

PROPOSED AMENDMENTS OF THE FISHERIES ACT, CAP 279

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|---|---|--------------------------|------------------------|---|--------------------------------|----------------------|
| <p>An act to repeal and replace the Fisheries Act, 2003, to make provisions for sustainable development, protection, conservation and control of fish, fish products, fishery and for related matters.</p> <p>PART I</p> <p>PRELIMINARY PROVISIONS</p> | | | | | | |
| Short title and commencement | <p>1. This Act may be cited as the Fisheries Act, 2003 and shall come into operation on a date which the Minister may by notice published in the <i>Gazette</i>, appoint.</p> | <p>-Retained-</p> | | <p>1. Sheria hii itanukuliwa kama sheria ya Uvuvi ya mwaka 2003 na itanza kutumika tarehe ambayo waziri atoa notisi kwenye gazeti la serikali</p> | | |
| Interpretation | <p>2. For the purpose of this Act, unless the context requires otherwise-</p> <p>“Act” means the Fisheries Act, 2003; “approval number” means a unique combination of letters and numbers</p> | <p>-Retained</p> | | <p>2. Kwa ajili ya madhumuni ya sheria hii, isipokuwa kama inahitajika vinginevyo-</p> <p>Sheria maana yake sheria ya Uvuvi ya mwaka 2003</p> <p>"Idhini ya kibali" maana yake ni mchanganyiko wa herufi na namba za maalum zilizowekwa na Mkurugenzi kwa kiwanda cha kuchakata</p> | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---------------------|------------------------|---|--------------------------------|----------------------|
| | assigned by the Director to a fish processing establishment located on land or a fishing vessel for the purpose of showing that the establishment or a fishing vessel has been inspected and conforms with the required layout and standards; | | | mazao ya Uvuvi kilichopo nchi kavu au chombo cha uvuvi kwa madhumuni ya kudhibitisha kuwa kiwanda hicho kimekaguliwa na kinakidhi viwango vinavyotakiwa | | |
| | Aquatic Flora” means all aquatic plants and other members of the aquatic plants Kingdom including corals, spongers and weeds | -Retained- | | "Mimea ya kwenye Maj" maana yake ni mimea yote ya majini ikiwa ni pamoja na matumbawe, na magugu | | |
| | “Aquatic | -Retained- | | "Tabaka la chini ya maji” ni | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|---|------------------------|---|---|----------------------|
| | substrate” means an rock, stones, gravel, sand, shell, limestone, dead coral, whether or not moved from its natural location | | | mwamba, mawe, changarawe, mchanga, chokaa, mawe ya matumbawe, kama hayakuhamishwa kutoka eneo lake la asili | | |
| | “Artisanal fisheries” means categories of fisheries that are of small scale and not commercially oriented, using relatively small amount of capital and in which fishers have usually a traditional involvement with fishing | -Retained- | | "Uvuvi wadogo" ni wavuvi wanautumia zana duni na aghalabu huwa na kiasi kidogo cha mtaji | | |
| | | adding the following new definition: - “auction market” means a facility where fish from the primary production are landed, presented | | | Tafsiri mpya iliyoongezwa ni: - "soko la mnada" ni maana kituo ambapo samaki kutoka eneo la uzalishaji hushushwa ili kuuzwa kwa umma | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|---|---|----------------------|
| | | and sold to public; | | | | |
| | | | | | | |
| | "Auditor" means a fish inspector authorized to check on compliance of quality standards regulations issued under this Act | -Retained- | | "Mkaguzi" maana yake ni mkaguzi wa samaki aliyeidhinishwa ili kufuatilia utekelezaji wa kanuni za viwango vya ubora ziliyotolewa chini ya Sheria hii | | |
| | "authorized associations" means anybody of persons incorporated or not incorporated and includes a beach management unit declared so under this Act | -Retained- | | " Vyama vyenye mamlaka " maana yake ni mtu yeyote kwa kujumuishwa au bila kujumuishwa ikiwa ni pamoja vikundi vya Usimamizi shirikishi vilivyotangazwa chini ya Sheria hii | | |
| | "authorized officer" means the Director or any fisheries officer or a member of beach management unit or other person authorized in writing by the Director to exercise any power or | modifying the definition of "Authorised Officer" to read "Authorized officers" means the Director or officers in charge of licensing and | | "Afisa aliyeidhinishwa" ni Mkurugenzi au Afisa wa uvuvi au mwanachama wa kikundi cha usimamizi shirikishi wa rasilimali za uvuvi au mtu mwingine aliyeidhinishwa kwa maandishi na Mkurugenzi kutumia mamlaka , kutekeleza kazi yoyote chini | Tafsiri ya "Afisa aliyeidhinishwa" imeboreshwa ili isomeke: wa kusoma "Maafisa walioidhinishwa" maana yake ni Mkurugenzi au maafisa wanaohusika | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|---|------------------------|--|--|----------------------|
| | to discharge any duty under this Act or any subsidiary legislation made under this Act; | enforcement procedures, as well as the fisheries inspectors and fisheries officers or other person appointed as such in writing by the Director to discharge any duty under this Act or any subsidiary legislation made under this Act; | | ya Sheria hii au sheria yoyote ndogo iliyotungwa chini ya Sheria hii; | na taratibu za utoaji leseni na utekelezaji, pamoja na wakaguzi wa uvuvi na maafisa wa uvuvi au mtu mwingine aliyechaguliwa kama vile kwa maandishi Mkurugenzi wa kutekeleza wajibu wowote chini ya Sheria hii au sheria yoyote ndogo inayofanywa chini ya Sheria hii; | |
| | "batch" means a quantity of fish or fishery products obtained under practically identical circumstanc; | | | " mazao yaliyoyozalishwa kwa pamoja " ni kiasi cha samaki au mazao ya samaki yaliyozalishwa katika mazingira yanayofanana | | |
| | "beach management unit" means a group of devoted stakeholders in a fishing community whose main function is management | modifying the definition of "beach management unit" to read "Beach management unit" | | "Kikundi cha ulinzi shirikishi wa rasilimali za Uvuvi " ni kikundi cha wadau waliojitolea katika jamii ya uvuvi ili kuhifadhi, kusimamia na kulinda rasilimali za uvuvi katika | Tafsiri ya neno "kikundi cha ulinzi" imeboreshwa na itasomeka kama "Kikundi cha ulinzi" maana yake ni kundi | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|--|------------------------|--|---|----------------------|
| | conservation and protection of fish in their locality in collaboration with the government; | means a group of devoted stakeholders in a fishing community whose main function is management, conservation and protection of fisheries resources and its environment in their locality in collaboration with the government. | | eneo lao kwa kushirikiana na serikali; | la wadau wa wanaojitolea katika jamii ya uvuvi ambao kazi yao ni usimamizi, uhifadhi na ulinzi wa rasilimali za uvuvi na mazingira yake katika eneo lao kwa kushirikiana na serikali. | |
| | | Adding new definitions "biodiversity" means the variability from all sources among living organisms including diversity within species (genetic diversity), between species | | | Kuongeza tafsiri mpya "bioanuwai" ni tofauti iliyopo miongoni mwa viumbe hai ikiwa ni pamoja na utofauti wa aina na mazingira; | |

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|-------|--|---|------------------------|--|---|----------------------|
| | | and of ecosystems | | | | |
| | | “biotechnology” means the use of biological systems to produce products, process or service” | | | "Bioteknolojia" maana yake ni matumizi ya mifumo ya kibiolojia kuzalisha bidhaa, kuchakata huduma | |
| | “beach seine” means a fishing net designed to hang vertically in the water, the ends being drawn together to the beach while the foot rope drags through the fishing ground; | The principal Act is amended by inserting immediately after the word “water” the words ‘when operated’ and inserting the word ‘are’ immediately after the word “ends” in the definition of “beach seine”; | | “kokoro” maana yake ni wavu wa kuvulia uliotengenezwa kwa ajili ya kuning’inizwa mshazari ndani ya maji, unapotumika miisho yake huzamishwa pamoja wakati mlezi wa chiniunaburuta kwenye sakafu ya eneo la maji; | Sheria hii imerekebishwa kwa kuingiza baada ya neno "maji" maneno 'wakati yameendeshwa' na kuingiza neno 'ni' mara baada ya neno "kumaliza" katika ufafanuzi wa "kokoro"; | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiko |
|-------|---|--|------------------------|--|--|--------------------|
| | | <p>“brood stock” is a group of sexually mature individual species that is under breeding stage in the wild kept intentionally for sustaining the stock;</p> | | | <p>"Kizazi" ni kikundi cha kijinsia zilizokomaa zilizo katika hatua ya kuzaliana zilizowekwa katika mazingira ya uasili ili zitunzwe;</p> | |
| | <p>“buffer zone” means beach area measured immediately after the highest water mark and it extends landwards to 260 metres; the first 60 metres can be authorized for safe used on temporary basis while the next 200 metres can be used for different purposes subject to permission granted by the Minister responsible for lands</p> | <p>The principal Act is amended by inserting immediately after the words “first 60 metres can be” the words “authorized for safe” and the words “and other relevant authorities after the word “lands” in the definition of “buffer zone”;</p> | <p>For clarity</p> | <p>"Eneo la huru" ni eneo la bahari mara baada kupima eneo lenye kina kirefu na linaendelea hadi mita 260; mita 60 za kwanza zinaweza kuidhinishwa kwa usalama kutumika kwa muda mfupi wakati mita 200 zinazofuata zinaweza kutumika kwa madhumuni tofauti kulingana na idhini iliyotolewa na Waziri anayehusika na ardhi na mamlaka husika;</p> | <p>Sheria hii imebadilishwa kwa kuingiza mara moja baada ya maneno "mita 60 za kwanza "yaliyoruhusiwa salama" na maneno "na mamlaka nyingine baada ya neno" ardhi "katika ufafanuzi wa" eneo la huru";</p> | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|---|----------------------|
| | and other relevant authorities ; | | | | | |
| | | <p>adding the following new definitions:-</p> <p>“capture fisheries” means fishing practices in natural water bodies;</p> <p>“canning” means a process of preserving fish and fishery products in hermetically sealed and sterilized containers;</p> <p>“by-catch” means species (or size class) in a fishery targeting other species (or a different size</p> | | | <p>Tafsiri zifuatazo zimeongezwa -</p> <p>"uvuvi wa asili" ni uvuvi unaofanyika katika ya maji ya asili;</p> <p>"kusindikwa" ni mchakato wa kuhifadhi samaki na bidhaa za uvuvi katika vyombo visivyoruhusu hewa;</p> <p>"Samaki waliokamatwa bila kukusudia" ni aina za samaki waliokamatwa bila kukusudia</p> | |

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|-------|---|--|------------------------|--|--|----------------------|
| | | range of the same species); | | | | |
| | “chief fisher” means a person in charge of a fish landing station; | -retained- | | "Mvuvi mkuu" maana yake ni mtu anayesimamia kituo cha kutua samaki; | | |
| | “chiller” means a suitable insulated hold or room where fish or fishery product is kept at a temperature between 0 ⁰ C and 4 ⁰ C; | modifying the definition of “chiller” to read:- “chiller” means a machine that chills fish or fishery product at a temperature between 0 ⁰ C and 2 ⁰ C; | | "kipooza joto" ni chumba ambacho samaki au bidhaa za uvuvi huhifadhiwa kwenye joto kati ya 0 ⁰ C na 4 ⁰ C; | Tafsiri ya kipooza joto imeboreshwa ili isomeke :- mashine inayopooza samaki au mazao ya uvuvi katika kati ya 0 ⁰ C na 2 ⁰ C | |
| | “chilled product” storage hold” means suitable hold or room with a cooling medium in which a product is stored at a temperature between 0⁰C and 2⁰C; | The principal Act is amended by inserting immediately after the word “stored” the words “at a temperature between 0⁰C and 2⁰C;” in the definition of “chilled product | | "Bidhaa zilizopoozwa" kuhifadhiwa "inamaanisha kufaa au chumba kwa kiwango cha baridi ambacho bidhaa huhifadhiwa kwenye joto kati ya 0 ⁰ C na 2 ⁰ C; | | |

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|-------|--|---|------------------------|---|--|----------------------|
| | | storage hold” | | | | |
| | “chilling” means the process of cooling fish or fishery product to temperature approaching that of melting ice (0°C); | deleting the words “a fish” and substituting for it the word “fishery” in the definition of “chilling” | | "upoozaji" ni kitendo cha kupooza samaki au bidhaa za uvuvi karibu na joto la barafu inayoyeyuka (0°C); | kufuta maneno "samaki" kwa kuingiza neno "uvuvi" | |
| | | adding the following new definition:- “closed area” means a specified aquatic habitat where fishing activities are prohibited for a specified period and purposes; | | | Tafsiri ifuatayo imeongezeka - "eneo lililofungwa" linamaanisha eneo la maji ambalo shughuli za uvuvi zinaruhusiwa kwa wakati maalum; | |
| | ‘coastal zone" means the area from the baseline of territorial sea landward side to 60 meters as prescribed by the Land Act, the land adjacent to natural or manmade | -Retained- | | ‘eneo la Pwani" ni lina eneo kutoka kwa msingi wa eneo bahari ya chini ya ardhi hadi mita 60 kama ilivyoielezwa na Sheria ya Ardhi, ardhi ya karibu na miili ya maji ya asili au ya manmade au alama ya maji; | | |

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|-------|---|--|------------------------|--|---|----------------------|
| | water bodies or water mark; | | | | | |
| | "cold store" means an approved premise where fish or fishery product is stored at temperature of - 18 C or lower; | Retained- | | "chumba baridi" ni chumba au eneo ambalo samaki wamwhifadhiwa na lina joto la - 18 C au chini; | | |
| | "closed period" means any period during which, in relation to any specie or kind of fish, or aquatic flora, such fish, or aquatic flora, as the case may be, may not be captured, killed, injured, gathered or collected; | Retained- | | "kipindi cha kufunga uvuvi" ni kipindi ambacho, kimezuiliwa kuvua, kukusanya mazao ya uvuvi. | | |
| | | adding the following new definitions:- “collaborative fisheries management” means an | | | Kwa kuongeza tafsiri mpya ifuatayo - "Maeneo ya usimamizi wa pamoja" maana yake ni utaratibu ambapo watumiaji | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|--|----------------------------|---|---|----------------------|
| | | arrangement where resource users and the government share responsibilities in the sustainable management and development of fisheries resources; | | | wa rasilimali hushiriki na serikali katika usimamizi na maendeleo ya rasilimali za uvuvi; | |
| | | “collaborative fisheries management area” means a local management area within geographical areas of freshwater and marine territorial waters of Tanzania; | | | | |
| | “commercial fisher” means any person who engages in fishing for the purpose of catching | modifying the definition of “commercial Fisher” to read:- ‘Commercial | For clarity, for certainty | Mvuvi wa kibiashara ni mtu yeyote anayejihusisha na uvuvi kwa ajili ya biashara | Imeboreshwa ili isomeke:- Mvuvi wa kibiashara ni mtu yeyote, shirika | |

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|-------|--|---|------------------------|--------------------------------------|--|----------------------|
| | fish for sale; | fisher' means any person or an enterprise engaged in the activity of catching fish from capture fisheries mainly for commercial or sale purposes | | | anayejihusisha na uvuvi kutoka maji ya asili kwa ajili ya biashara au kuuza | |
| | | adding the following new definitions:- "complementary products" means all products used and added before, during and after the production, preparation, processing or transformation of fishery products, including ice, packaging and all ingredients for processing fish | | | tafsiri mpya iliyoongezwa:- "Bidhaa za ziada" inamaanisha bidhaa zote zinazotumiwa na kuongezwa kabla, wakati na baada ya uzalishaji, aandalizi, usindikaji wa mazao ya uvuvi, ikijumisha na barafu, vifungashio na viungo inavyotumika katika uchakataji wa mazao ya uvuvi | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|---|--------------------------------|----------------------|
| | | and fishery products; | | | | |
| | "competent authority" means the Director or any other officer delegated by the Director to perform functions under this Act; | -Retained- | | "Mamlaka yenye uwezo" maana yake ni Mkurugenzi au afisa mwingine yeyote aliyetumwa na Mkurugenzi kufanya kazi chini ya Sheria hii; | | |
| | | adding the following new definitions:- Competent person means | | | | |
| | | adding the following new definitions:- "connected establishment" means any facility developing an activity linked with the fish processing and transformation, including ice production, fish | | akiongezea ufafanuzi mpya - "shughuli zinazoenda pamja na shughuli za kiwanda" ina maana kiwanda ambacho kazi zake zimeunganishwa na kazi za kiwanda kingine cha uchakataji wa mazao ya uvuvi ikiwa ni pamija na uzalishaji wa barafu na kinachozalisha shughuli inayohusishwa na usindikaji wa samaki na mabadiliko, ikiwa ni pamoja na uzalishaji wa barafu, | | |

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|-------|--|---|------------------------|---|---|----------------------|
| | | trans-boarding, fish transportation and fish storage | | upakiaji, usafirishaji na uhifadhi | | |
| | "critical deficiency" means any condition or malpractice observed in the establishment, which can lead to fish becoming unsafe or unwholesome; | Modify by deleting the word "deficient" and replace it with "Deficient" | For clarity | "upungufu uliokithiri" inamaanisha hali yoyote au ukiukwaji wa masharti na vigezo uliofanywa katika kiwanda ambayo unaoweza kusababisha samaki kuwa salama au | imeboreshwa kwa kufuta neno "deficiency" na kuweka neon "Upungufu" | |
| | | adding the following new definitions:- "Court" means any Court established under The Constitution of the United Republic of Tanzania, The Magistrate Court Act and Appellate jurisdiction Act as may be established from | | | tafsiri ifuatayo imeongezwa - "Mahakama" maana yake ni Mahakama yoyote iliyoanzishwa chini ya Katiba ya Jamhuri ya Muungano wa Tanzania, Sheria ya Mahakama na Sheria ya Mamlaka ya rufaa ambayo inaweza kuanzishwa kwa ajili ya kuamua migogoro ya uvuvi au makosa | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|---|----------------------|
| | | time to time with powers to hear and determine fisheries dispute or offences | | | | |
| | | adding the following new definitions:- "Containment" action of keeping something harmful under control within the limit | | | akiongeza ufafanuzi mpya wafuatayo - "kudhibiti" hatua ya kuweka kitu kibaya chini ya udhibiti ndani ya kikomo | |
| | "critical habitat" means a habitat that is essential for maintaining integrity of an ecosystem, species or assemblages of species; | -Retained- | | | | |
| | "critical limit" means a physical value of chemical or biological parameter which separates | -Retained- | | | | |

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|-------|---|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | acceptability from unacceptability; | | | | | |
| | "corrective measure" means any action or activity that can be used to eliminate hazard or reduce their impact or occurrence to acceptable levels; | -Retained- | | | | |
| | "control measure" means any action or activity that can be used to eliminate hazard or reduce their impact or occurrence to acceptable levels; | -Retained- | | | | |
| | "consignment" means a quantity of fish or fishery products destined for one or more customers within or outside the country and conveyed by any means of transport; | -Retained- | | | | |
| | "controlled area" | -Retained- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | means an area declared to be a restricted area under this Act; | | | | | |
| | "coral" means a living or dead calcareous skeleton secreted by polyploid coelenterates of class Anthozoa; | -Retained- | | | | |
| | "dam" includes any fixed obstruction used for the purpose of retaining or controlling the flow of water; | -Retained- | | | | |
| | "defrosting" means the process of removing frost and ice from freezer and freezer store, refrigerated plate or coils, by the introduction of heat, or brushing and scraping; | -Retained- | | | | |
| | "dehydration" means the loss of moisture from a frozen product | Modify by deleting the word "dehydration" by | For clarity | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | through evaporation; | the word "Dehydration" | | | | |
| | | "designated landing site" means a specific area bordering a lake, dam, river, or sea water where fishers are required to land fish or fishery product for sale; | | | | |
| | "Director" means the Director of Fisheries appointed under Section 4 of this Act | -Retained- | | | | |
| | "disinfectant" means a chemical agent that renders an object free from micro-organisms without adversely affecting the object; | -Retained- | | | | |
| | | Adding the following new definition:- Fisheries designated areas means (Section v, | | | | |

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|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | subsection h) | | | | |
| | | Adding the following new definition: - “drying” means a process of preserving fish and fishery products by subjecting the same to the sun or any other action to decrease body moisture content; | | | | |
| | "enforcement officer" means an officer appointed by the Director to perform duties prescribed in Part VIII of this Act; | Modified by deleting the word “Part VIII of” | For clarity | | | |
| | | Adding the following new definition: - “ endangered species ” means any species of aquatic flora or fauna that are in | | | | |

