

THE FISHERIES REGULATIONS [ARRANGEMENT OF SECTIONS]

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SECTION 8-FISHERIES REGULATIONS. *Regulations by the Minister*

*Statutory
Instrument
55 of 1986
198 of 1986
16 of 1989
42 of 1993
Act No.
13 of 1994*

PART I

PRELIMINARY

1. These Regulations may be cited as the Fisheries Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"appropriate fee" means the fee prescribed by the Minister in exercise of his powers contained in section *twenty one* of the Act;

"draw net" means any net ordinarily used for encircling and hauling fish onto a shallow bank for capture;

"gill net" means a multifilament twine net customarily left drifting or stationary in water and which captures fish by meshing;

"kutumpula" means any fishing method whereby fish are driven into a stationary gill net or monofilament net;

"licence" means a fishing licence issued under regulation 3;

"monofilament net" means any net made of a single solid filament material for the web of a net.

PART II

LICENCES AND CONTROL OF FISHING

3. No person shall, without a fishing licence issued by the Director in Form 3 set out in the First Schedule, fish in any commercial fishing area set out in column 1 of the Second Schedule.

Fishing licence

4. (1) No person shall use for fishing, in any commercial fishing area set out in column 1 of the Second Schedule, any of the nets specified in column 2 of the Second Schedule.

Prohibited
fishing
equipment

(2) The restriction imposed in sub-regulation (1) shall apply only to the extent described in column 3 of the Second Schedule.

(3) No person shall use a draw net to fish in the open waters or along the shores of Lake Bangweulu.

(4) Any person who is found in any commercial fishing area, in

possession of any fishing equipment the use of which is prohibited under this regulation shall be guilty of an offence.

5. No person shall fish in any commercial fishing area by *kutumpula*. Prohibited fishing method

6. (1) No person shall fish in any commercial fishing area set out in column 1 of the Third Schedule. Prohibited fishing area

(2) The restriction imposed in sub-regulation (1) shall apply only to the extent described in column 2 of the Third Schedule.

(3) The prohibition imposed by sub-regulation (1) shall apply only during the period described in column 3 of the Third Schedule.

7. (1) An application for a fishing licence shall be made on or before the 31st October in each year, and shall be in Form 2 set out in the First Schedule. Application for fishing licence

(2) The Director shall not consider any application for a fishing licence unless he is satisfied that the applicant has given at least thirty days notice of his intention to make such application.

(3) The notice referred to in sub-regulation (2) shall be made in Form 1 set out in the First Schedule, and shall be published in the *Gazette* and in two consecutive issues of a newspaper circulating in the area in which such fishing is intended, and the period of thirty days mentioned in sub-regulation (2) shall be calculated from the date of the last publication of such notice.

(4) Any person who makes or causes to be made any false statement in any application made under this regulation shall be guilty of an offence.

(5) Evidence given on application for issue of a licence shall be given on oath.

8. (1) Within twenty-one days after the last publication of the notice Notice of

referred to in sub-regulation (2) of regulation 7, any person may object to the issuance of the fishing licence by lodging with the Director an objection in writing and serving a copy on the applicant. intention to object

(2) The objection referred to in sub-regulation (1) shall-

(a) state the grounds in support of the objection; and

(b) include an address at which service of notices and other documents may be effected

9. (1) The Director may issue a licence subject to such terms and conditions as he thinks fit.

Issue and duration of licences

(2) The Director shall not issue a licence under sub-regulation (1) unless the appropriate fee has been paid by the applicant.

(3) Subject to the provisions of these Regulations, a licence shall continue in force until the 31st December, next following the date of issue and shall thereupon expire.

10. (1) The Director shall not issue a licence to any person who-

Restrictions on issue of licences

(a) in the opinion of the Director is under the age of twenty-one years; or

(b) is an undischarged bankrupt or has entered into a composition or a scheme of arrangement with his creditors which is still binding; or

(c) has, within a period of five years immediately preceding the date of his application, been convicted of an offence against the Bankruptcy Act; or

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(d) has been disqualified from holding a fishing licence by a court under regulation 26, while such disqualification remains in force.

(2) Where the Director rejects an application for a licence or decides that there is no merit in any objection under regulation 8, he shall give his reasons for doing so to the applicant or to the objector as the case may be.

11. The Director shall cancel a licence in respect of which facts become known which, had they been known at the time of the application, the licence would not have been issued. Cancellation of licence

12. Any person aggrieved by a decision of the Director may, within sixty days of receiving information of such decision, appeal to the Minister. Appeals

13. (1) Where a licensee dies the licence shall be deemed to have been transferred to his successors in title or personal representatives for the unexpired period. Transfer of licences

(2) Save as provided in this regulation, a licence shall not be transferrable.

