and training.

The Minister shall, in consultation with relevant lead agencies and local councils-

- (a) carry out or commission research for the purpose of conservation, development and utilisation of fisheries resources, and for the conservation of biological diversity resources; and
- (b) ensure the training of officers of the Authority and other public officers for the development and sustainable management of fisheries resources.

142. Access to information

(1) Every citizen has a right of access to any information relating to the implementation of this Act, submitted to or in the possession of the State, a local council, the Authority or a responsible body.

(2) A citizen desiring information under subsection (1) shall apply to the relevant body under subsection (1), and shall be granted access to the information on the payment of the prescribed fee, if any.

143. Restrictions on access to information

Freedom of access to information under section 142 does not extend to-

- (a) proprietary information, which is treated as confidential;
- (b) information related to ongoing enforcement activities;
- (c) personal information relating to the staff of the Authority.

144. Statistical information

(1) The Authority may require applicants for licences and permits to provide it with information concerning fishing as the Authority may request.

(2) The Authority may require commercial fishers, persons engaged in aquaculture, whether under a permit or not, fish wholesalers and retailers, fish processors, fish transporters, and owners of catering establishments to make returns of fish caught, landed, transported, processed, bought or sold by them.

145. Regulations

(1) The Minister may, by statutory instrument, make regulations generally for the better carrying out of the purposes of this Act and may, without prejudice to the generality of the foregoing, make regulations in respect of any or all of the following matters –

- (a) prescribing any matter or thing required to be prescribed under this Act;
- (b) prescribing the size and type of net and the materials of which nets may be composed, the size and type of long line, trap or other appliance which may be used either generally or in any particular water or areas of Uganda and in connection with the capture of fish generally or in respect of any particular species of fish;
- (c) prescribing the places at which and the times within which fish may be landed or disposed of either generally or in respect of any particular area or areas;
- (d) providing for the organisation, deployment, terms and conditions of service and discipline of employees, of the **surveillance unit**, and issuance of arms, ammunitions and accoutrements, uniforms and other supplies to the unit;
- (e) regulating and controlling the marketing, purchase, sale and processing, of fish either generally or in respect of any particular area or areas;
- (f) regulating and controlling fish culture, fish farming and fish breeding;

- (g) the principles by which the fees, if any, for any licence or permit may be determined by the competent licensing body;
- (h) prohibiting or regulating trade in fisheries products and genetic materials;
- (i) the notification of diseases dangerous to fish and the measures to be taken to control or eradicate the notified diseases;
- (j) the introduction of alien and exotic species;
- (k) prescribing the manner and circumstances in which a licence may be granted, varied, suspended or cancelled;
- (l) the conservation, sustainable management or utilisation and protection of fisheries resources including the establishment of closed areas and the declaration of close seasons, the prescription of the limits on the amounts, sizes and weights of fish caught, retained or traded;
- (m) the control and prohibition of methods of fishing and protection of fish stocks and their habitats from the actual or potential effects of pollution or from the actual or potential effects of measures taken to eliminate or control pollution;
- (n) measures to protect wetlands, and fish breeding grounds from damage caused by specific fishing methods or the clearing or collection of aquatic plants;
- (o) the manner of and conditions for recognition by the Government of associations and other bodies that represent fishers, fish processors, fish farmers and persons in other sectors of the fishing industry;
- (p) the prescribing of fish for which a licence to fish should be required by persons other than commercial fishers;
- (q) the licensing of fishing activities, including any activity related to fishing and the imposition of standard conditions in respect of all or any specific fishing licences;
- (r) limiting the numbers of fishing and other licences, permits and registrations, whether generally or specifically;
- (s) regulating recreational and local fishing, including restrictions on the amount of fish that may be caught;

- (t) regulating the import and export of live freshwater or marine fish and fry and their spawn, any other aquatic organisms and aquatic plants;
- (u) promoting and controlling the cultivation of fish including the issue by the Authority of Codes of practice for the maintenance and operation of aquaculture facilities and the control of diseases of fish including the destruction of any live fish stocks;
- (v) regulating the landing of fish and the control, handling and transportation of fish and fish products and the publication by the Authority, of Codes of Practice in relation to the handling, transportation and marketing of fish and fish products;
- (w) regulating or prohibiting the taking or possession of fish smaller or larger, than a specified size;
- (x) regulating or prohibiting any method of fishing;
- (y) regulating or prohibiting the possession or use of any kind of gear, equipment, or device used for, or related to, fishing;
- (z) regulating or prohibiting the use of fishing vessels or fish carriers;
- (aa) regulating the methods, equipment, and devices to be used for determining the size or weight of any fish;
- (bb) regulating the methods, equipment, and devices that maybe used to process fish, and prohibiting the processing of fish, otherwise than by that method or by use of such equipment or devices;
- (cc) regulating the methods by, or the circumstances under which, fish may be held, stored, conveyed, or identified, including the use of any containers, marks, or labels;
- (dd) prescribing details and conditions relating to the registration of fishing vessels and fish carriers and related matters, the method or methods of identifying fishing vessels and fish carriers, the identification marks or symbols or distinguishing flags to be carried by such vessels and by tenders and similar vessels carried by or attached to or used in conjunction with registered vessels, and the identification marks on sails, nets or seines, and other gear used in fishing, by vessels or otherwise;
- (ee) prescribing forms and other documents required for the purposes of this Act;