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|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | danger of extinction and are protected from capturing, trading, processing or preparing for domestic use; | | | | |
| | "fish" means all forms of aquatic or amphibious life including finfish, dolphin, whale, dugong, shell fish, turtles and includes spat, brood, fry, spawn, ova and young of all such fish, but does not include any aquatic or amphibious animal which the provisions of the Wildlife Conservation Act, 1974, apply or young of such animals | Modified my deleting the words "1974 apply or young of such animals" and replacing with "2009 or as may be amended from time to time" | For clarity | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | "estuary" means an area where river water mixes with sea water or lake water; | - Retained- | | | | |
| | | adding the following new definitions: - “exotic fish” means fish which is not indigenous to Mainland Tanzania | | | | |
| | export" means taking away of fish, fishery products and aquatic flora from the country to any other place outside Mainland Tanzania; | - Retained- | | | | |
| | "explosives" means a dynamite or bomb; or blasting agent, detonators or any material used in the manufacture of explosives; | - Retained- | | | | |
| | “fish establishment” | modifying the | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | means any premise or vessel where fish or fishery products are prepared, processed, frozen, packaged or stored; but does not include auction and wholesale markets in which only display and sale by wholesale takes place; | definition by deleting the word “fish” immediately after the words “ fish or” and substituting for it with the word “fishery” in the definition of “fish establishment” | | | | |
| | "fishery" means every area, locality or place or stations in or which fishing gear is used, set or place or located and also the area, tract or stretch of water in or from which fish may be taken by such fishing gear; | - Retained- | | | | |
| | "fish dealer" means any person other than a fisher who sells, barter or offers for sale any fish or fish products, and | - Retained- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | including every person or body of persons whether incorporated or unincorporated, engaged in the buying, bartering, exposing for sale, preparing, processing, packing or storing, landing or transshipping, any fish or fish products, but does not include a hotel, restaurant, cafeteria or other similar establishment which the Minister may declare not to be a fish dealer for the purpose of this Act.; | | | | | |
| | “Fish Inspector” means an officer designated under Section 5 (5) (c) of this Act; | modifying the definition of “Fish Inspector” to read: - “Fisheries Inspector” means an officer | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>appointed under Section 5 (5) (c) of this Act charged with responsibilities prescribed under this Act.</p> | | | | |
| | | <p>a) Adding new definition b) "fisheries" means the places connected with the activities comprised in, the fishing industry, including, the technical scientific objects, acts, processes or systems relating to; c) Business of fishing including aquatic flora</p> | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>d) Construction or creation of spawning grounds for the purpose of taking or facilitating the taking of fish</p> <p>e) Manufacture of articles or things connected with or for the purpose of the fishing industry</p> <p>f) Control of fishing</p> <p>g) Creation, grant and determination of fishing rights</p> <p>h) Reproduction or multiplication of fish</p> <p>i) Fish and fishery related</p> | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>products.</p> <p>j)</p> | | | | |
| | | <p>adding the following new definition:</p> <p>“Fingerlings” means young fish about the size of a human finger that has reached the stage where the fins can be extended and scales have started to develop throughout the body.</p> | | | | |
| | <p>“fishing weir” means any erection, structure, construction or obstruction, placed across or in any water temporarily or permanently</p> | <p>Modifying the definition by replacing the word “temporary” and substituting for it with “temporarily” in the definition of “fishing weir”</p> | <p>For clarity</p> | | | |

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|-------|--|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | fixed to or resting on the bed or a bank, which is designed for the purpose of collection, gathering, capturing, killing fish or aquatic flora, and includes stake, net and basket trap; | | | | | |
| | "fish sanitary certificate" means an official document issued by competent authority for the purpose of attesting the quality of fish and fishery products at the time and site of its departure | -Retained- | | | | |
| | | adding the | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>following new definitions means:- “fish treatment establishment ” means any facility where fresh fish are only partially transformed including gutting, de-heading, filleting, cutting and where fish are always sold fresh and chilled;</p> | | | | |
| | | <p>adding the following new definitions means:- “fish processing establishment ” any facility or plant</p> | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>where fish are processed or transformed, including freezing, canning, smoking, salting, drying, frying and packing before marketing;</p> | | | | |
| | <p>"fisher" means an individual who takes part in fishing, conducted from a fishing vessel, a platform whether fixed or floating or from the shore;</p> | <p>-Retained-</p> | | | | |
| | <p>"fisheries officer" means an officer appointed under this Act to exercise any of the functions</p> | <p>-Retained-</p> | | | | |

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|-------|---|--|----------------------------|--------------------------------------|--------------------------------|----------------------|
| | allocated to the officer under this Act; | | | | | |
| | "fish net or net locally known as Juya la Kojani or Kavogo or any other applicable name" means a net with mesh size below 76 mm (3 inches) which are uniform from wing to code-end and while in use its foot rope drags through the fishing ground while the ends are being drawn together; | Modify the current definition to read:- Fish net means any net approved by competent authority to carryout fishing activities. | For clarity, for certainty | | | |
| | "fisheries protection vessel" means a vessel not engaged in commercial activities, deployed by the state, for the purpose of monitoring, control, surveillance and law enforcement; and is clearly | -Retained- | | | | |

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|-------|---|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | identifiable being a government service | | | | | |
| | "fishing" means collecting, capturing, gathering, killing, snaring or trapping of fish or aquatic flora; | -Retained- | | | | |
| | "fishing effort" means the level of fishing, as may be defined inter alia, by the number of fishing vessels, number of fishers, amount of fishing gear and the time spent fishing or searching for fish | -Retained- | | | | |
| | "Fishing gear" means any net, line, cork, buoy, basket, trap, hook or other article apparatus, structure construction or installation whatsoever used for | -Retain- | | | | |

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|-------|---|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | the purpose of fishing; | | | | | |
| | "fishing ground" means an area or locality in any water body where fishing activity is conducted | -Retained- | | | | |
| | "fishery product" means anything made, extracted or obtained from fish or aquatic flora | -Retained- | | | | |
| | "fishing vessel" means vessel, boat, ship or any other navigable craft which is used for fishing or related activities, and includes all its equipment; | -Retained- | | | | |
| | "foreign fishing vessel" means a fishing vessel which is not registered in the United Republic of Tanzania and does not fly the | -Retained- | | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | flag of United Republic of Tanzania | | | | | |
| | | <p>adding the following new definition:-</p> <p>“freezing” means subjecting fish and fishery products to a quick refrigeration until obtaining a maximum temperature of -18°C;</p> | | | | |
| | <p>“fresh product” means a fish product whether whole or prepared, which has not undergone any treatment to ensure</p> | <p>modifying the definition of “fresh product” to read: -</p> <p>“fresh product” means a fish or fishery product whether whole or</p> | For clarity | | | |

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|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | preservation, other than chilling, and includes fish product packed under vacuum or in a modified atmosphere; | prepared, which has not undergone any treatment to ensure preservation, other than chilling , and includes fish or fishery product packed under vacuum or in a modified atmosphere; | For clarity | | | |
| | “frozen product” means a fish product which has undergone a freezing process to reach a core temperature of -18°C or lower, after temperature stabilization; | Modifying the definition by inserting immediately after the words “ a fish ” the word “ fishery ” in the definition of “frozen product” and replacing “- | For clarity | | | |

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|-------|---|--------------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | 18°c” by “negative 18°c” | | | | |
| | "fresh water sport fish" means any fish exploited for leisure in lakes, dams or rivers and includes the young and the eggs thereof | -Retained- | | | | |
| | "genetic resource" means genetic material of actual potential value | -Retained- | | | | |
| | "gill net: means a fishing gear made of thread with standard measurement of 26 meshes deep and ninety meters long used for capturing fin fish by gill operculum | -Retained- | | | | |
| | "Government fishing vessel" means any fishing vessel belonging to or in the services of the United Republic of | -Retained- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | Tanzania | | | | | |
| | | <p>adding the following new definition:-</p> <p>“frying” means a process of preserving fish and fishery products by placing in boiling cooking oil until they are cooked;</p> | | | | |
| | <p>“good manufacturing practice” means a combination of manufacturing and quality control procedures aimed at ensuring that products are consistent manufactured to their specifications;</p> | <p>substituting the word “consistent” with the word “consistently” in the definition of “good manufacturing practice”</p> <p>adding the following new definition:-</p> | For clarity | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>“habitat” means the environment in which fish live, including everything that surround and affects its life: e.g., water quality; bottom; vegetation; associated species (including food supplies);</p> | | | | |
| | <p>"hazard" means a biological or chemical agent or physical condition with the potential to cause harm and includes any of the following-</p> <p>(a) contamination or re-contamination to unacceptable levels, with a biological, chemical or physical agent or a material, semi finished</p> | <p>Modifying the definition by substituting the word “agent” with the word “agents” in the definition of “hazard”</p> | <p>For clarity</p> | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | <p>or unfinished products;</p> <p>(b) or other undesirable microbial metabolites, generations of chemical, growth or survival of micro-organisms to unacceptable levels in raw materials, semi finished or finished products; and</p> <p>(c) production or persistence to unacceptable levels, or toxins or other undesirable microbial metabolites;</p> | | | | | |
| | <p>"Hazard Analysis and Critical Control Point (HACCP)" means approach used-</p> <p>(a) to assess the potential hazards associated with the</p> | <p>modifying the definition of "Hazard Analysis and Critical Control Point (HACCP) to read: -</p> <p>"Hazard Analysis</p> | | | | |

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|-------|---|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | <p>production, processing, preparation and distribution of fish and the risk and severity of each hazard;</p> <p>(b) to identify appropriate preventive, control or measures that can be applied to prevent, eliminate or reduce the hazard to acceptable levels;</p> <p>(c) to provide assurance that the appropriate prevention; control or corrective actions have been applied correctly;</p> | <p>and Critical Control Point (HACCP)” means approach used to:- assess the potential hazards associated with the production, processing, preparation and distribution of fish and the risk and severity of each hazard; identify appropriate preventive, control or measures that can be applied to prevent, eliminate or reduce the hazard to acceptable levels; provide assurance that the appropriate prevention, control or corrective actions have been</p> | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | applied correctly; | | | | |
| | <p>“immature” in relation to any species of fish means a fish of that specie which is smaller in size or length than the size or length prescribed in this Act;</p> | <p>modifying the definition of “immature” to read:</p> <p>“immature fish” means any species of fish which is smaller in size, weight or length than the size, weight or length and its reproductive organs are not mature as shall be prescribed by the Minister;</p> | | | | |
| | <p>"hygiene" means all measures necessary to ensure safety, soundness and wholesomeness of the product at all stages from reception to</p> | -Retained- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | final delivery; | | | | | |
| | “import” means the bringing into the country any fish or fishery product and aquatic flora from any place outside Mainland Tanzania | modifying the definition by substituting the words “ Tanzania Mainland ” with the words “ Mainland Tanzania ” in the definition of “import” | For clarity | | | |
| | "immature" in relation to any specie of fish means a fish of that specie which is smaller in size or length than the size or length prescribed in this Act; | -Retained- | | | | |
| | | adding the following new definitions:- “ industrial fishing vessel ” means fishing vessels involved in fishing activity, | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | equipped with cold store and where fish is transformed, processed and packed on-board; | | | | |
| | | “international conservation and management measures” means measures to conserve or manage one or more species of living aquatic resources that are adopted and applied in accordance with the relevant rules of international law; | | | | |
| | | adding the following new definitions:- “illegal fishing” means fishing | | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>activities conducted by national or foreign vessel and or operators in territorial waters without the permission or in contravention of laws and regulations; “illegal fishing techniques” means methods for catching fish that are detrimental to the resources and environment, and or contravene this Act;</p> | | | | |
| | <p>"industrial fisheries" means categories of fisheries that are of large scale, commercially oriented and which employ advanced</p> | <p>modifying the definition by substituting the words “techonology” with “technology”</p> | <p>For clarity</p> | | | |

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|-------|---|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | techonolgy; | | | | | |
| | "interested party" means any group of persons recognized by management authority as having legitimate interest in the resource being managed; | -Retained- | | | | |
| | "internal trade" means purchasing or selling of fish or fishery product within the country; | -Retained- | | | | |
| | | "laboratory" means the National Fisheries Quality Control laboratory established under section of this Act; | | | | |
| | "landing" means the bringing of fish, fishery product or aquatic flora to the harbour, port or beach | -Retained- | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | from within or outside the territorial waters for the first time after being caught; | | | | | |
| | "length" means:- (a) in relation to a fishing vessel the overall length of the vessel from forward part of the stem to the side or rim timbers; (b) in relation to a lobster, the distance from the head carapace to the end of the body shell (abdominal length) measured along a line parallel to the centre line of body shell; | -Retained- | | | | |
| | "Licensing officer" means an officer empowered by the Director to issue licences. | modifying the definition of "Licensing officer" to read: - Licensing officer" means an officer | For clarity | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | charged with the responsibilities of issuing licences as defined under this Act; | | | | |
| | "local authority" means district authority, or an urban authority as ascribed to it under the Local Government (District) Authorities Act, 1982 or the Local Government (Urban) Authorities Act, 1982; | -Retained- | | | | |
| | "major deficiency" means any condition in a product or environment including equipment and materials which if not corrected within reasonable time is likely to cause adverse health conditions to | -Retained- | | | | |

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|-------|---|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | consumers and or the quality of the product; | | | | | |
| | "management" for the purpose of fish processing establishments, includes any person in charge of an establishment; | -Retained- | | | | |
| | "mesh" means the opening or space in a net enclosed by threads of the net or, in the case of a wire net, by the strands of wire; | substituting the word "stands" with the word "strands" in the definition of "mesh" | For clarity | | | |
| | | Adding new definition 'migratory fishers' means a fisher who shall be allowed to stay and conduct fishing in any identified fish camp (dago) after fulfilling all | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | fishing legal requirements and accepted by the relevant authorities | | | | |
| | "Minister" means the Minister for the time being responsible for fisheries | -Retained- | | | | |
| | | | | | | |
| | "mollusc" means a large phylum of invertebrates without segments or limbs, usually having a mantle or folds of skin that secretes a shell, members of the phylum include lamellibranchs , gastropods, cephalopods and scaphopods; | Modify by "substituting the word "lamellibranchs" with the word " lamellibranchs " in the definition of "mollusc" | For clarity | | | |
| | "net" means fishing gear made of thread or wire or any other | modifying definition of "net" to read | | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | material designed to be used for the purpose of collecting, capturing, gathering, killing fish or aquatic flora; | “net” means “intertwined material made of twine or wire or any other material designed to be used for the purpose of collecting, capturing, gathering, killing fish or aquatic flora; | | | | |
| | | adding the following new definition:- “ornamental fish” means fish deliberately used for aquarium or recreational ; | | | | |
| | "oyster" means any mollusc of any species of genus Crassostrea | -Retained- | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | "owner" as applied to registered fishing vessel or gear, means the registered owner or holder of a fishing licence;; | modifying the definition of "owner" to read: - "owner" as applied to registered fishing vessel, vehicle or gear, means the registered owner, and as applied to any other vessel or gear means the actual owner of licence, fishing net shop, fish and fishery products, vehicle or fish establishment ; | | | | |
| | "poison" means any natural or synthetic chemical used to kill fish; | The principal act is amended by modifying the definition of | For clarity | | | |

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|-------|--|---|------------------------|---|--------------------------------|----------------------|
| | | "poison" to read: - "poison" means any natural or synthetic chemical used to harm, disrupt physiological wellbeing or kill fish and other aquatic organisms | | | | |
| | "processing" means cleaning, filleting, icing, packing, canning, freezing, smoking, salting, drying or otherwise preparing of fish or fish products for marketing; | -Retained- | | | | |
| | "product of aquatic flora" means anything made out, or composed wholly or partly of any aquatic vegetation; | -Retained- | | "Mazao ya mimea ya majini" inamaanisha kitu chochote kinachojumuisha, au sehemu ya mimea ya majini; | | |
| | "registered tonnage" | -Retained- | | " uzito uliosajiliwa " | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|---------------------|------------------------|--|--------------------------------|----------------------|
| | in relating to a vessel means the tonnage appearing on her certificate of registry; | | | kuhusiana na chombo inamaanisha uzito wa chombo unaooneka kwenye hati ya usajili ya chombo; | | |
| | "responsible fisheries" means the principles and standards applicable to conservation, management and development of all fisheries and it covers the capture, processing and trade of fish and fishery products, fishing operations, aqua culture, fisheries research and integration of fisheries into coastal area management; | -Retained- | | "Uvuvi unaozingatia wajibu" maana yake ni kanuni na viwango vinavyotumika kwa uhifadhi, usimamizi na maendeleo ya rasilimali za Uvuvi inashughulikia kukamata, usindikaji na biashara ya samaki na bidhaa za uvuvi, shughuli za uvuvi na usimamizi wa eneo la Pwani; | | |
| | "stakeholder" means a person or group of persons or institution whose interests are | -Retained- | | | | |

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|-------|---|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | materially affected, either directly or indirectly, by fishing and fishing related activities subject to this Act; | | | | | |
| | "sea fishery" means fisheries of the waters which are to the seaward of the high water mark | -Retained- | | | | |
| | "semi-industrial fishing" means the categories of fisheries that are small scale, commercially oriented, using small amount of capital but without traditional involvement; | -Retained- | | | | |
| | "surveillance" means checking and ensuring compliance with control measures imposed under this Act in fishing and related | -Retained- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|---|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | activity; | | | | | |
| | "Tanzania fishing vessel or local vessel" means a fishing vessel registered or licensed under this Act which is owned wholly by one or more persons each of whom is a citizen of the United Republic, or by a body corporate or incorporated under and subject to the laws of the United Republic and has its principal place of business in the United Republic also includes a Government fishing vessel; | -Retained- | | | | |
| | "transshipment" means the unloading of all or any of fish or | -Retained- | | | | |

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|-------|--|---------------------|------------------------|--------------------------------------|--------------------------------|----------------------|
| | fishery products or product of aquatic flora on board a fishing vessel to another fishing vessel or cargo vessel, a cargo vessel either at sea or in port without the produce being recorded by the port state as landed; | | | | | |
| | "water pollution" means the introduction by man directly or indirectly of substances or energy into sea water or freshwater including estuaries which results into or is likely to result in such deleterious effects as harmful to fish and other living organisms, hazard to human health, | -Retained- | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | hindrance to marine activities, including fishing, impairment of quality for the use of sea or freshwater and reduction of amenities; | | | | | |
| | "wholesome fish or fishery product" means fish or fishery product which product is not decomposed, trainted or consisting of undesirable foreign materials such as petroleum products, solvent or solid materials (organic or inorganic) and other organisms such as parasites, insects per a sample unit. | Modify the definition by deleting the word " Product " after the word "which" and replacing the word " trainted " with the word " tainted " | For clarity | | | |
| | | adding the following new definitions:- | | | | |

| Title | The Fisheries Act No. 22 of 2003 (Current Act) | Proposed Amendments | Reasons for Amendments | Translated Fisheries Act (Kiswahili) | Proposed Amendments(Kiswahili) | Sababu za Mabadiliko |
|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | <p>“restocking” means the release of cultured juveniles into the wild to restore the spawning biomass of severely overfished stocks to levels at which they can once again provide sustainable yields;</p> | | | | |
| | | <p>adding the following new definitions:-</p> <p>“restoration order” means an order requiring the person convicted of</p> | | | | |

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|-------|--|--|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | damaging the environment to reinstate its original form or state; | | | | |
| | | <p>“salting” means a process of using salt to preserve fish and fishery products;</p> <p>“sanitary mark” means a specific mark or label printed or placed in a container or package containing fish or fishery product(s) to allow identification and traceability</p> | | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | of fish or fishery product(s); | | | | |
| | | <p>“smoking” means a process of fish preservation and flavouring which consists of subjecting fish and fishery products to cold or warm smoke for a given period;</p> <p>“Subsistence fisher” means an individual who catches fish for household consumption.</p> | | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | “surveillance” means checking and ensuring compliance with control measures imposed under this Act in fishing and related activity ; | Modify the definition by substituting the word “activity” with the word “ activities ” in the definition of “surveillance” | For clarity | | | |
| | “territorial waters” means the waters within the area extending offshore to a distance of twelve nautical miles, measured from the mean low water line along the cost of Mainland Tanzania and the adjacent islands, and including all lakes, rivers dams, fish ponds excluding private fish ponds; | Modify the definition by deleting the word “cost” and replace with “ coast ” | For proper address | | | |

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|-------|--|---|------------------------|--------------------------------------|--------------------------------|----------------------|
| | | | | | | |
| | | <p>adding the following new definition:-</p> <p>“trans-boundary aquatic ecosystem” means aquatic ecosystem shared by more than one country;</p> | | | | |
| | | <p>adding the following new definition:-</p> <p>“treatment” means post-harvest processing of fresh fish inter alia gutting, de-heading, filleting, cutting, portioning,</p> | | | | |

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|-------|--|---|------------------------|--|--|----------------------|
| | | freezing and addition of food preservatives for the purpose of value addition; | | | | |
| | "trout stream" means any stream which contains trout or any other freshwater sprats fish; | Modifying the definition by deleting the word "sprats" and substituting it with the word "sport" in the definition of "trout stream | For proper address | "Mkondo wa mto" ina maana ya mkondo wowote ambao una maji ya maji au maji mengine mengine ya maji ya samaki; | Kurekebisha tafsiri kwa kufuta neno " sprat " kwa kuongeza neno "michezo" katika tafsiri ya neno "mto mkondo" | |
| | | adding the following new definition: | | | Tafsiri mpya imeongezeka " eneo la maji" maana yake | |

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|-------|--|---|------------------------|--------------------------------------|---|----------------------|
| | | <p>“water body” means territorial and inner sea of Indian Ocean, lake, dam and river where aquatic flora and fauna are found</p> | | | <p>ni bahari ya Bahari , ziwa, bwawa au mto ambapo viumbe wa majini wanapatikana</p> | |
| | | <p>adding the following new definition:- “wholesale market” means a facility where fish and fishery products are landed, presented and sold in bulk;</p> | | | <p>Tafsiri mpya iliyoongezwa - "soko la jumla" maana yake ni kituo ambapo samaki na bidhaa za uvuvi zinatokana, zinawasilishwa na kuuzwa kwa wingi;</p> | |

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|---|--|---|--|--------------------------------------|--------------------------------|----------------------|
| PART II ADMINISTRATION | | | | | | |
| Responsibilities of the Minister | 3. The Minister shall be responsible for policy formulation and ensuring the execution by officials in the ministry such functions Connected with the implementation of this Act. | Repealed | 3. Waziri ana jukumu la kuandaa Sera na kuhakikisha kuwa Maafisa ndani ya wizara anatekeleza majukumu anayohusiana na sheria hii. | For best practice method | | |
| Appointment of the Director and his functions | 4.(1) There shall be a Director who shall be an officer in the public service (2) The Director shall be a professional officer in fisheries sciences and advisor to the government in all matters related to management of fisheries. | (1) Retained. (2) Retained | 4.(1) Kutakuwa na Mkurugenzi ambaye ni Mtumishi wa Umma (2) Mkurugenzi atakuwa ni Mtaalamu katika Tasnia ya Sayansi ya Uvuvi na atakuwa ni mshauri wa Serikali kwa masuala yote ya Usimamizi wa | | | |