PART III

GENERAL

14. (1) The Director shall keep or cause to be kept a register of licences in which shall be entered- Register of licences

- (a) the name and address of every holder of a licence;
- (b) the area in respect of which a licence is granted; and
- (c) any other information relating to licences.

(2) The register referred to in sub-regulation (1) may be inspected on the payment of the appropriate fee.

15. (1) Where a licence is lost, destroyed or defaced the licensee may in Form 4 set out in the First Schedule, apply to the Director for a duplicate, and the Director shall, if satisfied that such licence is lost, destroyed or defaced, issue a duplicate to such licensee.

Duplicate
licence

(2) Every duplicate licence shall state the fact.

(3) Every application under this regulation shall be accompanied by the appropriate fee.

16. (1) Where the licensee is a partnership and its composition changes otherwise than by the death of a partner, such change shall be notified to the Director as soon as is practically possible.

Partnership

(2) A licence issued to a partnership shall become void at the expiration of three months from the date of a change in the composition of such partnership if the Director has not been notified of such change under sub-regulation (1).

17. (1) A licensee who has a place of business shall display his licence at all times, in a prominent position.

Display of
licences

(2) Any licensee who contravenes sub-regulation (1) shall be guilty of an offence.

18. No person shall use any pesticides as a means of curing, preserving, processing or storing fish in any commercial fishing area.

Use of
pesticides

19. (1) Where in, a prosecution for an offence against these Regulations, it is alleged that a person is not the holder of a licence, it shall be presumed that such person is not the holder of such licence until the contrary is proved.

Evidence

(2) Where an offence is committed against these Regulations by a body corporate, any person who at the time of the commission of the offence, was a director, general manager or secretary of such corporation shall be

guilty of such offence unless he proves that-

- (a) the offence was committed without his knowledge or consent; or
- (b) he exercised all diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions.

20. (1) Any person convicted of an offence under these Regulations shall be liable upon conviction to a fine not exceeding one hundred and twenty five penalty units and in addition, where the offence continues, to a fine not exceeding thirteen penalty units for each day during which the offence continues. Penalties

(2) Where a licensee is convicted by a court for an offence-

- (a) against these Regulations;
 - (b) any written law providing for the control of prices;
 - (c) any written law providing for the control of weights and measures; or
 - (d) any written law relating to the substance or quality of goods;
- the court may endorse such conviction on the licence and may in addition to any other penalty lawfully imposed for such offence order-
- (i) that the licence be cancelled; and
 - (ii) that the licensee be disqualified from holding a licence for such period as the court may think fit.

(3) Notwithstanding the provisions of sub-regulation (2) the court shall not endorse a licence or make an order for the cancellation of any licence or for the disqualification of the licensee, if the licensee proves-

- (a) that he did not commit the offence knowingly or wilfully; or
- (b) he had taken reasonable steps to prevent the commission of the

offence, where the offence is committed by his employee or agent.

(4) Where a licence is endorsed or an order for cancellation or disqualification is made under sub-regulation (2), the court shall inform the Director of such endorsement or order, and the Director shall enter or cause to be entered in the register of licences maintained under regulation 14 the particulars of such endorsement or order.

(5) Where a licensee appeals against an endorsement or order made under regulation 14 a court may suspend the operation of such order subject to such conditions as it may think fit pending the determination of such appeal.

(As amended by Act No. 13 of 1994)

FIRST SCHEDULE

(Regulations 3, 7 and 15)

PRESCRIBED FORMS

FORM 1

REPUBLIC OF ZAMBIA

THE FISHERIES ACT.

(Cap. 200)

THE FISHERIES REGULATIONS

NOTICE OF INTENTION TO APPLY FOR A FISHING LICENCE

(Regulation 7)

Full name

Postal address

Business name (if any)

Area(s) in which fishing is to be done

.....

Applicant

FORM 2

REPUBLIC OF ZAMBIA

THE FISHERIES ACT (CAP 200)

THE FISHERIES REGULATIONS
APPLICATION FOR A FISHING LICENCE

(Regulation 7)

Part I

1. Full name
2. Postal address
3. Business name (if any)
4. Area(s) in which fishing is to be done
-

Part II

5. If the applicant is an individual, state:
- (a) Residential address
 - (b) Date of birth
 - (c) National Registration Card No
 - (d) Citizenship details (state whether by birth and if by naturalisation or by registration give Certificate No.)

Part III

6. If the applicant is a body corporate or a co-operative society, state:
- (a) Registered office
 - (b) Date of formation
7. Give details in the case of a body corporate, all directors and, in the case of a co-operative society, all officers:

*Citizenship
Details (as No. of*

	<i>Country of</i>	<i>Date of</i>	<i>in (5 (d))</i>	<i>Shares</i>
<i>Full Name</i>	<i>Residence</i>	<i>Birth</i>	<i>above</i>	<i>Held</i>

8. If any of the shareholders are companies, are any of the shareholders of those companies non-Zambians?

.....