- (ff) prescribing the matters in respect of which fees or charges are payable under this Act, the amounts of those fees or charges, or the methods or rates by which they are to be assessed and the persons liable for payment of those fees or charges;
- (gg) closing an area or assets to commercial fishing, or prohibiting a method or methods of commercial fishing within an area or areas, for the purpose of better providing for recreational fishing;
- (hh) providing for the restocking of water bodies;
- (ii) designating the competent authority for the issuing of licences and permits;
- (jj) specifying information concerning fisheries activities to be provided to the Authority and the form, format and frequency within which the information is to be submitted;
- (kk) prohibiting the catching of immature fish, either generally or in respect of any specified area.

(2) Regulations made under this section may be of national application or may apply only to a single lake, water body or part of a water body.

(3) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable to a fine not exceeding **fifty** currency points, or to imprisonment for a term not exceeding **five** years, or both

146. Guidelines

The Authority may issue guidelines and codes of practice relating to aspects of fisheries and fisheries management

147. Amendment of Schedules

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend **Schedule 1**.

(2) The Minister may, by statutory instrument, amend Schedules **2** and **3**.

PART XIII- REPEALS, SAVINGS AND TRANSITIONAL

148. Repeal and savings

(1) The Fish Act is repealed.

(2) The Trout Protection Act is repealed.

(3) A statutory instrument made under any of the Acts repealed by subsection (1), and which is in force immediately before the commencement of this Act, shall unless a contrary intention appears, remain in force, so far as it is not inconsistent with this Act until it is revoked by regulations made under this Act and until that revocation, shall be deemed to have been made under this Act.

149. Existing licences and permits

(1) A licence or permit issued under the Fish Act repealed by section 148, and which is in force immediately before the commencement of this Act-

- (a) shall have effect from the commencement of this Act as if granted under this Act; and
- (b) in the case of licence or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(2) Any agreement or similar arrangement made under any of the Acts repealed by section 148 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

150. Transfer of assets and liabilities.

All property and assets vested in the Fisheries Department before the commencement of this Act shall vest in the Authority, subject to all interests, liabilities, obligations and trusts affecting the property.

151. Employees of Department of Fisheries Resources.

(1) Every person who, immediately before the coming into force of this Act, was employed in the Directorate of Fisheries Resources shall, on the coming into force of this Act, cease to be an employee of the Directorate of Fisheries Resources and is entitled to terminal benefits and pensions in accordance with the terms and conditions of service of that employee.

(2) The Authority may, on the commencement of its operations, accept into its employment, every person who, immediately before the coming into force of this Act, was employed in the Department of Fisheries Resources.

(3) A person referred to in subsection (2) who is employed by the Authority shall be employed on terms and conditions of service not less favourable than the terms and conditions of service to which he or she was entitled immediately before the coming into force of this Act.

SCHEDULE 1

Section 5

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

SCHEDULE 2

MEETINGS OF THE BOARD

1. Meetings of the Board

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least four members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, the members present shall elect one of their number to preside at that meeting.

2. Quorum

(1) The quorum for a meeting of the Board is **five** members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The **Executive Director** shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Executive Director in the presence of the members present at the latter meeting.

4. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Authority, to attend and take part in the proceedings of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not-

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

SCHEDULE 3

Section 104

SMALL SCALE AQUACULTURE ACTIVITY

Aquaculture activities shall be considered to be small-scale aquaculture -

- (a) in the case of aquaculture using a pond or other separate water body, the size of the pond is less than 21,000 square metres; or
- (b) in the case of cage culture, the size of the cages is not greater than 100 square metres of cages within an area of one square kilometre; or
- (c) intensive fish production systems.?

Cross References

Criminal Procedure Code Act, Cap.116.

Fish Act, Cap 197.

Local Governments Act, Cap 243.

National Agricultural Advisory Services Act, 2001.

National Environment Act, Cap 153.

Trout Protection Act, Cap 199.