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|--|--|---------------------|------------------------|---|--------------------------------|----------------------|
| | | | Uvuvi | | | |
| Registration, licensing, enforcement officers and Inspectors | 5.(1) There shall be appointed such officers to ensure efficient and economical management and supervision of fisheries in accordance with the provisions of this Act | 1) Retained | (6) | 5(1) Kutakuwa na Uteuzi wa Maafisa wenye wajibu wa kuhakikisha kuwa usimamizi wenye ufanisi kiuchumi kwa mujibu wa Masharti ya Sheria hii. | | |
| | (2) Officers appointed under this section shall be allocated or delegated such functions and shall be located in such offices or institutions as the Director shall consider appropriate for the proper management of fisheries. | 2) Retained | | (2)Kwa kuzingatia kifungu hiki Afisa atakayeteuliwa atapangiwa majukumu kama ambavyo Mkurugenzi ataona inafaa ili kuimarisha Usimamizi wa Uvuvi | | |
| | (3) There shall be a central registry of fishing vessels | 3) Retained | | (3)Kutakuwa na masjala Kuu ya vyombo vya Uvuvi kwa mujibu wa masharti ya | | |

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|-------|---|---|------------------------|--|--------------------------------|----------------------|
| | <p>registered in accordance with the provisions of this Act.</p> <p>4) For the purpose of this section the Director, shall be the Registrar of fishing vessels.</p> <p>(5) Subject to the provisions of subsection (2),the Director shall appoint the following-</p> <p>(a) vessel registration and licensing officers;</p> <p>(b)enforcement officers; and</p> <p>(c) fish inspectors.</p> <p>(6) Officers appointed</p> | <p>4) Retained</p> <p>5) Retained</p> | | <p>yaliyopo katika Sheria hii.</p> <p>(4)Kwa madhumuni ya kifungu hiki, Mkurugenzi atakuwa ni Msajili wa vyombo vya uvuvi</p> <p>(5)Kwa mujibu wa kifungu Mkurugenzi atafanya uteuzi ufuatao:-</p> <p>(a) Maafisa watakohusika na usajili wa vyombo vya Uvuvi na utoaji wa leseni,</p> <p>(b) Maafisa Wasimamizi, na</p> <p>(c) Maafisa Wakaguzi</p> | | |

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|-------|---|---|------------------------|---|---|----------------------|
| | <p>under this section shall carry identification cards and be answerable to the Director.</p> <p>(7) The Minister may by notice published in the Gazette, designate any person to be an authorized officer for the purpose of all or any provisions of this Act.</p> <p>(8) The Director shall by notice published in the Gazette, and subject to such qualifications or exceptions as may be prescribed therein delegate to such public officer, local authority, the exercise or performance of</p> | <p>6) Retained</p> <p>(7)Sub section deleted</p> <p>(8) Sub section modified to read:- The Director May, subject to such qualification delegate to such public officer, local authority,</p> | | <p>(7) Maafisa wanaoteuliwa kwa Mujibu wa Kifungu hiki watapatiwa Vitambulisho na watawajibika kwa Mkurugenzi</p> <p>(8) Mkurugenzi kwa notisi anaweza kukasimu mamlaka yake kwa ofisa wa utumishi umma, mamlaka ya Serikali za Mitaa kutekeleza majukumu yaliyoanishwa katika sheria hii.</p> <p>(9) Kifungu hiki hakizuii Mamlaka za serikali za Mitaa kuteua maafisa wenye sifa wanaoweza kutekeleza majukumu yaliyokasimiwa kwa</p> | <p>Kifungu hiki kinaboreshwa na kusomeka ifuatavyo:</p> <p>(Mkurugenzi kwa kuzingatia sifa za kitaalam anaweza kukasimu mamlaka kwa afisa wa serikali, mamlaka za serikali za mitaa</p> | |

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|-------|---|---|------------------------|--|---|----------------------|
| | <p>any of the functions conferred or imposed on him by this Act.</p> <p>(9) Nothing in this section shall be taken to prevent any local authority from appointing such qualified officers as it considers necessary to enable it to discharge such functions as are vested in it or allocated to it by and under this Act.</p> <p>(10) Any local authority officers appointed to discharge functions under this Act shall have regard to any directives and circulars issued by the Director.</p> <p>(11) Notwithstanding</p> | <p>the exercise or performance of any of the functions conferred or imposed on him by this Act.</p> <p>(9) Retained</p> <p>(10) Retained</p> | | <p>mujibu wa Sheria.</p> <p>(10) Kwa mujibu wa Sheria Maafisa walioteuliwa wa Mamlaka za Serikali za Mitaa watafanya kazi kwa kuzingatia miongozo na maelekezo kutoka kwa Mkurugenzi.</p> <p>(11) Bila kuathiri maelekezo ya kifungu cha (5), majina ya maafisa wateule yatatangazwa katika Gazeti la Serikali.</p> <p>(7)</p> | <p>kutekelza majukumu aliyopewa na sharia hii.</p> | |

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|----------------------|--|---|------------------------|---|--------------------------------|----------------------|
| | the provisions of subsection (5), the names of officers appointed under this subsection shall be published in the Gazette. | (11) To be deleted | | | | |
| Conflict of interest | <p>6.-(1) Where any matter concerning fisheries management in which any officer exercising functions under this Act or any member of his immediate family has an interest allocated to, referred to or otherwise comes to that officer for his advice, assistance or decision, that officer shall not excise any functions under this Act in respect of that matter.</p> <p>(2) Where the officer referred to in</p> | <p>(1) Retained</p> <p>(2) Retained</p> | | <p>(1) 6 Iwapo kuna mgongano wa kimaslahi kwa Afisa mwenye wajibu wa usimamizi uvuvi kwa mujibu wa Sheria hii, Afisa huyu hataruhusiwa kutolea ushauri au kutekeleza wajibu.</p> <p>(2) Iwapo Afisa anayetajwa katika kifungu (1) ni Mkurugenzi, inampasa</p> | | |

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|--------------------------------------|---|---|------------------------|---|--|----------------------|
| | subsection (1) is the Director, he shall declare his interest to the Minister, and where the officer referred to in subsection (1) is an officer appointed under section 5, shall declare his interest to the Director, the Minister or the Director as the case may be, shall appoint another officer to exercise functions in respect of that matter. | | | kuweka wazi kwa Waziri kuwa ana maslahi katika suala hilo, na iwapo ni Afisa aliyeteuliwa na Mkurugenzi kupitia kifungu (5), inampasa kuweka wazi kwa Mkurugenzi. Waziri au Mkurugenzi atateua Afisa Mwingine kushughulikia suala hilo. | | |
| Information to members of the public | 7. The Director and all officers appointed under this Act may, where it is appropriate to do so, provide and disseminate information and guidance, in writing by order or notice to members of the | The Section is modified to read:- The Director or Officers appointed under this Act, through or under the instigation of the Director shall provide and disseminate | For clarity purposes | 7. Mkurugenzi na Maafisa walioteuliwa kwa kuzingatia Sheria hii inapobidi wanaweza kusambaza kwa maandishi taarifa na miongozo kwa jamii kufanisha utekelezaji wa Sheria. | Kifungu hiki kimerekebishwa na kusomeka: Mkurugenzi au Afisa aliyeteuliwa chini ya Sheria hii kwa idhini ya Mkurugenzi anatakiwa kusambaza kwa maandishi taarifa na miongozo | |

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|--|--|--|------------------------|---|--|----------------------|
| | public in connection with the implementation of this Act. | information and guidance, in writing by order or notice to members of the public in connection with the implementation of this Act. | | | kwa jamii kuwezesha utekelezaji wa Sheria. | |
| Relationship between the Ministry, Local authorities and fisheries | 8.-(1) The Director shall use his best endeavours to ensure that all the local government authorities and associations of local authorities and other fisheries management authorities are consulted and kept informed of management of fisheries under this Act and any other written laws related to the management of | (1) Retained Sub section is amended by adding the sentence, “,in the event parties fail to reconcile, the decision of the Minister shall be final, but at all the time shall take into account recommendations of the local Government Authorities ” immediately at the | | 8- (1) Mkurugenzi kwa uwezo wake wote atahakikisha kuwa Mamlaka za Serikali za Mitaa, Taasisi katika Mamlaka za serkali za Mitaa wanashirikishwa na kupewa taarifa za usimamizi wa Uvuvi kwa kuzingatia Sheria hii na Sheria nyingine zinazohusiana na usimamizi wa Uvuvi. | | |

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|-------|---|---|--|---|--------------------------------|----------------------|
| | <p>fisheries.</p> <p>(2) Where there is any conflict between the local authority management plan and other local authority applicable to a water body, the Director and other relevant officers and members of the local authority shall consult together and use their best endeavors to reconcile any such variances. Management authorities</p> <p>(3) Where the Director is of the opinion on the basis of information given to him by any officer exercising functions</p> | <p>end of the word “variances”.</p> <p>(2) Sub section is amended by deleting the word “aquaculture development” appearing immediately after the word “for responsible fisheries” and after the word “fishing operations”</p> <p>(3)(a) Retained</p> <p>(3)(b) Retained</p> | <p>Variations has to come to an end</p> <p>To separate aquaculture from Capture fisheries issues</p> | <p>(2) Iwapo kutajitokeza mgongano wa mpango wa usimamizi wa Mamlaka za Serikali za Mitaa dhidi ya Mamlaka nyingine katika usimamizi wa maji/Uvuvi, Mkurugenzi na Mamlaka za Serikali za mitaa watafanya mashauriano ili kuondoa tofauti zilizosababisha mgongano.</p> <p>(3) Iwapo Mkurugenzi ataona uwajibikaji usioridhisha kutokana na maoni au taarifa alizopata kutoka kwa Afisa anayesimamia Sheria hii, au kutoka mamlaka ya Serikali za Mitaa yenye jukumu la usimamizi, mwongozo wa Uvuvi unaozingatia uhifadhi, utendaji katika shughuli za usimamizi, matumizi na Masoko Mkurugenzi anaweza</p> | | |

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|-------|--|--|---------------------------|---|--------------------------------|----------------------|
| | <p>under this Act or otherwise that a local authority with the responsibility to exercise functions in accordance with the provisions of this Act, Code of Conduct for responsible fisheries, aqua culture development, fishing operations, fisheries management, fish utilization and Marketing has mismanaged the functions of this Act, the Director may-</p> <p>(a) serve a notice on that local authority requiring it to take the steps specified in that notice within the time specified therein to rectify and improve its fisheries management; or</p> | <p>(3)(c) Sub section amended to read:- in either case referred to in paragraph (a) or (b), upon receiving a notice the Local authority may appear before the Director for the purpose of making representation to defend on intention of the Director as specified in the</p> | <p>(3)(c) Right to be</p> | <p>kufanya yafuatayo;</p> <p>(a) Kutoa notisi kwa Mamlaka ya Serikali za Mitaa kuchukua hatua muhimu ili kuboresha usimamizi,</p> <p>b) Kutoa notisi kwa mamlaka ya Serikali za Mitaa kubaini sababu za hali hii na iwapo itashindwa Mkurugenzi atakabidhi jukumu la usimamizi kwa Mamlaka nyingine, au Kurugenzi ya Uvuvi kwa muda kama itakavyoanishwa katika taarifa hiyo</p> <p>(c) Masharti katika mojawapo maelekezo ya kifungu kidogo (a) au (b), Mamlaka ya Serikali za Mitaa iliyopewa notisi inaweza kufika kwa Mkurugenzi ili kujitetea kuzingatia muda ulioamliwa,</p> <p>d) Iwapo Mamlaka ya</p> | | |

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|-------|--|---|------------------------|--------------------------------------|---|----------------------|
| | <p>(d) if in his opinion, the local authority has failed to show cause as required under paragraph (b) above, prepare and submit a report with recommendations to the Minister on the mismanagement of fisheries functions by such local authority and what action should be taken thereon.</p> <p>(4) Where the Minister after considering the report from the Director referred to in paragraph (d) of subsection (3) is satisfied that, owing to the mismanagement, by any local authority of any of its functions in</p> | <p>authority shall cease to exercise all or any management functions in relations to fisheries, the Minister shall order management of such fisheries resources be under the control of central government for such period that such a local authority prove that they able to manage that resources.</p> | | <p>(5) Waziri mwenye dhamana</p> | <p>Sheria hii inarekebishwa isomeke kama ifuatavyo:</p> | |

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| | <p>relation to fisheries, it is in the public interest that such local authority shall cease to exercise all or any management functions in relations to fisheries, the Minister shall make consultation with the Minister responsible for local authorities in respect of the mismanagement of such fisheries functions.</p> <p>(5) The Minister responsible for local authority shall, if he is satisfied that there is the mismanagement by the local authority of its functions in relation to fisheries invoke his powers as provided for under section 169 of the</p> | <p>(4) Sub section (5) is “deleted”</p> | | <p>na Mamlaka ya Serikali za Mitaa iwapo ataridhika kuwa kuna usimamizi usiozingatia Sheria atatekeleza wajibu wake kama ilivyoainishwa katika Sehemu ya 169 ya Local Government (District Authorities) Act, 1982 and section 71 of the Local Government (Urban Authorities) Act, 1982 na kuagiza Mkurugenzi wa Halmashauri nyingine kusimamia uvuvi</p> <p>(6) Mamlaka ya serkali za Mitaa au Mkurugenzi itawajibika kutekeza majukumu ya usimamizi kama ilivyoelekezwa katika kifungu (5) kwa niaba na kwa manufaa yay a wananchi wakazi wa Halmashauri hiyo na kugawa bakaa ya mapato kwa halmashauri iliyopo eneo hilo baada</p> | <p>(5)Waziri baada ya kuzingatia taarifa kutoka kwa mkurugenzi kama ilivyoainishwa katika kifungu kidogo 3(d) iwapo ataridhika kwamba kuna usimamzi wa rasilimali za uvuvi usioridhisha wa serikali chini ya</p> | |

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|-------|---|---|------------------------|---|--|----------------------|
| | <p>Local Government (District Authorities) Act, 1982 and section 71 of the Local Government (Urban Authorities) Act, 1982 and direct the Director or another local authority to take over the functions of such local authority as may be specified.</p> <p>(6) The other local authority or the Director shall exercise any functions in relation to the management of fisheries which it or he is directed to manage under the provisions of subsection (5) on behalf of and for the benefit of the people within the jurisdiction of the first local</p> | <p>(5) Sub section is “deleted”</p> <p>(6) Sub section is “deleted”</p> | | <p>ya kutoa gharama za usimamizi.</p> <p>(7) Mamlaka ya Serkali za Mitaa inayotajwa katika kifungu hiki inahusisha pia halmashauri ya Kijiji.</p> | <p>serikli za mitaa mwenye dhamana na Mamlaka ya Serikali za imeshindwa kutekeleza majukumu ya usimamizi wa shughuli za uvuvi ipasavyo. Waziri ataelekeza majukumu ya usimamizi wa rasilimali hizo kuwa chini ya mkurugenzi kwa kipindi atakachoona inafaa hadi waziri atakapojiridhisha kwamba halmashauri hiyo ina uwezo wa kusimamia rasilimali hizo.</p> <p>(7) Kifungu hiki kimerekebishwa kwa kuongeza sentensi “endapo pande mbili za</p> | |

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|---|---|---------------------|------------------------|--------------------------------------|--|----------------------|
| | <p>authority whose functions have been take over and the net profits of management, if any, shall, after deduction of the costs of management and development, be deemed to be part of the revenue of the first local authority; which shall likewise bear any losses incurred.</p> <p>(7) For the purposes of this section, a local authority shall include a village council.</p> | | | | <p>mamlaka hazikufikia muafaka wa suluhisho maamuzi ya waziri yatakuwa ya mwisho. Maamuzi hayo yatazingatia mapendekezo kutoka mamlaka ya serikali za mitaa.</p> | |
| <p>PART III DEVELOPMENT OF THE FISHING INDUSTRY MAENDELEO YA TASNIA YA UVUVI</p> | | | | | | |

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| <p>Development and sustainable use of aquatic resources</p> | <p>9.-(1) The Director shall, in co-operation with other appropriate agencies and divisions or departments of the Government, promote, encourage and support all initiatives leading to the development and sustainable use of the fish stock and aquatic resources through such measures as:</p> <p>(a) Provision of investment guidelines in the fisheries sector;</p> <p>(b) facilitation of development and maintenance of fisheries and related infrastructure</p> | <p>9(1)(a) Retained</p> <p>9(1)(b) Retained</p> <p>9(1)(c) Amended by deleting the word “Aquaculture development and”</p> <p>9(1)(d) Amended by deleting the sentence “semi-intensive aquaculture with simple technologies and low capital”</p> | <p>To have a standalone Act on Capture fisheries only</p> <p>To have a stand alone Act on Capture fisheries only mfumo wa ikolojia uadilifu, kulingana na bora inapatikana kisayansi habari na kupitia maendeleo ya muda mfupi, wa kati na muda mrefu utafiti wa kisayansi mipango;</p> <p>9(1)(e –k),</p> | <p>9(1)Mkurugenzi kwa kushirikiana na mashirika yasiyo ya kiserikali na taasisi za serikali atahamasisha na kusaidia mipango ya maendeleo na matumizi endelevu ya samaki waliopo na rasilimali zingine za kwenye maji kwa kuchukua hatua zifuatazo</p> <p>a) Kutoa miongozo ya uwekezaji katika Sekta ya Uvuvi;</p> <p>b) Uwezeshaji wa maendeleo na kudumisha uvuvi na miundombinu yake;</p> <p>c) Kutoa miongozo ya tendaji kwa ajili ya</p> | <p>9 (1)(c) Marekebisho yamefanyika kwa kufutwa neno “Maendeleo ya Ukuzaji viumbe kwenye maji” (1)(d) Marekebisho kwa kufutwa sentensi ‘Ufugaji wa kati kwa kutumia teknolojia rahisi na mtaji</p> | |
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| | <p>(c)provisions of the establishment of a code of practice for aqua culture development and fish processing;</p> <p>(d) facilitating artisanal fishing, semi-intensive aqua culture with simple technologies and low capital investment including pre-evaluation of the effects of aquaculture on genetic diversity and ecosystem integrity, based on the best available scientific information and through development of short, medium and long term fisheries scientific research Plans;</p> <p>(e)promotion of sound utilization of the ecological</p> | <p>investment including pre-evaluation of the effects of aquaculture on genetic diversity and ecosystem integrity”</p> <p>9(1)(e –k), 9(2)(a –g)Retained</p> | <p>9(2)(a – Inabaki kama ilivyo</p> | <p>ukuzaji viumbe kwenye maji na uchakataji wa samaki</p> <p>d) Kuwawezesha wavuvi wadogo na wafugaji wa kati kutumia teknolojia rahisi na mitaji midogo kwa kufanya tathmini ya madhara yatokanayo na ufugaji wa samaki kwenye bioanuai za kijenetiki na mfumo wa ikolojia kwa kutegemeana na taarifa za kisayansi zilizopo lakini pia kutokana na mipango ya maendeleo ya muda mfupi, wa kati na muda mrefu wa tafiti za kisayansi.</p> <p>e) Kukuza matumizi endelevu ya uwezo</p> | <p>mdogo wa uwekezaji kwa kufanya tathmini ya madhara yatokanayo na ufugaji wa samaki kwenye bioanuai za kijenetiki na mfumo wa ikolojia</p> | |
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| | <p>capacity of water based areas, as a means of generating income and food;</p> <p>(f) encouraging the involvement of stakeholders in the planning, development and management of fishery resources;</p> <p>(g)improving fisheries statistical data collection and processing through assessment of the adequacy of the existing data collection;</p> <p>(h) facilitating the availability, accessibility exchange of fisheries information and storage</p> <p>(i) facilitating initiatives geared towards availability</p> | | | <p>wa ikolojia iliyopo kulingana na eneo la maji kama njia ya kuongeza kipato na chakula.</p> <p>f) Kuhamasisha ushirikishwaji wa wadau katika upangaji, maendeleo na usimamizi wa rasilimali za uvuvi;</p> <p>g) kuboresha mfumo wa ukusanyaji na uchakataji wa takwimu za uvuvi kwa kufanya tathmini ya mfumo wa ukusanyaji wa takwimu uliopo kama unakidhi mahitaji.</p> <p>h) kuwezesha upatikanaji,ubadilis hanaji na utunzaji wa taarifa za uvuvi</p> <p>i) kuwezesha jitihada zinazolenga katika upatikanaji wa zana</p> | | |
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| | <p>of fisheries inputs;</p> <p>(j) pursuing continuation and introduction of fisheries integrated programme of effective management of coastal zone to meet the ecological and social economic needs of the present and future generation; and</p> <p>(k) strengthening of regional and international collaboration in the sustainable utilization,</p> | | | <p>za uvuvi;</p> <p>j) Kuendeleza na kuanzisha programu shirikishi za uvuvi katika Ukanda wa Pwani kwa ajili ya usimaimizi madhubuti unaokidhimahitaji ya kiikolojia na uchumi wa jamii kwa kizazi cha sasa na kizazi kijacho.</p> <p>k) Kuimarisha mashirikiano ya Kikanda na Kimataifa katika matumizi endelevu,</p> | | |
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| | <p>management and conservation of resources in shared water bodies by:</p> <p>i. Supporting responsible fishery practices within the country;</p> <p>(ii) Cooperation in the promotion of suitable fisheries practices;</p> <p>(iii) ensuring responsible choice of species, sites and management of fisheries which could affect trans-boundary aquatic ecosystems;</p> | | | <p>usimamizi na uhifadhi wa rasilimali katika maji yanayomilikiwa kwa pamoja.</p> <p>i. Kuwezesha usimamizi endelevu wa rasilimali za uvuvi kwa kuzingatia sheria za nchi;</p> <p>ii.Ushirikiano katika kuhamasisha uvuvi endelevu.</p> <p>(iii).kuhakikisha uwajibikaji katika kuanisha aina za samaki na maeneo</p> | | |
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| | <p>(iv) consulting with neighbouring states before introducing non-indigenous species into trans-boundary aquatic ecosystems;</p> <p>(v) establishing database and information networks to collect and disseminate data related to fisheries activities to facilitate cooperation on planning for fisheries development at national, sub-regional, regional and global level</p> <p>(vi) monitoring the impact of inputs used in fisheries: and</p> <p>(vii) Discouraging the</p> | | | <p>ya usimamizi wa uvuvi ambao unaweza kuathiri mifumo ya ikolojia iliyopo ndani ya maji yanayomilikiwa kwa pamoja.</p> <p>(iv)kushauriana na mataifa jirani kabla ya kupandikiza aina ya viumbe visivyo vya asili katika ikolojia za kwenye maji yanayomilikiwa kwa pamoja</p> <p>(v)kuanzisha mfumo wa kanzidata na mtandao wa ukusanyaji na usambazaji wa takwimu zinazohusiana na shughuli za uvuvi katika kuwezesha mashirikiano katika mipango ya maendeleo ya uvuvi katika ngazi za</p> | | |
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| | <p>pollution of aquatic environment.</p> | | | <p>Kikanda, Kitaifa na Kimataifa</p> <p>(vi) ufuatiliaji wa madhara yatokanayo na matumizi ya zana za uvuvi: na</p> <p>(vii)Kuzuia uchafuzi wa mazingira ya kwenye maji.</p> | | |
| | <p>(2)The Director shall, based on the best scientific evidence available, adopt such appropriate measures to maintain or restore stocks at levels capable of producing maximum sustainable yield pursuant to relevant environmental and economic factors including:</p> <p>(a)avoidance, of excessive fishing capacity and over-exploitation of the stocks in order to maintain an economically</p> | | | <p>(2) Kwa kuzingatia ushahidi wa kisayansi uliopo Mkurugenzi atachukua hatua stahiki za kutunza na kurejesha rasilimali za uvuvi katika kiwango kitakachowezesha kuwa na uvuvi endelevu kwa kuzingatia masuala ya kiuchumi na kimazingira ikiwa ni pamoja na :</p> <p>(a) Kuepuka</p> | | |