Part IV

9. If the applicant is in partnership give details of all partners:

			<i>Citizenship Percentage</i>	
			<i>Details (asNo. of interest</i>	
	<i>Country of</i>	<i>Date of</i>	<i>In 5 (d))</i>	<i>in</i>
<i>Full Name</i>	<i>Residence</i>	<i>Birth</i>	<i>above</i>	<i>Partnership</i>

10. My/our intention to apply for a fishing licence was published in the Government Gazette on
and in the.....
newspaper on-

(a)

(b)

and the Government *Gazette* and newspaper cuttings are enclosed.

11. I,a.....

.....of.....

hereby declare that the information given in this application is true and correct to the best of my knowledge and belief.

Dated the.....day of.....19.....

.....

Applicant

FORM 3

REPUBLIC OF ZAMBIA

THE FISHERIES ACT
(CAP 200)

THE FISHERIES REGULATIONS

FISHING LICENCE

(Regulation 3)

No.....

A fishing licence is hereby granted to.....

.....

of

to fish in.....

..... up to and including.....

This licence is subject to the following condition(s).....

.....

.....

Fee paid K..... (.....kwacha).

.....

Director

Date.....

FORM 4

REPUBLIC OF ZAMBIA

THE FISHERIES ACT
(CAP 200)

THE FISHERIES REGULATIONS

APPLICATION FOR ISSUE OF A DUPLICATE FISHING LICENCE

(Regulation 15)

1. Full name
2. Postal address
3. Business name (if any)
4. Area(s) in respect of which original licence was issued.....

.....

5. I/We apply for a duplicate of licence Nowhich was
issued to me/us on....., 19.....

6. Brief statement outlining the circumstances under which the licence was lost,
destroyed or defaced:

.....

.....

.....

7. The prescribed fee of K (.....kwacha) for a
duplicate licence is enclosed.

Dated the..... day of....., 19.....

.....

Applicant

(Regulation 2)

SECOND SCHEDULE

(Regulation 4)

THE FISHERIES REGULATIONS

COMMERCIAL FISHING AREAS, SPECIFIED NETS AND EXTENT OF RESTRICTION

<i>Column 1</i> <i>Commercial Fishing Area</i>	<i>Column 2</i> <i>Specified Nets</i>	<i>Column 3</i> <i>Extent of Restriction</i>
BANGWEULU COMMERCIAL FISHING AREA		Seine/Draw net of any
mesh	Throughout the area size	
	Gill net of a mesh size less than 51 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
KAFUE COMMERCIAL FISHING AREA		Seine/Draw nets of
any mesh	Throughout the area size	
	Gill net of a mesh size less than 76 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
KARIBA COMMERCIAL FISHING AREA		Seine/Draw nets of
any mesh	Throughout the area size	
	Gill net of a mesh size less than 76 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
	Kapenta nets of a mesh size less than 8 mm	Throughout the area
LAKE TANGANYIKA COMMERCIAL FISHING		Mono-filament net of a
AREA	Throughout the area mesh size less than 120 mm	
	Kapenta nets of a mesh size less than 10 mm	
LUKANGA SWAMP COMMERCIAL FISHING		Seine/Draw nets of
any mesh	Throughout the area	

AREA	size	
	Gill net of a mesh size less than 51 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
LUSIWASHI COMMERCIAL FISHING AREA		Seine/Draw nets of
any mesh	Throughout the area	
	size	
	Gill net of a mesh size less than 76 mm	Throughout the area
MWERU-LUAPULA COMMERCIAL FISHING		Seine/Draw nets of
any mesh	Throughout the area	
	size	
	Gill net of a mesh size less than 51 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
	Seine nets except those used for (Chisense)	
	Poecilothrissa Moerruensis	Throughout the area
MWERU-WANTIPA COMMERCIAL FISHING		Seine/Draw nets of
any mesh	Throughout the area	
AREA	size	
	Gill net of mesh size less than 76 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area
	Seine nets except those used for (Chisense)	Throughout the area
	Poecilothrissa Moeuruensis	
UPPER ZAMBEZI COMMERCIAL FISHING		Seine/Draw nets of
any mesh	The Zambezi River Channel	
AREA	size	only
	Gill net of a mesh size less than 76 mm	Throughout the area
	Mono-filament net of a mesh size less than 120 mm	Throughout the area

(As amended by S.I. No. 198 of 1986)

(Regulation 3)

THIRD SCHEDULE

(Regulation 6)

PROHIBITED FISHING AREA

[illegible]