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| | <p>available fishery;</p> <p>(b) promotion of responsible fisheries and the economic conditions under which fishing industries operate;</p> <p>(c) taking into account the interest of local fishers such as those engaged in artisanal fisheries;</p> <p>(d) conservation and protection of biodiversity of aquatic habitats, ecosystems and endangered species;</p> | | | <p>kuongezeka kwa nguvu ya uvuvi inayozidi uwezo wa rasilimali na uvunaji kupita kiasi ili kudumisha uvuvi wenye manufaa kiuchumi.</p> <p>(b) Kukuza uvuvi unaozingatia sheria na mashartiya kiuchumi katika tasnia ya uvuvi;</p> <p>(c) Kuzingatia maslahi ya wavuvi wa eneo husika na hasa wavuvi wadogo.</p> <p>(d) Uhifadhi na ulinzi wa bioanuwai maeneo ya kwenye maji ekolojia na viumbe vilivyo katika hatari ya kutoweka</p> | | |
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| | <p>(e) restoration and recovery of depleted stocks;</p> <p>(f) Assessment of adverse environmental impacts and remedial measures on the resource; and</p> <p>(g) Minimization of pollution, waste, discards, catch by lost or abandoned gear, catch of non target fish or species and impacts on associated or dependent species through the development and use of selective, environmentally safe and cost effective</p> | | | <p>(e) Urejeshaji wa rasilimali zilizo hatarini kutoweka</p> <p>(f) Kufanya tathmini ya madhara kwa mazingira na hatua za kurejesha rasilimali na</p> <p>(g) Kupunguza uchafuzi, taka, upotevu wa samaki unaotokana na zana za uvuvi zilizopotea kwenye maji, uvunaji wa samaki wasiolengwa kwa kutumia zana na mbinu za uvuvi zinazolenga aina za samaki na rafiki kwa mazingira na zenye gharama nafuu.</p> | | |
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| | fishing gear and techniques. | | | | | |
| | | <p>This section is modified by adding a section 9(3) to read as:</p> <p>9(3) The Director shall regulate the following areas:-</p> <p>(a) Introduction of exotic species into natural water bodies</p> <p>(b) Control of aquatic organisms diseases and parasites</p> <p>(c)Scientific researches and development</p> <p>(d)in consultation with relevant authorities moderate all emerging technologies</p> | | <p>Kifungu kimeboreshwa kwa kuongeza kifungu cha 9.3 na kusomeka:-</p> <p>9(3) Mkurugenzi atasimamia yafuatayo:-</p> <p>a) Uingizaji wa aina mpya za samaki kwenye maji ya asili</p> <p>b) Kudhibiti vimelea na magonjwa ya ufugaji kwenye maji.</p> <p>(c) tafiti za kisayansi na maendeleo ya sekta.</p> <p>d) Kwa kushirikiana na mamlaka zingine husika atasimamia teknolojia za uvuvi zitakazoanzishwa katika maji yaa sili</p> | | |

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| | | introduced into natural water bodies (e) the Director in collaboration with relevant government authorities "establish a bench mark for assessing impact of modified species to capture fisheries. | | e)Mkurugenzi kwa kushirikina ana mamlaka nyingine husika ataweka mfumo wa kupima na kutathmini madhara ya samaki wanaotokana na viini tete katika uvuvi wa asili | | |
| PART V MANAGEMENT AND CONTROL OF THE FISHING INDUSTRY SEHEMU YA V USIMAMIZI NA UDHIBITI WA TASNIA YA UVUVI | | | | | | |
| Managem ent and control measures | 17. The Minister shall by notice published in the Gazette impose conditions that are necessary for the proper management of fisheries which are:- (a) restricting the entry of foreign fishing vessels in territorial waters; (b) requiring all fishing | Without prejudice of any provision, the Director shall have the following powers; a) To register and license fishing vessels. b) Issuing fishers' fishing licence. | | 17. Waziri atatoa taarifa kwa kutangaza kwenye Gazeti la Serikali kwa kuweka masharti muhimu kwa ajili ya usimamizi sahihi wa uvuvi nchini ambayo ni: a) kuzuia kuingizwa kwa vyombo vya uvuvi vya kigeni katika eneo la | Bila kuathiri utoaji wowote wa huduma na kifungu chochote , Mkurugenzi atakuwa na mamlaka zifuatazo; a)Kusajili na kutoa leseni kwa vyombo vya uvuvi; | |

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| | <p>vessels to be registered; (c) requiring all fishing vessels to be licensed; (d) requiring all fishers to be licensed; (e) restricting the number, size, and age of fishing vessels in any fishery; (f) prohibiting the use of certain types of fishing vessels and gears; (g) imposing closed season for designated areas, species of fish and methods of fishing; (h) prohibiting fishing in designated areas;(Declaration of designated areas) (i) limiting the amount, size, age and other characteristics and monitoring species composition of fish that may be caught, (j) regulating the landing of fish and providing for management of fish landing stations; (k) controlling the</p> | <p>c) Control the number, size, type, gears and age of fishing vessels. d) imposing closed season for designated areas, species of fish and methods of fishing. e)Regulating the landing of fish and providing for management of fish landing stations f)Monitoring and controlling the capacity of fishing fleets to avoid excessive Fishing effort. g)examining the performance of the existing fishing gear,</p> | | <p>maji ya kitaifa; b) kuhitaji vyombo vyote vya uvuvi kusajiliwa c) kuhitaji vyombo vyote vya uvuvi kuwa na leseni; d) kuhitaji wavuvi wote kuwa na leseni e) kuzuia idadi, ukubwa, na umri wa vyombo vya uvuvi kwenye uvuvi wowote; f) kuzuia matumizi ya aina fulani za vyombo vya uvuvi na zana; g) kuweka msimu wa kufungwa uvuvi kwa maeneo yaliyochaguliwa, aina ya samaki na njia za uvuvi ;</p> | <p>b) kutoa leseni za uvuvi kwa wavuvi; c) Kudhibiti idadi, ukubwa, aina, zana na umri wa vyombo vya uvuvi; d) kuweka msimu wa kufungwa kwa maeneo yaliyochaguliwa, aina ya samaki na njia za uvuvi e)Kudhibiti mialo ya kupokelea samaki na kusimamia vituo vya kupokelea samaki; f) Ufuatiliaji na kudhibiti uwezo wa meli za uvuvi ili kuepuka kupita kiasi nguvu ya uvuvi</p> | |
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| | <p>importation of fish and fishery products or the introduction of exotic species;</p> <p>(l) monitoring the capacity of fishing fleets to avoid excessive fishing pressure (effort);</p> <p>(m) establishing a mechanism that will reduce excessive fishing capacity to levels commensurate with the sustainable use of fisheries resources;</p> <p>(n) examining the performance of the existing fishing gear, methods and substituting for them those which are consistent with responsible fishing;</p> <p>(o) regulating fishing in such a way as to avoid the risk of conflict among fishers using different vessels, gear and fishing methods;</p> <p>(p) ensuring that traditional practices, which are consistent with</p> | <p>methods and substituting for them those which are consistent with responsible fishing</p> <p>h) facilitating the formation of community management units and authorized associations for the purpose of protecting and conserving fishery resources;</p> <p>i) Licensing sport fishers.</p> | | <p>h) kuzuia uvuvi katika maeneo tengefu</p> <p>i) kupunguza kiwango, ukubwa, umri na sifa nyingine na aina ya ufuatiliaji wa samaki ambayo inaweza kuvuliwa,</p> <p>j) kusimamia upokeaji wa samaki mialoni na kusimamia mialo ya kupokelea samaki;</p> <p>k) kudhibiti uingizaji wa samaki na mazao yake na samaki wasio wa asili.</p> <p>l) kufuatilia uwezo wa uvuvi wa meli ili kuepuka kupita kiasi cha shinikizo la uvuvi (fishing effort)</p> <p>m) kuanzisha</p> | <p>g) kuchunguza utendaji wa mbinu na zana zilizopo za uvuvi, na kuziondoa zile ambao haziko sawa na uvuvi unaokubalika;</p> <p>h) kuwezesha kuundwa kwa vitengo vya usimamizi wa jamii na vyama vya mamlaka kwa lengo la kulinda na kuhifadhi rasilimali za uvuvi;</p> <p>i) kutoa leseni kwa wavuvi wa burudani;</p> | |
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| | <p>responsible fisheries, needs and interests of indigenous people and local fishing communities which are highly dependent of fisheries resources for their livelihood are given due regard;</p> <p>(q) establishing effective mechanism for fisheries monitoring, surveillance control and enforcement, to ensure compliance with conservation and management measure as well as those adopted by regional or sub regional organizations or arrangements;</p> <p>(r) conducting joint surveillance, and enforcement in collaboration with other related agencies and fisher communities to ensure effective implementation of this Act;</p> <p>(s) facilitating the formation</p> | | | <p>utaratibu ambao utapunguza nguvu ya uvuvi inayopita uwezo wa rasilimali ili kuwa na uvuvi endelevu ;</p> <p>n) kuchunguza utendaji wa mbinu na zana zilizopo za uvuvi, na kuziondoa zile ambao haziko sawa na uvuvi unaokubalika;</p> <p>o) kusimamia uvuvi kwa namna ambayo itaepusha migogoro kati ya wavuvi wanaotumia vyombo, mbinu na njia tofauti za uvuvi</p> <p>p) kuhakikisha kwamba uvuvi wa asili , ambao unazingatia uvuvi</p> | | |
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| | <p>of community management units and authorized associations for the purpose of protecting and conserving fishery resources;</p> <p>(t) requiring all sport fishers to be licensed; and</p> <p>(u) regulate transshipment of fish or fish products to ensure compliance with all conservation and fishery management measures.</p> | | | <p>uendelevu na maslahi ya wazawa na maslahi ya jamii za uvuvi zinazotegemea rasilimali za uvuvi kwa ajili ya maisha yao zinangatiwa;</p> <p>q) kuanzisha utaratibu madhubuti wa ufuatiliaji, udhibiti na utekelezaji, ili kuhakikisha kuwepo uhifadhi na usimamizi wa rasilimali pamoja na ule unaokidhi masharti ya uhifadhi ya mashirika au mipango ya kikanda.</p> | | |
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| | | | | <p>r) kufanya ufuatiliaji wa pamoja, na utekelezaji kwa kushirikiana na mashirika mengine na jamii za uvuvi ili kuhakikisha utekelezaji wa Sheria hii;</p> <p>s) kuwezesha uundwaji wa vikundi vya jamii vya usimamizi na jumuiya zinazotambulika kwa lengo la kulinda na kuhifadhi rasilimali za uvuvi;</p> <p>t) wavuvi wote wa uvuvi wa burudani</p> | | |
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| | | | | kuwa na leseni; u) kudhibiti uhaulishaji wa samaki na mazao ya samaki kuhakikisha kufuata hatua zote za uhifadhi na uvuvi | | |
| Beach Management Units | <p>18.-(1) The Director may enter into a management agreement with beach management units of the whole or part of or some specific fishery matter or activity within any water body or with any one or more local authorities having jurisdiction within the vicinity of any water body and deriving the whole or a part of their livelihood from that water body.</p> <p>(2) A management agreement shall include the following-</p> <p>(a) statement of objectives</p> | 18 Retained | <p>18. (1) Mkurugenzi anaweza kuingia mkataba wa usimamizi na vikundi vya usimamizi wa rasilimali kwa ujumla au kwa sehemu maalum ya uvuvi au shughuli ya uvuvi au na mamlaka moja au zaidi ya serikali za mitaa yenye mamlaka ndani ya maji yoyote.</p> | Imebakizwa | | |

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| | <p>of the agreement; (b) description of the area covered by the agreement; (c) description of the management activities to be undertaken; (d) rules governing the use of and access to other fishers; (e) duration of the agreement;</p> <p>(f) provision for revision of the agreement; and</p> <p>(g) provision for settlement of disagreement.</p> | | <p>(2)(a) Mkataba wa usimamizi utajumuisha yafuatayo-</p> <p>(a) Tamko la madhumuni ya makubaliano (b) maelezo ya eneo la makubaliano (c) maelezo ya shughuli za usimamizi zitazofanyika (d) taratibu zinazosimami a matumizi na haki ya wavuvi wengine (e) muda wa makubaliano;</p> <p>(f) Vifungu vinavyohusu marekebisho ya mkataba;</p> | | | |
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| | | | na (g) Vifungu vya kutatua migogoro | | | |
| Prohibition of foreign fishing in territorial water | 19. No foreign fishing vessel shall be licensed to fish in the territorial waters. | 19. Retained | 19. Hakuna chombo cha uvuvi cha kigeni kitapewa leseni ya kuvua samaki katika Maji ya kitaifa. | Imebakizwa | | |
| Licensing of foreigners | 20.-(1) Notwithstanding the provisions of section 19, the Director or any authorized officer shall for purposes of scientific research, complementary's educational and food supply with the consent in writing of the Minister, grant any fishing licence or to fish authority, as the case may be, to any person who is not a citizen of the United Republic, or, in the case of a body | 20. Retained | 20 (1) Bila kuathiri masharti ya kifungu cha 19, Mkurugenzi au afisa aliyeidhinish wa ataruhusiwa kutoa leseni ; kwa ajili ya utafiti wa kisayansi, elimu na upatikanaji | Imebakizwa | | |

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| | <p>corporate, to any body corporate which is not incorporated by or under any written law.</p> <p>(2) in case of a fishing vessel flying a foreign flag, such vessel shall not change her foreign flag unless the Registrar of Ships has consulted the Director on the same.</p> | | <p>wa chakula kwa mtu asiye raia wa Jamhuri ya Muungano, au, itakavyokuwa kwa kampuni ambayo haijaandikishwa nchini au chini ya sheria yoyote iliyopo nchini kwa ridhaa ya maandishi kutoka kwa Waziri.</p> <p>(2) kwa chombo cha uvuvi kinachopeper usha bendera ya kigeni, chombo hicho hakitabadilish</p> | | | |
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| | | | a bendera yake isipokuwa Msajili wa Meli ameshauriana na Mkurugenzi kuhusu suala hilo. | | | |
| Certificate of Registry | 21. If the Director has reason to believe that, any fishing vessel is of mechanical or physical dimensions, which are contrary to regulations made under this Act, he shall seek opinion from the Registrar of Ships or any other institutions with similar functions. | 21. Retained | 21. Ikiwa Mkurugenzi ana sababu ya kuamini kwamba, chombo chochote cha uvuvi kina vipimo au mitambo ambayo ni kinyume na kanuni zilizofanywa chini ya Sheria hii, atatafuta maoni kutoka kwa Msajili wa Meli au taasisi nyingine | Certificate of Registry | 21. If the Director has reason to believe that, any fishing vessel is of mechanical or physical dimensions, which are contrary to regulations made under this Act, he shall seek opinion from the Registrar of Ships or any other institutions with similar functions. | 21. Retained |

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| | | | zenye majukumu sawia. | | | |
| Prohibition of certain activities without licence | <p>22.-(1) No person shall engage in-</p> <p>(a) fishing;</p> <p>(b)collecting, gathering, processing or manufacturing fish products or products of aquatic flora;</p> <p>(c) selling or marketing of fish, fish products, aquatic flora or products of aquatic flora;</p> <p>(d) importing or exporting of fish, fish products, aquatic flora or products of aquatic flora, unless he applies for and is granted by the Director or any other authorized officer a licence in respect of such activity.</p> <p>(2) Notwithstanding the provisions of subsection (1), no licence or</p> | 22. Retained | <p>22 (1) Ni marufuku kwa mtu yeyote;</p> <p>(a)kuvua</p> <p>(b)kukusanya, kusindika au kuchakata mazao ya samaki au mazao ya mimea ya kwenye maji</p> <p>(c) kuuza au uuzaji wa samaki, mazao ya samaki, mimea ya kwenye maji au Mazao ya mimea ya kwenye maji;</p> <p>(d) kuingiza kutoka nje ya nchi, au kusafirisha samaki,mazao ya samaki,</p> | | | |

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| | <p>permit or permission shall be required for fishing by means of any of the following methods: (a) fishing for prawns using cloth - KUTANDA UDUVI;</p> <p>(b) using rod and line or hand line from the beach without using a fishing vessel whether for sport fishing, domestic consumption or sale, except in a declared trout stream or spawning ground; and</p> <p>(c) small cast nets</p> <p>(3) For the purposes of this section, licences for internal fish trade shall be issued by the relevant authorities in charge of internal trade.</p> <p>(4) The Minister may by a notice published in a Gazette, restrict Fish Establishment owners from carrying out fishing in</p> | | <p>mimea au Mazao ya mimea ya kwenye maji , isipokuwa ameomba na amepewa na Mkurugenzi au afisa aliyeidhinish wa kutoa leseni kuhusiana na shughuli hiyo.</p> <p>(2) Bila kuathiri masharti ya kifungu kidogo cha (1), leseni ya Uvuvi haitahijika kwa aina zifuatazo za uvuvi;</p> <p>(a) uvuvi wa kambamiti kwa kutumia kitambaa - KUTANDA UDUVI;</p> | | | |
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| | <p>specified water bodies.</p> <p>(5) The Minister may, upon the recommendations of the Director, by order in the Gazette, restrict or prohibit fishing of any fish species or any kind of fish or dealing in fish products, aquatic flora or products of aquatic flora.</p> | <p>22(c) deleted</p> | <p>(b) kutumia Ndoano au mishipi ya mkono kutoka pwani bila kutumia chombo cha uvuvi ikiwa ni kwa uvuvi wa burudani, matumizi ya ndani au uuzaji, isipokuwa katika mkondo wa samaki aina ya trout au kwenye mazalia ya samaki; na</p> <p>(c) wavu mdogo wa kimia</p> <p>(3) Kwa madhumuni ya kifungu hiki, leseni kufanya ya biashara ya samaki ndani</p> | | | |
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| | | | <p>ya nchi itatolewa na mamlaka yenye dhamana ya leseni</p> <p>(4) Waziri kwa noti iliyochapishwa katika Gazeti la Serikali, kuzuia Wamiliki wa viwanda vya samaki kufanya uvuvi katika maji yaliyoainishwa.</p> <p>(5) Kutokana na mapendekezo ya Mkurugenzi Waziri anaweza,</p> | | | |
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| | | | kuagiza kwa kutangaza katika Gazeti la Serikali, kuzuia uvuvi wa aina yoyote ya samaki au jamii yoyote ya samaki au kushughulika na mazao ya samaki, mimea au mazao ya mimea ya kwenye maji. | | | |
| Conservati on of fisheries resources | 23.-(1) The Minister shall, after consultation with such Competent persons within the public and private sectors knowledgeable on environment issues, by order in the Gazette, declare the conservation of any critical habitat or endangered species. (2) Any order referred to in subsection (1), may contain such exceptions and exemptions from its provisions in | 23. Retained | 23(1) Waziri, baada ya kushauriana na watu wenye dhamana na masuala ya mazingira, ndani ya sekta ya umma na watu binafsi atatangaza katika Gazeti la Serikali, uhifadhi wa eneo muhimu | | | |

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| | <p>respect of such persons and such area as the Minister may provide in such order.</p> <p>(3) If any critical habitat or endangered species referred to in any order made under subsection (1) ceases to be critical habitat or endangered species, the provisions of any such order shall cease to apply.</p> <p>(4) Subject to any exception or exemption provided for in any order, no person may, without licence or lawful authority, fish, take or offer for sale any fishery product from any conserved area</p> | | <p>la ikolojia au aina za viumbe walio katika hatari ya kutoweka.</p> <p>(2) Katazo lolote lililotajwa katika kifungu kidogo cha (1), linaweza kutohusisha watu au eneo kama Waziri atakavyoona inafaa.</p> <p>(3) Kama eneo muhimu kwa ikolojia au viumbe vilivyo katika hatari ya kutoweka kama ilivyoanishwa chini ya kifungu kidogo cha</p> | | | |
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| | | | <p>(1) linakosa sifa za kuwa eneo muhimu la kiikolojia au viumbe vilivyo katika hatari ya kutoweka masharti ya utaratibu huo yatakoma kufanya kazi.</p> <p>(4) Pamoja na msamaha uliotolewa katika vifungu vya sheria hii, hakuna mtu atakayeruhusiwa, kuvua au kuuza samaki kutoka sehemu yoyote iliyohifadhiwa bila ya leseni au kibali kutoka mamlaka husika.</p> | | | |
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| <p>PART VI FISH QUALITY, MANAGEMENT AND STANDARDS SEHEMU YA VI VIWANGO VYA UBORA NA USIMAMIZI NA SAMAKI NA MAZAO YA UVUVI</p> | | | | | | |
| Conditions for quality management | 24. The Minister shall by notice published in the Gazette, impose conditions that are necessary for ensuring the right of consumers to safe, wholesome and unadulterated fish and fishery products by- (a) prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing stations; | (1)The sub section is amended by deleting the word “ Minister ” and replace it with the word “ Director ” (2) Paragraph (d) modified by adding the word “ in Fish establishment ” after the word (HACCP). | Proper address Proper address Proper address Proper address | 24.Waziri kwa notisi katika gazeti ataweka masharti kuhusu usalama wa samaki na mazao yake ili kulinda afya ya walaji kwa: (a) Kuainisha mahitaji ya viwanda vya | 1. Kifungu kimebadilishwa kwa kuweka neno “ Mkurugenzi ” badala ya neno “ Waziri ” 2. Kifungu kidogo (d) kimerakebishwa kwa kuweka neno “Viwanda vya samaki” | Kuwa na mpangilio mzuri. |

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| | <p>(b) prescribing conditions under which dealers of fish and fishery products shall abide to;</p> <p>(c) requiring management of fish processing establishments to prepare and implement quality management programmes and own checks;</p> | <p>(3) Paragraph (h) modified to read “establishing obligatory traceability system for Fish and Fishery products and in all Fish establishments at all stages” (4) Sub section modified by adding paragraphs (j) which reads: (j) Prescribing harvesting period</p> | <p>address</p> | <p>kuchakata mazao ya uvuvi, vyumba vya ubaridi, mitambo ya kuzalisha barafu, magari ya kusafirishia samaki, maboti na mialo ya kupokelea samaki</p> <p>(b) Kuainisha masharti ya kuzingatia kwa wanaojihusisha na biashara ya samaki na mazao ya uvuvi.</p> <p>(c) Kuutaka uongozi wa viwanda vya kuchakata mazao ya uvuvi kuandaa na kutekeleza mfumo wa usimamizi wa ubora, na kufanya ukaguzi wao wa ndani.</p> <p>(d) Kuwa na programu ya uangalizi wa ubora na usalama wa samaki na</p> | <p>baada ya neon “HACCP”</p> <p>3. Kifungu (h) kimeboreshwa na kusomeka kuwa mfumo wa ufuatiliaji kuwa ni suala la lazimakwa kila hatua.</p> <p>4. Kuongeza Kifungu kidogo (j) kinachooneshwa kipindi cha kuvua</p> | |
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| | <p>(d)Monitoring quality management programmes and application of Hazard Analysis and Critical Control Point (HACCP);</p> <p>(e)Performing microbiological and chemical and physical analyses to fish and fishery</p> | | | <p>mazao na utumiajiwa mfumo wa ufuatiliaji wa kuzuia madhara kutokea wakati wa uchakataji(HACCP)</p> <p>(e) Kufanya uchunguzi wa vimelea na kemikali kwenye samaki na mazao yake i kabla ya kumfikia mlaji.</p> <p>(f) Kuthibitisha ubora wa samaki na mazao ya uvuvi kwa njia ya kutoa cheti cha afya kabla mazao hayajafikishwa sokoni.</p> <p>(g) Kuzuia uuzaji kwa baadhi ya aina za samaki na mazao yake,</p> <p>(h) Kuanzisha mfumo</p> | | |
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| | <p>products before they are released for human consumption;</p> <p>(f) certifying on the quality of fish and fishery products through issuance of a sanitary certificate before they are placed on the market;</p> <p>(g)prohibiting the sale of certain types of fish and fishery products;</p> <p>(h) establishing a traceability system of fish and fishery products at any stage to the source;</p> | | | <p>wa ufuatiliaji wa samaki na mazao ya uvuvi hatua kwa hatua hadi kwenye chanzo,</p> <p>(i) Kubainisha namna ya uwekaji wa taarifa katika lebo za samaki na mazao ya uvuvi.</p> | | |
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| | (i) prescribing the manner in which fish and fishery products placed on the market shall be labelled. | | | | | |
| Parameters for fish quality control | | <p>The principal act is amended by Adding new sections</p> <p>Any person exercising jurisdiction under this Act shall, in relation to any decision, exercise of any power or performance of any function regarding fish quality control, be guided by the following parameters:-</p> <p>(a) Safety of the product;</p> | | | <p>Sheria inabadilishwa kwa kuongeza kifungu kipya</p> <p>Mtu anayetokeleza majukumu ya ke chini ya Sheria hii, kuhusiana na maamuzi yoyote, atakuwa na Mamlaka au kutekeleza kazi yoyote inayohusiana udhibiti wa ubora wa samaki na mazao yake na ataongozwa na vigezo vifuatavyo;</p> <p>a) Usalama wa bidhaa</p> | |

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| | | <p>(b) Risk analysis;</p> <p>(c) Operator responsibility;</p> <p>(d) Consumer protection ;</p> <p>(e) Trade agreements.</p> | | | <p>b) Tathmini ya madhara</p> <p>c) Wajibu wa mwendeshaji</p> <p>d) Kinga kwa mlaji</p> <p>e) Makubalinao ya kibiashara</p> | |
| Standard Operating Procedures | | The Director shall establish, monitor and improve the Standard Operation Procedures for Fisheries Inspection to be used during control of fish establishments | | | Miongozo ya taratibu za ukaguzi wa viwanda vya kuchakata mazao ya uvuvi itaandaliwa, kufuatailiwa na kuboreshwa na Mkurugenzi | |
| Establishment of National Fish Quality Control Laboratories | | There is hereby established National Fish Quality Control Laboratories. | | | Kutakuwepo na Maabara za Taifa za kuthibiti Ubora mazao ya Uvuvi. | |
| Functions | | The National | | | Maabara ya Taifa ya | |

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| <p>of the Laborato ries</p> | | <p>Fish Quality Control Laboratories shall perform the following functions:-</p> <p>(a) carry out tests and analysis of fish and fishery products for official control;</p> <p>(b) carry out tests that have been validated;</p> <p>(c) carry out physical, chemical and microbiolo gical tests of water, sediments, fish and fishery products to</p> | | | <p>Kuthibiti Ubora wa Samaki na Mazao yake itaifanya shughuli zifuatazo:</p> <p>(a) Kufany a uchunguzi wa samaki na mazao yake kwa udhibiti wa kiofisi</p> <p>(b) Kufany a uchunguzi wa kimaabara kwa kutumia njia zilizohakikiw a.</p> <p>(c) Kufany a uchunguzi wa vimelea, kikemikali na kimaumbile kwa maji, matope, na samaki na</p> | |
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| | | <p>ascertain the safety, quality and standards;</p> <p>(d) monitoring of the environment and products;</p> <p>(e) carry out research and training;</p> <p>(f) conduct inspection services to fish factory laboratories;</p> <p>(g) facility to dispute settlements regarding safety and quality standards and their related</p> | | | <p>mazao ili kubaini usalama, ubora na viwango</p> <p>(d) Ufuatiliaji wa samaki na mazingira yake.</p> <p>(e) Kufanya utafiti na kuendesha mafunzo,</p> <p>(f) Kufanya huduma za ukaguzi wa maabara za viwanda vya samaki</p> <p>(g) Uwezo wa Kusuluhisha migogoro inayohusu usalama wa mazao na mazingira ya uzalishaji.</p> <p>(h) Kutoa</p> | |
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| | | <p>environment;</p> <p>(h) provide laboratory services for related analytical requirements and laboratories;</p> <p>(i) publishing the list of the agreed certified laboratories to perform fish and fishery products analysis; and carry out any other functions as it may deem fit and necessary.</p> | | | <p>huduma za kimabara zinazohusu mahitaji ya kiuchunguzi na kimaabara.</p> <p>(i) Kuainisha orodha ya maabara zilizokidhi kufanya uchunguzi wa samaki na mazao yake na kazi zingine kama itakavyoelekezwa.</p> | |
| Environmental monitoring | | There shall be an environmental | | | Kutakuwa na Programu ya Uandalizi wa | |

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| g program me | | monitoring programme. | | | Mazingira | |
| National Residual Monitorin g Plan | | There shall be National Residual Monitorin g Plan | | | Kutakuwa na Mpango wa Taifa wa Uangalizi wa Mabaki ya Madawa | |
| Competen t authority | 25.-(1) The Director shall be the competent authority in all matters pertaining to Fish and Fishery products. (2) The Director shall prescribe standards for hygienic and quality placement in a market, set and adopt minimum standards for safety and quality assurance and ensure that the standards are applied throughout the fishing industry. (3) The Director shall specify hygienic conditions | The principal act is amended by modifying Section 25 25.-(1) The Director shall be the competent authority in all matters pertaining to fish and fishery products. (4) The Director shall prescribe standards for | | 25- 1) Mkurugenzi atakuwa ndiye Mamlaka yenye dhamana ya usimamizi kwa masuala yote yanayohusu bidhaa za samaki na mazao yake 2) Mkurugenzi atainisha viwango vya usafi na ubora kwa samaki na mazao yake yanayowekwa sokoni, and kuweka masharti ya msingi kuthibitisha usalama wa mazao hayo, katika viwanda vya samaki kwa muda wote. (3) Mkurugenzi | 25 Sheria inaboreshwa kwa kurekebisha kifungu cha 25 (1) 25. (1) Mkurugenzi atakuwa ndiye Mamlaka yenye dhamana ya masuala yote yanayohusu samaki na mazao yake. (2) Mkurugenzi atainisha | |

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| | <p>for-</p> <p>(a) fish and fishery products parasites;</p> <p>(b) staff working in fish processing establishments;</p> <p>(c) thawing fishery products;</p> <p>(d) freezing of products;</p> <p>(e) fresh products;</p> <p>(f) processed products including smoked, salted, dried fish and other fishery products.</p> | <p>hygienic and quality placement in a market, set and adopt minimum standards for safety and quality assurance and</p> <p>(3) The Director shall specify hygienic conditions for;</p> <p>(a) fish and fishery</p> | | <p>atabainisha matakwa ya usafi kwa:</p> <p>(a) Wadudu wa samaki na mazao ya uvuvi</p> <p>(b) Watumishi wanaofanya kazi viwandani</p> <p>(c) Uyeyushaji wa samaki na maaao ya uvuvi</p> <p>(d) Ugandishaji wa Mazao ya uvuvi;</p> <p>(e) Mazao ya uvuvi yaliyopoozwa</p> <p>(f) Mazao yaliyochakatwa husani, samaki wa kukaangwa, waliotiwa chumvi na mazao mengine</p> <p>(4)</p> | <p>viwango vya usafi na ubora wa samaki na mazao yake yanayopel ekwa sokoni, na kuweka masharti ya msingi kuthibitisha usalama wa mazao hayo, katika viwanda vya samaki.</p> <p>(3) Mkurugenzi atabainisha matakwa ya usafi kwa:</p> <p>(a) Vimelea</p> | |
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| | | <p>products parasites; (b)staff working <i>inter allia</i> in fish establishme nts cold stores, ice plants, hatchery fish transportat ion vehicles and boats, (c) thawing fishery products;</p> <p>(d) freezing of products; (e) fresh products; (f) processed products including smoked, ensure that the standards are applied throughout the fishing industry.</p> | | | <p>vya samaki na mazao yake, (b) Wafanyak azi wa viwanda vya kuchakata mazao ya uvuvi, maghala ya kuhifadhi, magari na boti za kusafirisha samaki. (c) Kuyeyush a mazao yaliyogan da (d) Ugandisha ji Mazao ya samaki (e) Samaki wabichi (f) Mazao yaliyochak atwa ikiwemo, yalikaush wa kwa</p> | |
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| | | | | | moshi kuhakiksh a kuwa viwango vimezinga tiwa kwa muda wote | |
| Prevention of commercial fraud | <p>26. The Director shall establish and maintain effective systems to detect and prevent commercial fraud by requiring every batch and Fish or Fishery products placed on the market to have a sanitary mark showing-</p> <p>(a) common name and scientific name of fish species; (b) grade; (c) exact weight; (d) name, postal and physical address of processor; (e) date and place of manufacture; (f) the expiry date; and (g) Origin of the product.</p> | 26. Retained | | <p>26. Mkurugenzi ataanzisha na kutunza mfumo madhubuti wa kubaini na kuzuia udanganyifu katika biashara kwa kuagiza kila mazao yaliyozalishwa kwa mkupuo yanakuwa na alama ya usafi inayoonesha:</p> <p>(a) Jina la asili na jina la kisayansi la samaki (b) Daraja (c) Uzito halisi, (d) Jina na anuani ya posta na eneo la makazi la mzalishaji (e) Tarehe na eneo la uzalishaji (f) Tarehe ya mwisho wa matumizi</p> | | |

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| | | | | (g) Asili ya bidhaa | | |
| Fish and Fishery product Marketing and distribution | 27. The Director shall in collaboration with other relevant government agencies and the private sector ensure hygienic Fish marketing and distribution. | Section modified to read: “The Director in collaboration with other relevant government agencies, “institutions” and the private sector shall ensure that fish and fishery products are distributed and marketed in hygienic condition | For clarity | Mkurugenzi kwa kushirikiana na Mamlaka zingine na sekta binafsi atahakikisha usafi wa samaki katika, masoko. na usambazaji | Kifungu hiki kinaboreshwa na kitasomeka ifuatavyo; Mkurugenzi kwa kushirikiana na Mamlaka za Serikali na wawekezaji binafsi atahakikisha kuwa samaki na mazao ya uvuvi yanasambazwa katika hali ya usafi. | |
| Investment plan | | The principal act is amended by Adding new section A person who intends to invest in fish capture industry shall submit to the Director an investment plan which | | | Sheria inabadilishwa kwa kuongeza kifungu kipya (i) Muwekezaji anayekusudia kuwekeza katika kiwanda cha samaki wa asili | |

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| | | <p>shall include inter alia:-</p> <p>architectural plan;</p> <p>an Environment Impact Assessment report approved by the relevant authority;</p> <p>Certificates of Incorporation</p> <p>Work permit for non residents;</p> <p>Description of the project;</p> <p>Capital of the investor;</p> <p>Species, fisheries related products and inputs, finished</p> | | | <p>atawasilish a mpango wa uwekezaji ukiambatis hwa na:</p> <p>(a) Mchoro uliosanifiwa ;</p> <p>(b) Taarifa ya tathmini ya athari za kimazingira ilithibitishwa na Mamlaka yenye dhamana,</p> <p>(c) Cheti cha usajili wa kampuni</p> <p>(d) Kibali cha kufanya kazi kwa asiye mkazi</p> <p>(e) Maelezo ya kina ya mradi</p> <p>(f) Mtaji wa</p> | |
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| | | product and the production capacity; and Final market | | | mwekezaji (g) Aina za samaki na mazao anayokusudi a kuzalisha pamoja na uwezo wa kiwanda; na (h) Soko ambalo bidhaa zinakusudiwa kuuzwa | |
| PART VII FINANCIAL PROVISIONS | | | | | | |
| Power to Charge fees | 28.-(1) The Minister shall by notice published in the Gazette, prescribe fees for fishing vessel registration, various licences, services, permits and export royalties. (2) In determining the levels of export royalty for a particular fish and fishery product, regard shall be paid to- | Section amended by modifying marginal notes to read: “Power to impose Fees and charges” | | 28 .- (1) Waziri atatoa taarifa iliyochapishwa katika Gazeti la Serikali, kuagiza ada za usajili wa chombo cha uvuvi, leseni mbalimbali, vibali na ushuru wa kusafirisha mazao ya uvuvi nje ya nchi. (2) Katika kuamua viwango vya mauzo ya mazao ya uvuvi mambo ya kuzingatiwa ni | Power to Charge fees | |

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| | <p>(a) the weight of the products; and</p> <p>(b) such other factors as may be prescribed.</p> <p>(3) The Minister may by notice published in the Gazette, exempt certain fish and fishery products from being charged export royalty.</p> | | | <p>pamoja na;</p> <p>(a) uzito wa bidhaa; na</p> <p>(b) mambo mengine ambayo yanaweza kuagizwa.</p> <p>(3) Waziri anaweza kwa taarifa iliyochapishwa katika Gazeti la Serikali, kuondoa ushuru kwa aina fulani ya samaki au bidhaa za samaki kutotozwa ushuru wa kusafirisha nje ya nchi.</p> | | |
| Fisheries Development Fund | <p>29.-(1) There is hereby established in the office of the Director, a fund that shall be known as the Fisheries Development Fund.</p> <p>(2) The Fund and resources of the Fund shall consist of-</p> <p>(a) any such sum as may be appropriated by the Parliament;</p> <p>(b) any sum or property which may in any manner</p> | <p>Sub section 29(2) is amended by adding additional sources of income after paragraph (e) to include:-</p> <p>10% of some realized by sale of any fish produce confiscated under provisions of</p> | | <p>29 .- (1) Kutaanzishwa mfuko katika ofisi ya Mkurugenzi, ambao utajulikana kama Mfuko wa Maendeleo ya Uvuvi.</p> <p>(2) Mfuko na vyanzo vya mapato ya Mfuko vitajumuisha-</p> <p>(a) Kiasi chochote cha fedha kinachoweza kuidhinishwa na Bunge;</p> <p>(b) Kiasi chochote au</p> | <p>Kifungu hiki 29(2) kimerekebishwa kwa kuongeza vyanzo vingine vya mapato baada ya kifungu (e) vitakavyojumuisha:-</p> <p>(f) Asilimia kumi ya mauzo ya samaki waliotaiifi</p> | |

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| | <p>become payable into the Fund;</p> <p>(c) any income generated by any project financed by the Fund, due allowance being made for any necessary expenses which must be met by any such project;</p> <p>(d) grants, donations, bequests or such sum contributed by any private individuals, corporate bodies, foundations and international organizations, within or outside the country;</p> <p>(e) any such funds legally acquired from various sources.</p> <p>(3) There shall be a Committee of Fisheries Development Fund appointed by the Minister,</p> | <p>the Fisheries Act</p> <p>10% of sum realized from inspection of fisheries establishments</p> <p>Any income generated from fisheries project</p> <p>10% any monies collected from compounded offences and penalties due to committed offences on illegal fishing practices</p> <p>5% of the monies by LGA from fisheries related activities</p> <p>Section 29 is amended by adding sub section (4) to read as follows:-</p> <p>The Committee</p> | | <p>mali ambayo inaweza kwa namna yoyote</p> <p>Kuchangia katika Mfuko;</p> <p>(c) Mapato yoyote yatokanayo na mradi wowote unaofadhiliwa na mfuko,</p> <p>(d) Misaada, michango, changizo au kiasi chochote kitakachochangiwa na watu binafsi, mashirika Taasisi na mashirika ya kimataifa, ndani au nje ya nchi;</p> <p>(e) Fedha zozote zitakazopatikana kihalali kutoka vyanzo mbalimbali</p> <p>(3) Kutakuwa na Kamati ya Mfuko wa Maendeleo ya Uvuvi Itakayoteuliwa na Waziri, ambayo itawajibika na usimamizi wa Mfuko.</p> | <p>shwa kwa mujibu wa sheria hii</p> <p>(g) Asilimia kumi ya mapato yatokanayo na ukaguzi wa viwanda vya samaki.</p> <p>(h) Mapato yoyote yanayotokana na miradi ya Uvuvi</p> <p>(i) Asilimia kumi ya fedha zinazotokana na makusanyo ya faini za makossa</p> | |
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| | <p>which shall be responsible for the management of the Fund.</p> | <p>shall be composed of members from the following institutions-</p> <p>(a) Two representatives from the public service in the capture fisheries</p> <p>(b) Legal Officer from the Ministry responsible for fisheries;</p> <p>(c) Representative from Ministry responsible for Local Government responsible for linking central government interventions with communities;</p> <p>(d) Representative from</p> | | | <p>ya uvuvi haramu.</p> <p>(j) Asilimia tano ya fedha zinazokusanywa na halmasha uri kutoka vyanzo vinanavyotokana na shughuli za uvuvi.</p> <p>Kifungu hiki 29(2) kimerekebishwa kwa kuongeza kifungu (4) kitasomeka kama ifuatavyo:- Kamati itakuwa na wajumbe kutoka taasisi zifuatazo- (a)Wawakilishi</p> | |
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| | | <p>Ministry responsible for finance dealing with projects financing</p> <p>(e) Two representatives from Fisheries stakeholders.</p> | | | <p>wa wawili wa kutoka sekta ya Umma inayohusika na Uvuvi kwenye maji ya asili</p> <p>(b) Mwanasheria kutoka Wizara inayohusika na masuala ya Uvuvi</p> <p>(c)Mwakilishi kutoka Wizara inayohusiana na masuala ya Selikali za mitaa ili kuunganisha shughuli za serikali kuu na jamii</p> <p>(d)Mwakilishi kutoka Wizara inayohusiana na masuala ya fedha anayehusika na ufadhili wa miradi.</p> <p>(e)</p> | |
| | | <p>Section is amended by adding subsection (5) to read as follows:-</p> <p>Tenure, meetings and proceedings of the Committee shall be as set out in the Schedule of this Act.</p> | | | | |

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| | | | | | <p>Wawakilishi wawili kutoka wadau wa Uvuvi</p> <p>Kifungu hiki kimerekebish wa kwa kuongeza kifungu (5) kitasomeka kama ifuatavyo:- Muda wa kukaa madarakani, vikao na mashauri ya kamati yatakuwa kama yalivyoelekez wa katika jedwali la sheria hii.</p> | |
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| <p>Purpose of the Fund</p> | <p>30. The objects and purposes of the Fund are to-</p> <p>(a) promote awareness of the importance of protection, development and sustainable use of fisheries resources through public education and training;</p> <p>(b) promote and assist in the development of community management units by giving grants and assisting groups of persons wishing to form fisheries conservation and protection groups;</p> <p>(c) promote and develop research in fisheries;</p> <p>(d) enable Mainland Tanzania to benefit from international initiatives and international funds directed towards conservation and protection of biological diversity and promotion of sustainable development of fishery resources;</p> | <p>Section modified by replacing the word "Objects" with "Objectives"</p> <p>Section modified by deleting paragraphs (a), (d), (e), (i), (j), (k), (l).</p> <p>Section modified by deleting the word "by giving grants" from paragraph (b).</p> <p>Paragraph (f) modified to read:- Assist in monitoring of compliance to this Act.</p> | <p>Proper address Madhumuni ya Mfuko</p> | <p>30. Madhumuni na malengo ya Mfuko ni-</p> <p>(a) Kuongeza ufahamu na umuhimu wa ulinzi, na matumizi endelevu ya rasilimali za uvuvi kupitia Elimu kwa umma na Mafunzo;</p> <p>(b) Kukuza na kusaidia vikundi vya kijamii vyenye lengo la kulinda uhifadhi na rasilimali za uvuvi.</p> <p>(c) Kukuza na kuendeleza tafiti katika uvuvi;</p> <p>(d) Kuwezesha Tanzania Bara kufaidika na mipango na mifuko ya kimataifa Kwa ajili ya uhifadhi , ulinzi wa kibaiolojia na kukuza rasilimali za uvuvi;</p> <p>(e) Kusaidia vikundi na watu binafsi</p> | <p>1) Kifungu kimerekebishwa kwa kuchukua neno "vitu" na "Malengo"</p> <p>(2) Kifungu kimerekebishwa kwa kufuta vifungu vidogo (a), (d), (e), (i), (j), (k), (l).</p> <p>(3) Kifungu kimerekebishwa kwa kufuta neno "kwa kutoa misaada" kutoka kwa kifungu kidogo(b).</p> <p>(4) Kifungu kidogo (f) kimerekebishwa kusomeka: - Kusaidia katika ufuatiliaji wa</p> | <p>Mabadiliko ya Kawaida katika vipengele.</p> |
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| | <p>(e) assist group of persons and individuals to participate in any public debates and discussions on fisheries such as the making of environmental impact assessment;</p> <p>(f) assist groups of persons and individuals to ensure compliance with this Act;</p> <p>(g) support fisheries protection activities;</p> <p>(h) promote fishery products in the external market, compliance with international standards and improvement of quality for local market;</p> | | | <p>kushiriki katika Mijadala ya wazi unaohusu masuala ya uvuvi kama vile kufanya tathmini ya athari za mazingira;</p> <p>(f) Kusaidia makundi ya watu na watu binafsi ili kuhakikisha kuwa wanafuata Sheria hii;</p> <p>(g) Kusaidia shughuli za ulinzi wa rasilimali za uvuvi;</p> <p>(h) Kutangazabidhaa za uvuvi katika soko la nje, kukidhi viwango vya kimataifa na kuboresha ubora wa mazao ya uvuvi katika soko la ndani;</p> <p>(i) Kuwezesha Tanzania Bara kulipa ada yake ya uanachama na michango mbalimbali ya kimataifa</p> <p>(j) Kukuza shughuli</p> | <p>uzingatiaji wa Sheria hii.</p> | |
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| | <p>(i) enable Mainland Tanzania to pay her membership fee and various contributions to relevant international fisheries organization;</p> <p>(j) promote aquaculture activities and restocking of natural water bodies;</p> <p>(k) facilitate fisheries data collection; and</p> <p>(1) promote such other activities of a like nature to those set out in this section as will advance the purposes of this Act.</p> | | | <p>za Uvuvi na Ufugaji wa Viumbe kwenye Maji</p> <p>(k) Kuwezesha ukusanyaji wa Takwimu za uvuvi; na</p> <p>(1) Kukuza shughuli nyingine za asili kama zitakavyoianishwa na Sheria hii.</p> | | |
| <p>PART VIII ENFORCEMENT</p> | | | | | | |
| Surveillance unit | <p>31.-(1) The Minister shall, after consultation with the Minister responsible for Home Affairs, establish a Surveillance Unit.</p> <p>(2) The Unit shall consist</p> | <p>The principal act is amended by modifying Section 31 to read:-</p> <p>(1)There is hereby</p> | | <p>31-(1) Waziri atalazimika kuanzisha Kikosi cha Doria baada ya kushauriana na Waziri anayehusika na Mambo ya Ndani.</p> | <p>Sheria ya Uvuvi inafanyiwa marekebisho kwa kuboresha kifungu cha 31 ili kisomeke:-</p> | |

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| | of such number of persons as the Minister may determine based on advise of the Director. | established a unit known as Monitoring, Control and Surveillance; (2) The administration of the Unit shall be vested in the Director (3) The Unit shall be organized in such zones and deployed according to such areas or places as the Director may, with the consent of the Minister, prescribe. | | (2)Kikosi cha Doria kitajumuisha idadi ya watu kama itakavyoamuriwa na Waziri baada ya kushauriwa na Mkurugenzi na kitafanya kazi katika maeneo kama ambavyo Mkurugenzi ataeleza baada ya kupata ukubali wa Waziri. | 1. Kutakuwa na Kikosi kinachojulikana kwa jina la Ufuatiaji, Udhibiti na Doria 2. Uendeshaji wa Kikosi utakuwa chini ya Mkurugenzi 3. Kikosi kitapangwa katika Kanda na kutekeleza majukumu yake katika maeneo na mahali kwa kadri Mkurugenzi atakavyoelekeza baada ya kushauriana na Waziri.. | |
| Function of the Unit | 32.-(1) The function of the Unit shall be the protection of fish and its environment, fishery products and aquatic flora | The Principal Act is amended by modifying Section 32 to read:- | | 32(1) Kazi ya Kikosi itakuwa ni kulinda rasilimali za Uvuvi(Samaki) na mazingira yake, | Sheria ya Uvuvi inafanyiwa marekebisho kwa | Function of the Unit |

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| | <p>against unlawful dealers and generally the enforcement of the provisions of this Act.</p> <p>(2) The Minister may, after consultation with the Minister responsible for Home Affairs and Minister responsible for Defence, by regulations published in the Gazette, provide for-</p> <p>(a) the organization and deployment of the Unit, the conditions and terms of service and the various grades, ranks and appointments of officers;</p> <p>(b) the duties to be performed by members of the Unit, and their guidance in the discharged of those duties;</p> <p>(c) the regulation of matters relating to discipline in the Unit;</p> <p>(d) the description and issue of arms, ammunition accouterments, uniforms and other necessary supplies to members of the Unit;</p> <p>(e) matters relating</p> | <p>32(1). The function of the Unit shall be the protection of fish and its environment, fishery products and aquatic flora against unlawful dealers and generally the enforcement of the provisions of this Act.</p> <p>(5) The Minister may, after consultation with the Minister</p> | | <p>Mimea ya kwenye maji dhidi ya wanaojishuhusisha na shughuli samaki na mimea ya kwenye maji kinyume cha Sheria na kwa ujumla wake kusimamia utekelezaji wa matakwa ya Sheria hii.</p> <p>(2) Waziri anaweza baada ya kushauriana na Waziri anayehusika na Mambo ya Ndani na Waziri wa Ulinzi kuchapisha Kanuni katika Gazeti la Serikali kwa kutoa:</p> <p>(a) Mpangilio na namna ya utendaji kazi, masharti, ya ajira, madaraja, vyeo na uteuzi wa Maafisa wa Kikosi.</p> <p>(b) Majukumu yatakayofanywa na wafanyakazi wa Kikosi na miongozo ya kufuatwa katika utekelezaji wa</p> | <p>kuboresha kifungu cha 32 ili kusomeka:-</p> <p>32-(1) Kazi ya Kikosi itakuwa kulinda samaki na mazingira yake, mazao ya uvuvi na mimea ya kwenye maji dhidiya wanaojihusisha na shughuli samaki na mimea ya kwenye maji kinyume cha Sheria ana kwa ujumla wake kusimamia utekelezaji wa matakwa ya Sheria hii.</p> <p>(2) Waziri anaweza baada ya kushauriana na Waziri anayehusika na Mambo ya Ndani na kupata ukubali</p> | |
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| | <p>generally to the good order and administration of the Unit.</p> | <p>responsible for home affairs and with the consent of the President, by regulations published in the Gazette, provide for:-</p> <p>(a) the organization and deployment of the Unit, the conditions and terms of service, and the various grades, ranks and</p> | | <p>Majukumu.</p> <p>(c) Masharti juu ya mambo yanayohusu nidhamu katika Kikosi.</p> <p>(d) Maelekezo na utoaji wa silaha, risasi na vifaa vinavyohusiana, sare, na vifaa vingine vya muhimu kwa ajili ya Kikosi</p> <p>(e) Mambo yanayohusiana na utengamano na utawala wa kikosi</p> | <p>wa Rais kuchapisha Kanuni katika Gazeti la Serikali juu ya:</p> <p>(a) Mpangilio na namna ya utendaji kazi, masharti, ya ajira, madaraja, vyeo na uteuzi katika Kikosi.</p> | |
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| | | <p>appointments in it;</p> <p>(b) the duties to be performed by members of the Unit, and their guidance in the discharge of those duties;</p> <p>(c) the regulation of matters relating to discipline in the Unit;</p> <p>(d) the description and issue of arms, ammunition, accouterments, uniforms and other necessary supplies to members of</p> | | | <p>(b) Majukumu yatakayofanywa na wafanyakazi wa Kikosi na miongozo ya kufuatwa katika utekelezaji wa Majukumu.</p> <p>(c) Masharti juu ya mambo yanayohusu nidhamu katika Kikosi.</p> <p>(d) Maelekezo na utoaji wa silaha, risasi na vifaa vinavyohusiana, sare, na vifaa vingine vya muhimu kwa ajili ya Kikosi</p> <p>(e) Mambo yanayohusiana</p> | |
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| | | <p>the Unit; (e) matters relating generally to the good order and administration of the Unit.</p> <p>The section is amended by adding a new sub section (3) to read:-</p> <p>(3)The Unit shall develop a data base for monitoring, control and surveillance performed by its services and shall be accessible to all authorized officers.</p> | | | <p>na utengamano na utawala wa kikosi.</p> <p>Kifungu hiki kinafanyiwa marekebisho kwa kuongeza kifungu kidogo cha 3 kitakachosomeka:- (3)Kikosi kitatengeneza Kanzidata kwa ajili ya Ufuatiliaji, Udhibiti na Doria utakaofanywa na Kikosi. Kanzidata hiyo itatumiwa na maafisa walioruhusiwa.</p> | |
| Powers of the Unit | 33. The officers of the Unit shall have powers to - (a) cause the master, skipper or boatman of a fishing vessel or any | The principal act is amended by modifying Section 33 to read:- | For clarity | 33. Maafisa wa Kikosi watakuwa na Mamlaka ya:- (a) Kumuamuru, Nahodha au | Sheria ya uvuvi inafanyiwa marekebisho kwa kuboresha | Powers of the Unit |

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| | <p>other suspicious vessel to stop;</p> <p>(b) require the master, skipper or boatman to stop fishing and take fishing gear of a fishing vessel back on board;</p> <p>(c) require the master, skipper or boatman to facilitate the boarding of a fishing vessel by all appropriate means;</p> <p>(d) go on board a fishing vessel or any other suspicious vessel and exercise powers of an authorized officer;</p> <p>(e) require the master, skipper or crew to produce any certificate of registration, record of fish caught and other documents</p> | <p>(1)The Unit shall have power to: -</p> <p>(a) search, arrest and seize;</p> <p>(b) compound offences as set out in the Schedule to this Act;</p> <p>(c) board and search any vessel, vehicle or any part thereof;</p> <p>(d) enter and search any premise, building; establishments, shops, exit</p> | | <p>Mwendesha boti kusimamisha chombo cha uvuvi au chombo kinachotuhumiwa.</p> <p>(b) Kumuamuru, Nahodha au Mwendesha boti kusimamisha uvuvi na kutegua mtego kutoka kwenye maji na kuurudisha kwenye Chombo.</p> <p>(c) Kumuamuru Nahodha au mwendesha boti kumuwezesha afisa mwenye mamlaka kuingia katika chombo.</p> <p>(d) Afisa mwenye mamlaka kuamuru kuingia kwenye chombo kwa kutumia mamlaka yake.</p> <p>(e) Kumuamuru Nahodha /Mwendesha boti au baharia kuonyesha cheti cha usajili wa chombo, kumbukumbu ya</p> | <p>Kifungu 33 ili kisomeke:</p> <p>(1) Kikosi kitakuwa na mamlaka ya:</p> <p>(a) Kupekua, kukamata na kuzuia</p> <p>(b) Kutoza faini ya makosa yaliyoorodheshwa katika jedwali lililopo katika Sheria hii.</p> <p>(c) Kuingia na kupekua chombo chochote, gari au sehemu ya chombo hicho.</p> <p>(d) Kuingia na kupekua jengo lolote, Kiwanda, Duka, Kituo cha kuondokea au kuingilia nchini, ghala,</p> | |
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| | <p>relating to the fishing vessel or any person on board as appropriate;</p> <p>(f) examine and take copies of any document mentioned in paragraph(e);</p> <p>(g) require the master, skipper or boatman to give any explanation concerning the vessel fish, fishing gear, equipment and crew or any person on board the fishing vessel and any documents mentioned in paragraph (e); and</p> | <p>points, godowns, markets or any other places;</p> <p>(e) seize, remove and retain any fish, aquatic flora, fish product, product of aquatic flora, or any other article or thing, whether found on board of vessel or in any building, place or premises and in respect of which it</p> | | <p>samaki waliovuliwa, na nyaraka zozote zinazohusiana na chombo hicho cha uvuvi au mtu yeyote aliyemo ndani ya chombo kwa kadri itakavyoonekana inafaa.</p> <p>(f) Kufanya ukaguzi na kuchukua nakala za nyaraka zilizotajwa katika kifungu(e).</p> <p>(g) Kumtaka nahodha au mwendeha boti kutoa ufafanuzi kuhusu chombo, samaki, nyavu za uvuvi, vifaa, mabaharia au mtu yeyote aliyemo kwenye chombo au nyaraka zozote zilizotajwa katika kifungu (e) na</p> <p>(h) Kuamuru chombo cha uvuvi kutia nanga kwenye bandari au Mwalo.</p> | <p>Soko au mahala popote.</p> <p>(e) Kuzuia, kuondoa na kushikilia samaki, mimea, mazao ya mimea ya kwenye maji, mazao ya uvuvi au kifaa au kitu chochote ambacho kitakutwa kwenye chombo cha kwenye maji au gari au katika jengo lolote, pale ambapo kosa litaonekana limetendeka kwa Mujibu wa Sheria hii au Kanuni zilizotungwa</p> | |
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| | (h) require a fishing vessel to come to port or to a landing station | <p>appears to him that an offence under this Act or any subsidiary legislation made under this Act has been committed, or which appears to him to constitute evidence of any such offence having been committed ;</p> <p>(f) arrest any person whom he reasonably suspects of having committed any offence</p> | | | <p>kwa mujibu wa Sheria hii au ambapo itapelekea kupata ushahidi juu ya kosa lolote ambalo litakuwa limetendwa.</p> <p>(f) Kumkamata mtu yeyote ambaye anayetuhumiwa kutenda kosa kwa Mujibu wa Sheria hii au Kanuni zozote zilizotungwa chini ya Sheria hii au yupo katika hatua za kutaka kutenda kosa.</p> | |
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| | | <p>under this Act or any subsidiary legislation made under this Act or of being about to commit any such offence;</p> <p>(g) cause the Master, Skipper or Boatman of a fishing vessel or any other suspicious vessel to stop;</p> <p>(h) require the Master, Skipper or Boatman to stop fishing and take fishing</p> | | | <p>(g) Kumuamuru, Nahodha au mwendesha chombo cha Uvuvi au chombo kinachotuhumiwa kusimama</p> <p>(h) Kumuamuru, Nahodha, Mwendesha chombo kusimamisha uvuvi na kutegua mtego kutoka kwenye maji na kuurudisha kwenye Chombo.</p> <p>(i) Kumuamuru Nahodha au mwendesha boti kumuwezesha afisa mwenye mamlaka</p> | |
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| | | <p>gear of a fishing vessel back on board;</p> <p>(i) require the Master, Skipper or Boatman to facilitate the boarding to a fishing vessel by all appropriate means;</p> <p>(j) to board a fishing vessel or any other suspicious vessel and exercise powers of an authorized officer;</p> <p>(k) require the Master,</p> | | | <p>kuingia katika chombo.</p> <p>(j) Kuingia katika chombo cha uvuvi au chombo kinachotuhumiwa na kutekeleza mamlaka ya Afisa aliyeruhusiwa</p> <p>(k) Kumuamuru, nahodha au Baharia kuonyesha cheti cha usajili wa chombo, kumbukumbu ya samaki waliovuliwa, na nyaraka mbalimbali ikiwemo kumbukumbu za kielektroniki</p> | |
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| | | <p>Skipper or crew to produce any certificate of registration, record of fish caught and other documents including electronic records relating to the fishing vessel, catches or any person on board as appropriate;</p> <p>(l) examine and take copies of any document mentioned in</p> | | | <p>zinazohusiana na chombo cha uvuvi, samaki waliovuliwa au mtu yeyote aliyemo ndani ya chombo kwa kadri itakavyooneka na inafaa.</p> <p>(l) Kukagua na kuchukua nakala za nyaraka zilizotajwa katika kifungu (k).</p> <p>(m) Kumuamuru, Nahodha au mwendesha chombo kutoa maelezo kuhusu chombo, samaki, nyavu za uvuvi, vifaa, mabaharia au mtu yeyote aliyemo kwenye</p> | |
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| | | <p>paragraph (k);</p> <p>(m) require the Master, Skipper or Boatman to give any explanation concerning the vessel, fish, fishing ground, fishing gear, equipment and crew or any person on board the fishing vessel and any documents mentioned in paragraph (k); and</p> <p>(n) require a fishing vessel to come to</p> | | | <p>chombo au nyaraka zozote zilizotajwa katika kifungu (k) na</p> <p>(n) Kuamuru chombo cha uvuvi kutia nanga kwenye bandari au Mwalo.</p> <p>Kifungu cha 33 kinafanyiwa marekebisho kwa kuongeza Vifungu Vidogo vya (3) na (4) kusomeka kama ifuatavyo:-</p> <p>(2) Afisa Msimamizi wa Sheria atahakikisha kuwa Nahodha wa Chombo cha</p> | |
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| | | <p>port or to a landing station.</p> <p>Section 33 is amended by adding subsection (3) and (4) to read as follows:-</p> <p>(3) The enforcement officer shall ensure that a captain of fishing vessel while in unauthorized fishing area, secure all fishing gears and any other equipment onboard used for fishing in such a manner that they cannot be used in fishing.</p> <p>(4) Every captain of a licensed</p> | | | <p>Uvuvi akiwa katika eneo la uvuvi lisiloruhusiwa kuvua kutunza nyavu za uvuvi na vifaa vingine ndani ya chombo katika hali ambayo havitatumika kwa uvuvi.</p> <p>(3) Kila Nahodha ya chombo kilichopewa leseni anatakiwa kutunza katika chombo kitabu cha kumbukumbu (Log book) chenye:</p> <p>(a) Kumbuku mbu za kila siku kila uvuvi ulipofanyika,</p> | |
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| | | <p>fishing vessel shall maintain on board a fishing and landing log - book, which contain:-</p> <p>a) daily records for each fishing operation, catches retained onboard by species in weight kilograms, time and fishing ground;</p> <p>(b) cumulative estimate of fish catch since the commencement of fishing operation;</p> <p>(c) types and number of gears used;</p> <p>d) number of fishing</p> | | | <p>kiasi cha samaki waliomo ndani ya chombo kwa aina ya samaki na uzito katika kilo, muda na eneo la uvuvi walipovuliwa.</p> <p>(b) Makisio ya jumla ya kiasi cha samaki waliovuliwa tangu kuanza kwa shughuli ya uvuvi</p> <p>(c) Aina na idadi ya nyavu zilizotumika.</p> <p>(d) Idadi ya shughuli za uvuvi zilizofanyika kwa siku na kiasi cha muda unaotumika kwa kila shughuli ya uvuvi, eneo la</p> | |
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| | | operations per day and duration of time that the fishing is deployed during each fishing operation; fishing location, longitudes and latitudes. | | | uvuvi kwa longitudi na latitudi. (e) | |
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| Power to prosecute Act No. 9 of 1985 | 34. For the purpose of enforcing the provisions of this Act and any subsidiary legislation made under this Act, an authorized officer may, subject to the direction of the Director of Public Prosecutions, conduct any prosecution for any offence under this Act or regulations made under this Act and shall for that purpose have all the powers conferred upon a Public Prosecutor by the Criminal Procedure Act. | This Section is Retained | | 34. Kwa madhumuni ya utekelezaji wa Sheria hii na Kanuni zake, Afisa aliyeruhusiwa anaweza kwa maelekezo ya Mkurugenzi wa Mashtaka kuendesha mashtaka kwa kosa lolote lililotendwa kwa mujibu wa Sheria hii au Kanuni zilizotungwa chini ya Sheria hii na katika kutekeleza kazi hiyo atakuwa na mamlaka yote ya Mwendesha | | |

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| | | | | Mashtaka kama ilivyoelezwa katika Sheria ya Mwenendo wa Makosa ya Jinai. | | |
| Certificate of evidence | 35-(1) An authorized officer shall record "certificate of evidence" Describing the scene and other particulars of the crimes as evidence. (2) Use of computer or electronic or stored information may be produced as evidence in a court of law. | Principal Act amended by deleting Section 35 | There are specific Acts serving this purpose. | 35(1) Afisa mwenye Mamlaka atachukua kumbukumbu za cheti cha ushahidi katika eneo la tukio na vielelezo vingine kwa ajili ya ushahidi. (2) matumizi ya ushahidi uliotunzwa katika kompyuta au vifaa vya kielektroniki mahakamani. | Certificate of evidence | 35.-(1) An authorized officer shall record "certificate of evidence" describing the scene and other particulars of the crimes as evidence. (2) Use of computer or electronic or stored information may be produced as evidence in a court of law. |
| Power of search and seizure | 36.An authorized officer may with or without warrant as it may be appropriate- (a) board and search any vessel, vehicle or any part | Retained | | 36.Afisa mwenye Mamlaka akiwa au bila hati ya upekuzi kwa kadri itakavyoonekana inafaa: (a) kuingia na | | |

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| | <p>thereof,</p> <p>(b) enter any premise, building or any other place;</p> <p>(c) seize, remove and retain any fish, aquatic flora, fish products, product of aquatic flora, fishing gear or any other article or thing, whether found on board any vessel or vehicle or in any building, place or premises and in respect of which appears to him that an offence under this Act or any subsidiary legislation made under this Act has been committed, or which appears to him to constitute evidence of any such offence having been committed;</p> | | | <p>kufanya upekuzi katika chombo chochote cha kwenye maji, gari, au sehemu ya chombo au gari hilo</p> <p>(b) kuingia jengo lolote au sehemu yeyote</p> <p>(c) kuzuia, kuondoa na kushikilia samaki, mimea ya kwenye maji, Mazao yatokanayo na samaki, Mazao yatokanayo na mimea ya kwenye maji, nyavu au kitu chochote kitakachokutwa katika chombo cha uvuvi au gari au katika jengo, mahali au majengo ambayo Afisa ataona kuna kosa limetendeka kwa mujibu wa Sheria hii au Kanuni zilizotungwa kwa Mujibu wa Sheria hii ili kupata ushahidi unaohusiana na kosa</p> | | |
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| | (d) arrest any person whom he, reasonable suspects of having committed an offence under this Act or any subsidiary legislation made under this Act or of being about to commit any such offence. | | | lililotendeka (d) Kumkamata mtu yeyote anayemtuhumu kwamba ametenda kosa au yupo mbioni kutenda kosa kwa mujibu wa Sheria hii au Kanuni zilizotungwa kwa mujibu wa Sheria hii | | |
| Seizure of things used for commission of offence | 37. Whatever it is lawful under this Act for the Director or an authorized officer or a police officer to seize and retain any fish, fish product, aquatic flora or other article or thing, it shall be lawful to seize an (i) any receptacle other than a vessel or vehicle, in which such fish product, aquatic flora, product of aquatic flora or other article or thing is committed; (ii) any machinery including propellant | The principal act is amended by modifying Section 37 to read:- Whatever it is lawful under this Act for the Director or an authorized officer or a police officer to seize and retain any fish, fish product, aquatic flora or product of aquatic flora or other | | 37. Kwa, mujibu wa Sheria hii, Mkurugenzi au Afisa aliyeruhusiwa au Afisa wa Polisi itakuwa halali:- (a) Kukamata na Kushikilia: (i) Chombo chochote cha uvuvi, gari lenye mazao ya samaki, mimea ya kwenye maji na mazao yake au kitu chochote. (ii) Mashine | Sheria inafanyiwa marekebisho kwa kuboresha Kanuni ya 37 kusomeka: Ikiwa inaruhusiwa kisheria kwa mujibu wa Sheria hii, kwa Mkurugenzi au Afisa Mwenye Mamlaka au Afisa wa Polisi kukamata na kushikilia Samaki | Seizure of things used for commission of offence |

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| | <p>machinery of a vessel or vehicle, implement, utensil, material or substance used for the commission of any offence under this Act or under any subsidiary legislation made hereunder;</p> <p>(iii) any book of account or other document which appears to him to contain evidence that an offence has been or is about to be committed under this Act or any subsidiary legislation made hereunder;</p> <p>(b) to direct any vessel or vehicle in which any fish, fish product, aquatic flora or product of aquatic flora or other article or thing is seized in accordance with the provisions of section 40 or of paragraph (a) of this section, to proceed to such port or place in</p> | <p>article or thing, it shall be lawful;</p> <p>(a) to seize and retain;</p> <p>(i) Any receptacle including a vessel or vehicle or other article or thing in which such fish, fishery product, aquatic flora and fauna, product of aquatic flora and fauna are contained or transported;</p> <p>(ii) any machinery including</p> | | <p>yoyote ikijumuiasha mashine inayokifanya chombo cha kwenye maji au gari kujongea, Kifaa, chombo, kitu kilichotumika kutenda kosa kwa mujibu wa Sheria hii au Kanuni zilizotungwa kwa mujibu wa Sheria hii.</p> <p>(iii) Kitabu chochote cha kumbukumbu za mahesabu au nyaraka yoyote anayoona itakuwa na ushahidi kwamba kosa limetendeka au linakaribia kutendeka chini ya sheria hii au kanuni zilizotungwa chini ya sheria hii</p> <p>(b) Kuamuru chombo chochote cha kwenye maji au gari ambalo limekamatwa na</p> | <p>wowote, Mazao yatokanayo na Samaki, Mimea ya kwenye Maji au chombo au kitu chochote, Itakuwa halali kwa Mujibu wa Sheria:</p> <p>(a) Kukamata na Kushikilia</p> <p>(i) Chombo chochote ikiwemo chombo cha uvuvi au gari au kifaa au chochote ambacho Samaki hao mazao ya uvuvi, mimea ya kwenye maji na mazao ya mimea ya kwenye maji yalikiwemo au kusafirishwa.</p> <p>(ii) Mashine yeyote ikijumuiaha</p> | |
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| | <p>the country as may be convenient for unloading from the vessel or vehicle such fish, fish product, aquatic flora or product of aquatic flora or other article or thing seized thereon, and may then detain the vessel or vehicle for such time as may reasonably be required to effect the unloading;</p> <p>(c) all things seized shall be recorded in the seizure from filed in triplicate, the first copy of which shall be served upon the suspect and the second copy to be produced in court as evidence and the third copy shall be filed for office reference.</p> | <p>propellant machinery of a vessel or vehicle, implement, utensil, material or substance used for the commission of any offence under this Act</p> <p>(iii) any book of account or other document which appears to him to contain evidence that an offence has been or is about to be committed under this Act or any subsidiary legislation made hereunder;</p> <p>(b) to direct any vessel or vehicle in which any fish,</p> | | <p>samaki, mazao ya samaki, mimea ya kwenye maji na mazao yake au chombo chochote kilichokamatwa kwa mujibu wa Kifungu cha 40 au kwa mujibu wa kifungu (a) cha Kifungu hiki. Kuelekea katika bandari iliyo karibu au mahali ndani ya nchi ili kupakua samaki, mimea ya kwenye maji na mazao yake au kitu chochote kilichokamatwa kutoka kwenye chombo cha kwenye maji, gari na anaweza kuzuia chombo hicho au gari kwa muda unaotosha kupakua mazao hayo.</p> <p>(c) Vitu vyote vilivyokamatwa vitaorodheshwa katika fomu ya ukamataji kwa</p> | <p>mashine inayokifanya chombo cha kwenye maji au gari kujogea, Kifaa, chombo, kitu kilichotumika kutenda kosa kwa mujibu wa Sheria hii au Kanuni zilizotungwa kwa mujibu wa Sheria hii.</p> <p>(iv) Kuamuru chombo chochote cha kwenyeb maji au gari ambayo ilikamatwa na samaki, mazao ya samaki, mimea ya kwenye maji au mazao ya mimea ya kwenye maji au chombo chochote kilichokamatw a kwa ilivyoelezwa</p> | |
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| | | <p>fish product, aquatic flora or product of aquatic flora or other article or thing is seized in accordance with the provisions of section 40 or of paragraph;</p> <p>(a) of this section, to proceed to such port or place in the country as may be convenient for unloading from the vessel or vehicle such fish, fish product, aquatic flora or product of aquatic flora or other article or thing seized thereon, and may then detain the vessel or vehicle for such time as may</p> | | <p>kujaza nakala tatu ambapo nakala ya kwanza atapatiwa Mtuhumiwa, nakala ya pili itatolewa kama ushahidi mahakamani na nakala ya tatu itatunzwa kwa ajili ya kumbukumbu za kiofisi.</p> | <p>katika Kifungu cha 40 au katika kifungu cha (a) cha Kifungu hiki. (b) kuelekea katika bandari iliyo karibu au mahali ndani ya nchi ambapo itawezesha kupakua samaki hao, mazao ya samaki, mimea ya kwenye maji na mazao ya mimea ya kwenye maji au kitu chochote kilichokamatwa kutoka kwenye chombo cha kwenye maji, gari na anaweza kuzuia chombo hicho au gari kwa muda unaohitaji na</p> | |
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| | | reasonably be required to effect the unloading; (c) all things seized shall be recorded in the seizure form filled in triplicate, the first copy of which shall be served upon the suspect and the second copy to be produced in court as evidence and the third copy shall be filed for office reference. | | | unaokubalika kwa ajili ya kupakua. (a) Vitu vyote vilivyokamatwa vitaorodheshwa katika fomu ya ukamataji kwa kujaza nakala tatu ambapo nakala ya kwanza atapatiwa Mtuhumiwa, nakala ya pili itatolewa kama ushahidi mahakamani na nakala ya tatu itatuzwa katika faili kwa rejea za kiofisi. | |
| Forfeiture of things used for | 38.-(1) Where a Magistrate is satisfied that an offence under this | The principal act is amended by modifying | | 38(1) Pale ambapo Hakimu ataridhika kuwa kosa | Sheria inafanyiwa marekebisha | |

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| <p>commission of offence</p> | <p>Act or subsidiary legislation made under this Act has been committed in respect of any fish, fish product, aquatic flora, or any other article or thing seized under the provisions of sections 36 or this section, whether or not any person has been convicted in respect of such offence, the Magistrate may order such fish, fish product or aquatic flora, product of aquatic flora or any other article or thing, to be forfeited to the Government. (2) Notwithstanding anything contained in subsection (1), where any fish, fish product, aquatic flora or product of aquatic flora is seized under section 36 of this Act, the authorized officer may, if he is satisfied that the fish, fish product, aquatic flora or product of aquatic flora is</p> | <p>Section 38. 38. (1) Where a Magistrate is satisfied that an offence under this Act or subsidiary legislation made under this Act has been committed in respect of any fish, fishery product, aquatic flora and fauna or any other article or thing seized under the provisions of Sections</p> | | <p>limetendeka kwa mujibu wa Sheria hii au Kanuni Mujibu wa Sheria hii kuhusu samaki na mazao yake mimea ya kwenye maji na mazao yake au chombo au kitu chochote kilichokamatwa kwa mujibu wa Kifungu cha 36 au Kifungu hiki ikiwa au hakuna mtu yeyote aliyetiwa hatiani kwa kosa hilo, Hakimu anaweza kuamuru samaki hao, mazao ya samaki, mimea ya kwenye maji au kifaa au kitu chochote kutaifishwa na kuwa mali ya Serikali. (2) Bila kuathiri yaliyomo katika Kifungu Kidogo cha (1) Afisa Mwenye Mamlaka akiridhika kuwa samaki na mazao yake, mimea</p> | <p>kwa kuboresha Kifungu cha 38. 38(1) Pale ambapo Hakimu ataridhika kuwa kosa limetendeka kwa Mujibu wa Sheria hii au Kanuni zilizotungwa kwa mujibu wa Sheria hii kuhusu samaki, mazao ya uvuvi, mimea ya kwenye maji au chombo au kitu chochote kilichokamatwa kwa mujibu wa Kifungu cha... au Kifungu hiki ikiwa au hakuna mtu yeyote aliyetiwa hatiani kwa kosa hilo,</p> | |
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| | <p>of a perishable nature, cause the same to be sold or otherwise disposed of prior to application being made for its forfeiture under subsection (1).</p> <p>(3) Where any fish, fish product, aquatic flora or product of aquatic flora is sold pursuant to the provisions of sub-section (2), an application for the disposal of the proceeds of the sale shall be made to a Magistrate, and upon such application being made, if the Magistrate is satisfied that-</p> <p>(a) an offence has been committed in respect of the article to which the proceeds related, whether or not any person has been convicted, the Fisheries Development Fund or;</p> <p>(b) no such offence has been committed in respect of the article</p> | <p>..... and..... or this section whether or not any person has been convicted in respect of such offence, the Magistrate shall order such fish, fishery product, aquatic flora and fauna, product of aquatic flora and fauna, engines, vehicles or fishing vessels or any other article or thing, to be</p> | | <p>ya kwenye maji na mazao yake, yaliyokamatwa kwa Mujibu wa Kifungu cha 36 cha Sheria hii ni wenye asili ya kuharibika kwa haraka atafanya utaratibu wa Kuuzwa au kutolewa kabla ya kupeleka maombi ya kutaifisha kwa mujibu wa kifungu kidogo cha (1).</p> <p>(3)Pale ambapo samaki, mazao ya uvuvi, mimea ya kwenye maji au mazao ya mimea ya kwenye maji na mazao yake yakiuzwa kwa mujibu wa kifungu kidogo cha (2), maombi ya kutoa fedha zilizopatikana kutokana na mauzo yatawasilishwa kwa Hakimu ambapo baada ya maombi kuwasilishwa, Hakimu akiridhika kuwa:</p> | <p>Hakimu anaweza kuamuru samaki hao, mazao ya samaki, mimea na wanyama wa kwenye maji au injini, magari, au chombo cha Uvuvi kifaa au kitu chochote kutaifishwa na kuwa mali ya Serikali.</p> <p>(2) Bila kuathiri yaliyomo katika Kifungu Kidogo cha (1)</p> | |
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| | <p>to which the proceeds relates, whether or not any person has been convicted of the offence, he may order the proceeds to be paid to the offender, he shall, upon the application made by any person claiming to be the owner of such article or thing and upon being satisfied as to the validity of the claim-</p> <p>(i) order such proceeds to be paid the claimant; or</p> <p>(ii) if no claim is made or the Magistrate is not satisfied as to the validity of the claim, order the proceeds to be paid into the Fisheries Development Fund.</p> | <p>forfeited to the Government;</p> <p>(2) Notwithstanding the provision of subsection (1) where any illegal fishing gear, fish, fishery product, aquatic flora and fauna or product of aquatic flora and fauna is seized under Sections and or this section</p> | | <p>(a) Kosa limetendeka kuhusu kitu husika ikiwa kuna mtu au hakuna mtu aliyetiwa hatiani ataamuru fedha iliyopatikana ilipwe katika Mfuko wa Maendeleo ya Uvuvi(Fisheries Development Fund).</p> <p>(b) Pale ambapo hakuna kosa lililotendeka kuhusiana na fedha husika, iwapo kuna mtu au hakuna mtu aliyetiwa hatiani kwa kosa husika anaweza kuamuru fedha iliyopatikana kwa mauzo baada ya kupokea maombi ya mtu anayedai kuwa mmiliki wa kifaa hicho akiridhika juu ya uhalali wa madai :.</p> <p>(i)Ataamuru kiasi hicho cha fedha kilipwe kwa mdai.</p> <p>(ii) Iwapo hakuna madai</p> | <p>Afisa Mwenye Mamlaka akiridhika kuwa samaki, mazao ya samaki, mimea ya kwenye maji na mazao yake, yaliyokamatwa kwa Mujibu wa Kifungu cha 36 cha Sheria hii ni wenye asili ya kuharibika kwa haraka, atafanya utaratibu wa kuuzwa au kutolewa kabla ya kupeleka maombi ya kutaifisha kwa mujibu wa kifungu kidogo cha (1).</p> <p>(3)Pale ambapo samaki, mazao ya uvuvi, mimea ya</p> | |
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| | | <p>the authorized officers. If he is satisfied that the fish, fishery product, aquatic flora and fauna or product of aquatic flora and fauna is of a perishable nature, shall cause the same to be sold or otherwise disposed off prior to application being made for its forfeiture under subsection</p> | | <p>yaliyowasilishwa au hakimu hataridhika na madai ataagiza kiasi cha fedha kulipwa katika Mfuko wa Maendeleo ya Uvuvi(Fisheries Development Fund). 39-(1) Pale ambapo kuna kutiwa hatiani kwa kosa lililotendeka kwa Mujibu wa Sheria hii au Kanuni yeyote iliyowekwa chini ya Sheria hii na mahakama kuridhika kuwa chombo chochote cha kwenye maji au gari ilitumika katika kutenda kosa, inaweza kuamuru kutaifishwa kwa chombo au gari husika na kuwa mali ya Serikali. 39(2) Hakuna amri itakayotolewa kwa mujibu wa Kifungu Kidogo (1) iwapo mmiliki wa chombo hicho au gari athabitisha kuwa</p> | <p>kwenye maji au mazao ya mimea ya kwenye maji wakiuzwa kwa mujibu wa Kanuni ndogo cha (2) maombi ya kutoa fedha zilizopatikana kutokana na mauzo yatawasilishwa kwa Hakimu ambapo baada ya maombi kuwasilishwa, hakimu akiridhika kuwa: (c) Kosa limetendeka kuhusu kitu husika ikiwa kuna mtu au hakuna mtu aliyetiwa hatiani ataamuru fedha iliyopatikana ilipwe katika Mfuko wa</p> | |
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| | | <p>(1).</p> <p>(3) Where any fish, fish product, aquatic flora or product of aquatic flora is sold pursuant to the provisions of sub-section (2), an application for the disposal of the proceeds of the sale shall be made to a Magistrate, and upon such application being made, if the Magistrate is satisfied</p> | | <p>chombo au gari lilitumika bila ya yeye kufahamu au kuridhia.</p> <p>40(1)Mkurugenzi au Afisa yeyote Mwenye Mamlaka akiridhika kuwa mtu ametenda kosa lolote lililoorodheshwa katika Jedwali katika Sheria hii and iwapo mhusika atakiri kutenda kosa na kukiri kwa maandishi na kukubali kwa maandishi kushughulikiwa kwa mujibu wa Kifungu hiki:</p> <p>(a) Kutoza faini kwa kosa kwa kupokea kiasi cha fedha kisichozidi shilingi elfu mia moja.</p> <p>(b) Ataamuru kuachiwa kwa chombo au kitu chochote kilichokamatwa kwa kuhusika na kosa kwa kulipa kiasi cha fedha</p> | <p>Maendeleo ya Uvuvi(Fisheries Development Fund).</p> <p>(d) Pale ambapo hakuna kosa lililotendeka kuhusiana na fedha husika, iwapo kuna mtu au hakuna mtu aliyetiwa hatiani kwa kosa husika anaweza kuamuru fedha iliyopatikana kwa mauzo baada ya kupokea maombi ya mtu anayedai kuwa mmiliki wa kifaa hicho akiridhika juu ya uhalali wa madai ataamuru:.</p> <p>(i)Ataamuru kiasi hicho cha</p> | |
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| | | <p>that:-</p> <p>(a) An offence has been committed in respect of the article to which that proceeds related, whether or not any person has been convicted he may order the Proceeds to be paid to Fisheries Development Fund or;</p> <p>(b) No such offence has been committed in respect</p> | | <p>kisichozidi thamani ya chombo au ikiwa thamani ya chombo hicho ni ndogomtu huyo atawajibika kulipa faini isiyopungua shilingi elfu kumi kwa kuzingatia kuwa nyavu haitarudishwa.</p> <p>(2) Iwapo mashitaka yataletwa dhidi ya mtu kuhusu kosa kwa mujibu wa Sheria hii, itakuwa utetezi iwapo mtu husika atadhibitisha kuwa kosa husikalilitozwa faini kwa mujibu nwa Kifungu hiki.</p> <p>(4) Pale ambapo mtu yeyote ataona ameonewa kuhusu amri iliyotolewa kwa mujibu wa Kifungu Kidogo cha (3) anaweza katika kipindi cha siku thelathini baada ya amri hiyo kutolewa</p> | <p>fedha kilipwe kwa mdai.</p> <p>(ii) Iwapo hakuna madai yaliyowasilishwa au hakimu hataridhika na madai agiza kiasi cha fedha kulipwa katika Mfuko wa Maendeleo ya Uvuvi (Fisheries Development Fund).</p> | |
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| | | <p>of the article to which the proceeds relates, whether or not any person has been convicted of the offence, he may order the proceeds to be paid to the offender, he shall, upon the application made by any person claiming to be the owner of such article or thing and upon being</p> | | <p>atakata rufaa kuhusu amri hiyo katika mahakama ya juu na masharti ya Sheria ya makosa ya jinai kwa kuzingatia mutandis mutandis kwa kila rufaa kama vile rufaa kuhusu hukumu iliyotolewa katika mahakama ya Wilaya katika eneo la mamlaka yake.</p> <p>(4) Afisa yeyote mwenye Mamlaka aliyetoza faini anatakiwa kuwasilisha kwa Mkurugenzi orodha ya makosa yaliyotozwa faini.</p> <p>(5) Mkurugenzi kila baada ya miezi mitatu atawasilisha kwa Mkurugenzi wa Makosa ya Jinai marejesho ya taarifa ya makosa yaliyotozwa faini kwa kutumia fomu itakayotolewa na</p> | |
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| | | <p>satisfied as to the validity of the claim:-</p> <p>(i) order such proceeds to be paid the claimant; or if no claim is made or the Magistrate is not satisfied as to the validity of the claim, order the proceeds to be paid into the Fisheries Development Fund</p> <p>(ii) Authorize Officer shall after filling</p> | | <p>Mkurugenzi wa Makosa ya Jinai.</p> <p>(6) Kifungu hiki kitatumika kwa kila kosachini ya Sheria hii au chini ya Kanuni zilizotungwa chini ya Sheria hii kwa kosa ambalo kiwango cha chini cha hukumu kimetajwa.</p> | <p>(iii) Afisa mwenye Mamlaka baada ya kujaza fomu ya idhini kwa ajili ya kuteket eza vitu vilivyo kamatwa ambayo itakuwa ushahidi wa</p> | |
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| | | <p>Fisheries Inventory Form which shall be <i>prima facie</i> evidence prior to approval by the Magistrate dispose off any illegal fishing gears, fish or fishery products seized;</p> <p>(4) Notwithstanding sub section 3(iii) the costs of disposal for fish found unfit for human consumption and illegal gears shall be borne by accused person.</p> | | | <p>tukio la awali wa zana zozote haramu, Samaki au Mazao ya Uvuvi yaliyokamatwa na kuteket ezwa.</p> <p>(4)Bila kuathiri Kifungu Kidogo cha 3(iii) gharama za kuteketeza zitalipwa na mtumhumiwa</p> | |
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| <p>Forfeiture upon conviction</p> | <p>39.-(1) Where, upon conviction for an offence under this Act or any subsidiary legislation made under this Act, the court is satisfied that any vessel or vehicle was used in the commission of the offence, the court may order such vessel or vehicle to be forfeited to the Government.</p> <p>(2) No order made under subsection (1) shall be made if the owner of such vessel or vehicle satisfied the court that the vessel or vehicle was Used without his knowledge or consent.</p> | <p>Retained</p> <p>(2)Subject to provision of order made under subsection (1), if the owner of such vessel or</p> | | <p>39(1) Kwa mujibu wa sheria hii au kanuni inayotekeleza sheria hii, iwapo Mahakama itajiridhisha kuwa chombo chochote cha uvuvi au gari kilitumika Kutenda Kosa, Mahakama inaweza kuamuru chombo hicho au gari kutaifishwa na kuwa mali ya Serikali.</p> <p>(2)Hakuna amri itakayotolewa kwa Mujibu wa Kifungu Kidogo cha (1) iwapo mmiliki wa Chombo au gari atairidhisha mahakama kuwa chombo au gari lilitumika bila ufahamu au ukubali wa Mmiliki.</p> | <p>(2)Kwa Mujibu wa Kifungu Kidogo cha (1) iwapo mmiliki wa Chombo au gari atairidhisha</p> | <p>Forfeiture upon conviction</p> |
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| | | vehicle satisfies the court that the vessel or vehicle was used without his knowledge or consent the court may order the owner to pay a fine as specified in section 47 | | | mahakama kuwa chombo au gari lilitumika bila ufahamu wake mahakama itaamuru alipe faini kama ilivyoelekeza kwenye kifungu 47 | |
| Power to compound offences | 40.-(1) The Director or any authorized officer may, if he is satisfied that a person has committed any of the offence listed in the Schedule to this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section- (a) compound the offence by accepting a sum of money not exceeding one hundred thousand shillings; (b) order the release of any vessel or any other thing, seized in connection with the offence | The principal Act is amended by modifying Section 40 to read:- (1) The Director or any authorized officer may, if he is satisfied that a person has committed any of the offence listed in the Schedule to this Act and | | 40(1).Mkurugenzi au Afisa Aliyeruhusiwa anaweza akiridhika kuwa mtu ametenda kosa loloteb lililoorodheshwa katika jedwali la Sheria hii na mhusika kukiri kosa na kukubali kwa maandishi kwamba ametenda kosa kwa Mujibu wa kifungu hiki: (a) Atatoza faini isiyo zidi shilingi laki moja. (b) Ataamuru chombo au kitu chochote kilichokamatwa | 40(1) Sheria inafanyiwa marekebisho kwa kuboresha Kanuni ya 40 kusomeka: (1)Mkurugenzi au Afisa Aliyeruhusiwa anaweza akiridhika kuwa mtu ametenda kosa lolote lililoorodhesh wa katika jedwali la Sheria hii na mhusika kukiri kosa na kukubali kwa | Power to compound offences |

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| | <p>on payment of a sum of money not exceeding the value of the vessel or if the value of such a thing is small, such person be liable to pay a fine of not less than ten thousand shillings, provided that, any gear shall not be released.</p> <p>(2) Where proceedings are brought against any person for an offence under this Act, it shall be a good defence if the person proves that the offence has been compounded under this section.</p> <p>(3) Where any person is aggrieved by an order made under subsection (3), he may within thirty days of such order being made, appeal against such order to the High Court and the provision of the Criminal Procedure Act in relation to appeals shall apply mutatis mutandis to every such</p> | <p>if the person admits the commission of the offence and agrees in writing to its being dealt with under this section;</p> <p>(a) Compound the offence by accepting a sum of money equivalent to the amount in case the offender would be convicted and fined by the Court of Law.</p> <p>(b) Without prejudice to subsection (a) the release of any vessel or any other thing, seized in</p> | | <p>kuhusiana na kosa hilo kuachiwa baada ya kulipa kiasi cha fedha kisichozidi thamani ya chombo na iwapo chombo hicho ni kidogo mtu huyo atawajibika kulipa faini isiyopungua shilingi elfu kumi na zana hiyo itataifishwa</p> <p>(2)Iwapo mashtaka yataletwa kuhusu Mtu yeyote kwa kosa lolote chini ya Sheria hii itakuwa kinga (utetezi) iwapo kosa husika lilitozwa faini kwa Mujibu wa sheria hii.</p> <p>(1) (3)Iwapo mashtaka yataletwa kuhusu Mtu yeyote kwa kosa lolote chini ya Sheria hii itakuwa kinga (utetezi) iwapo kosa husika lilitozwa faini.</p> <p>(3)Iwapo mtu yeyote</p> | <p>maandishi kutenda kosa hilo:</p> <p>(a) Atatoza faini kwa kosa hilo kwa kupokea kiasi cha fedha ambacho ni sawa na kiasi ambacho kingetozwa iwapo mtuhumiwa angetiwa hatiani na kutozwa faini katika Mahakama</p> <p>(b) Bila kuathiri kifungu (a) ataamuru kuachiwa kwa chombo au kitu chochote kilichozuiliwa kuhusiana na kosa lililotendeka kwa kuzingatia</p> | |
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| | <p>appeal as if it were an appeal against sentence passed by a District Court in exercise of its own original jurisdiction.</p> <p>(4) Any authorized officer who compounds an offence shall submit to the Director a list of compounded offences.</p> <p>(5) The Director shall, at every three months and in such form as, the Director of Public Prosecutions may direct, submit to the Director of Public Prosecutions a return of all compounded offences.</p> <p>(6) This section shall apply to any offence under this Act, or under any regulation made under this Act other than an offence which a minimum sentence of fine</p> | <p>connection with the offence provided that, any illegal gear as provided in this act or any subsidiary legislation made under this act shall not be released.</p> <p>(2) Where proceedings are brought against any person for</p> | | <p>asiporidhika na maamuzi yaliyotolewa kwa Mujibu wa Kifungu cha 3 anaweza katika kipindi cha siku thelathini tangu kutolewa anaweza kukata rufaa Mahakama Kuu kupinga Amri hiyo na kuwa Sheria ya Makosa ya Jinai itatumika kama vile hukumu ilitolewa na Mahakama ya Wilaya katika kutekeleza Mamlaka yake.</p> <p>(4) Afisa mwenye Mamlaka atakayetoza faini atatakiwa kuwasilisha kwa Mkurugenzi orodha ya makosa yaliyotozwa faini.</p> <p>(5) Kila baada ya Miezi mitatu, Mkurugenzi wa Uvuvi atawasilisha marejesho ya makosa yote yaliyotozwa faini kwa mkurugenzi</p> | <p>kuwa zana yoyote haramu kama ilivyotamkwa katika sheria hii au kanuni zilizotungwa katika sheria hii hazitarudishwa .</p> <p>(2) Iwapo mashtaka yataletwa</p> | |
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| | <p>or imprisonment is prescribed</p> | <p>an offence under this Act, it shall be a good defence if the person proves that the offence has been compounded under this section. (3) Where any person is aggrieved by an order made under Sub section (2), he may within thirty days of such order being made, appeal against such order to the High Court and the provision of the Criminal Procedure Act in relation to appeals shall apply mutatis mutandis to every such</p> | | <p>wa mashitaka (6)Kifungu hiki kitatumika kwa kosa lolote litakalotendwa kwa mujibu sheria au kanuni yoyote iliyotungwa chini ya sheria hii ukiachilia mbali kosa ambalo kiwango cha chini cha faini au kifungo kimeainishwa.</p> | <p>kuhusu mtu yeyote kwa kosa lolote chini ya Sheria hii itakuwa kinga (utetezi) iwapo kosa husika lilitozwa faini kwa mujibu wa kifungu. (3) Iwapo mtu yeyote asiporidhika na maamuzi yaliyotolewa kwa Mujibu wa Kifungu cha 3 anaweza katika kipindi cha siku thelathini tangu kutolewa anaweza kukata rufaa Mahakama Kuu kupinga Amri hiyo na kuwa Sheria ya Makosa ya Jinai itatumika</p> | |
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| | | <p>appeal as if it were an appeal against sentence passed by a District Court in exercise of its own original jurisdiction.</p> <p>(4) Any authorized officer who compounds an offence shall submit to the Director a list of compounded offences.</p> | | | <p>kama vile hukumu ilitolewa na Mahakama ya Wilaya katika kutekeleza Mamlaka yake.</p> | |
| <p>PART IX OFFENCES AND PENALTIES SEHEMU YA 9 MAKOSA NA ADHABU</p> | | | | | | |
| Obstruction of officers | 41. Any person, who willfully obstructs, hinders assaults or resists the Director, an authorized officer or a police officer in the exercise of his powers under this Act or | The principal act is amended by modifying Section 41 to read:- Any person, who wilfully | | Mtu yeyote ambaye kwa makusudi atamzuia, kumshambulia au kumkataza Mkurugenzi, Afisa mwenye Mamlaka au Askari polisi wakati | Mtu yeyote ambaye kwa makusudi atamzuia, kumshambulia au kumkataza Mkurugenzi, Afisa mwenye | Obstruction of officers (Kuzuia Afisa mwenye mamlaka kutekeleza |

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| | under any subsidiary legislation made under this Act, commits an offence and upon conviction is liable to imprisonment for a term not exceeding six years. | obstructs, hinders assaults or resists the Director, an authorized officer or a police officer in the exercise of his powers under this Act or under any subsidiary legislation made under this Act, commits an offence and upon conviction shall be imprisoned for a term of not less than three years and not exceeding six years. | | akitimiza majukumu yake yaliyoanishwa chini ya Sheria hii, au Sheria yoyote ndogo inayotokana na Sheria hii, anatenda kosa na akitiwa hatiani atahukumiwa kwenda jela kutumikia kifungo kisichopungua miaka sita. | Mamlaka au Askari polisi wakati akitimiza majukumu yake yaliyoanishwa chini ya Sheria hii, au Sheria yoyote ndogo, chini ya Sheria hii, anatenda kosa na akitiwa hatiani atahukumiwa kwenda jela kutumikia kifungo kisichopungu a miaka mitatu na kisichozi miaka sita. | majukumu yake) |
| Indemnity (ulinzi, bima) | 42.No matter or thing done by the Director or any other authorized officer exercising or purporting to exercise any function under this Act or under any subsidiary legislation made hereunder | Retained | | Jambo lolote litalofanywa na Mkurugenzi au Afisa yeyote mwenye mamlaka akitekeleza kazi yoyote iliyoanishwa katika Sheria hii au au | Indemnity (ulinzi, bima) | 42. No matter or thing done by the Director or any other authorized officer exercising or |

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| | <p>shall, if bonafide in execute ing or purported execution of his functions under any of the provisions of this Act or such subsidiary legislation, subject any such Person as aforesaid to any action, liability, claim or demand whatsoever.</p> | | | <p>Sheria ndogo iliyotokana na Sheria hii hatawajibika kama mtu binafsi kwa malalamiko, madai au wajibu wowote utakaotokanana na maamuzi atakayotoa wakati wakutekeleza Sheria hii</p> | <p>purporting to exercise any function under this Act or under any subsidiary legislation made hereunder shall, if bonafide in execute ing or purported execution of his functions under any of the provisions of this Act or such subsidiary legislation, subject any such Person as aforesaid to any action, liability, claim or demand whatsoever.</p> |
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| <p>Penalty for possessing or using explosives</p> | <p>43.(1) Any person, who uses explosives to kill fish or, destroys aquatic flora, commits an offence and upon conviction shall be liable to imprisonment for a term of not less than five years and not exceeding ten years.</p> <p>(2) If any person, without lawful excuse the burden of proof which shall be on him is found in possession of explosive within or in the vicinity of any water body, shall be guilty of an offence against this Act, and upon conviction shall be liable to imprisonment for a term of not less than one year and not exceeding five years.</p> | <p>43. (1) The principal Act is amended by modifying Section 43 to read: (1) (a) No person shall possess, use, cause any other person to use, manufacture, store, sell or distribute explosives for killing fish, or destroying aquatic environment. (b) Any person who possesses, use, cause another person to manufacture, store, sell or distribute explosives for intention to kill fish or destroy aquatic</p> | | <p>43 (1) Mtu yeyote anayetumia milipuko kuua samaki au, kuharibu mimea ya kwenye maji, anatenda kosa na pale atakapothibitika atahukumiwa kwenda jela kutumikia kifungo kisichopungua miaka mitano na kisichozidi miaka kumi.</p> <p>(2) Mtu yeyote asiyekuwa na kinga ya kisheria, atakutwa anamiliki vifaa vya milipuko ndani au karibu ya bahari, mto, ziwa au chanzo chochote cha maji, atahesabiwa kutenda kosa kinyume na Sheria, na pale atakapothibitika atahukumiwa kwenda jela kutumikia kifungo kisichopungua mwaka mmoja na kisichozidimiaka</p> | <p>(1)(a) Ni marufuku kwa mtu yeyote kumiliki, kutumia, kumsababisha mtu mwingine kutumia, kuzalisha, kuhifadhi, kuuza au kusambaza milipuko ya kuua samaki au kuharibu mazingira ya kwenye maji.</p> <p>(b) Mtu yeyote ambaye anamiliki, kutumia au kusababisha mtu mwingine kutengeneza, kuhifadhi, kuuza au kusambaza milipuko kwa nia ya kuua samaki au kuharibu</p> | <p>Penalty for possessing or using explosives (adhabu kwa kosa la kumiliki/kukutwa na vifaa vya milipuko)</p> |
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| | | <p>environment commits an offence and shall on conviction, be imprisoned for a term not less than twenty years and not exceeding thirty years.</p> <p>(2) (a) If any person, without lawful excuse the burden of proof which shall be on him is found in possessing, storing, sell, or air compressors, gas cylinders, diving equipment and accessories outside and within or in the vicinity of any water body, selling or in possession of</p> | | <p>mitano.</p> | <p>mazingira ya kwenye maji anatenda kosa na pale atakapothibitika</p> <p>atahukumiwa kwenda jela kutumikia kifungo kisichopungu a miaka ishirini na kisichozi miaka thelathini.</p> <p>2) Mtu yeyote atakayethibitika kumiliki kompresa, mitungi ya gesi, vifaa vya kuzamia nje au karibu na mazingira ya maji akiuza au kumiliki samaki waliovuliwa kwa mabomu atahesabika kutenda kosa</p> | |
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| | | <p>fish killed by explosives shall be guilty of an offence, against this Act, and</p> <p>(b) No person shall use or cause another person to use, air compressors, gas cylinders, diving equipment and accessories outside and within or in the vicinity of any water body. shall be guilty of an offence, against this Act,</p> <p>(c) If any person is found guilty under sub section (a) and (b) above and upon conviction of shall be imprisoned for a term of not</p> | | | <p>kinyume na Sheria hii, na ikiwa atatiwa hatiani atahukumiwa kwenda jela kutumikia kifungo kisichopungua miaka saba na kisichozidi miaka kumi na tano.</p> | |
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| | | less than seven years and not exceeding fifteen years. | | | | |
| Penalty for using poison | 44. Any person, found in possession of poison within the vicinity of any water body containing fish, commits an offence and upon conviction shall be liable to imprisonment for a term of not less than seven years. | The principal act is amended by modifying Section 44 to read: 44. (1) Any person found in possession of poison within the vicinity of any water body containing fish, or uses poison to kill fish or preserve fish and fishery products other than authorized and approved scientific purposes commits an offence and upon conviction | | Mtu yeyote atakayepatikana akimiliki sumu karibu na maeneo yenye maji au chanzo chochote chenye samaki, anatenda kosa na atakapothibitika atahukumiwa kifungo kisichopungua miaka saba. | Sheria mama imerekebishwa kwa kuboresha kifungu cha 44 kusomeka: 44 (1) Mtu yeyote akipatikana anamiliki sumu karibu na eneo lolote lenye maji, au eneo lolote lenye samaki, au anatumia sumu kuu samaki au kuhifadhia samaki au mazao ya uvuvi isipokuwa kwa malengo ya utafiti ulioruhusiwa anatenda kosa na pale atakapothibitika atahukumiwa | Penalty for using poison (adhabu kwa kosa la kuvua samaki kwa kutumia sumu) |

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| | | <p>shall be imprisoned for a term of not less than fifteen years and not exceeding twenty five years.</p> <p>(2) Any person found selling or in possession of poisoned fish commits an offence and upon conviction shall be imprisoned for a term of not less than ten years and not exceeding twenty years.</p> | | | <p>kifungo kisichopungua miaka kumi na tano na kisichozidi miaka ishirini na tano.</p> <p>(2) Mtu yeyote akipatikana anauza au anamiliki samaki waliovuliwa kwa sumu anatenda kosa na atakopothibitika atahukumiwa kifungo kisichopungua miaka kumi na kisichozidi miaka ishirini.</p> | |
| <p>Penalty for possession of immature fish</p> | | <p>The principal act is amended by adding new section:</p> <p>Any person who in any water bodies</p> | | | <p>Sheria hii imeboreshwa kwa kuongeza kifungu kipya kinachosomeka :</p> | <p>Penalty for possession of immature fish (Adhabu kwa kosa la kukutwa na</p> |

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| | | <p>capture, kills fish, collect, gather, process or place in market/sell immature fish commits an offence and upon conviction shall be liable to a fine of not less than two million and not exceeding five million or imprisonment for a term of not less than three years and not exceeding five years or both.</p> | | | <p>Mtu yeyote ambaye atavua samaki, kukusanya, kuchakata au kuuza sokoni samaki wachanga kutoka maji ya asili anatenda kosa na pale atakapotiwa hatiani ataamriwa kulipa faini isiyopungua shilingi milioni mbili na isiyozidi milioni tano au kwenda jela kutumikia kifungo kisichopungua miaka mitatu na kisichozidi miaka mitano au vyote kwa pamoja.</p> | <p>samaki wachanga)</p> |
| | | <p>The section is modified by adding sub section to read</p> | | <p>Sheria hii imeboreshwa kwa kuongeza kifungu</p> | | |

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| | | <p>as follows: Any person who involves in fishing, collection and sell fish obtained from sport fishing from any water body either, ocean, lake, or river upon conviction shall be liable to a fine not less than five million shillings or to imprisonment of not less than five years.</p> | | <p>kipya: Mtu yeyote ambaye atavua samaki, kukusanya, kuchakata au kupeleka/kuuza sokoni samaki wanaotokana na uvuvi wa burudani katika bahari,ziwa, mto au chanzo chochote cha maji kilichopo Tanzania Bara anatenda kosa na pale atakapotiwa hatiani atawajibika kulipa faini isiyopungua shilingi milioni tano au kwenda jela kutumikia kifungo kisichopungua miaka mitatu na kisichozidi miaka mitano au vyote kwa pamoja.</p> | | |
| <p>Penalty for possession of illegal fishing gear</p> | | <p>The principal act is amended by adding new section: (a) Any person found selling or in possession of illegal fishing</p> | | | <p>Sheria mama imeboreshwa kwa kuongeza kifungu kipya: (a) Mtu yeyote atakayepatikan a akiuza au kumiliki zana</p> | |

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| | | <p>gear commits an offence and upon conviction shall be liable to a fine not less than ten million or imprisoned for a term of not less than three years and exceeding Seven years.</p> <p>(c) Any person who possesses, use, cause another person to manufacture, store, sell or distribute monofilament net for fishing purposes commits an offence and shall upon conviction be liable to</p> | | | <p>haramu za uvuvi anatenda kosa na atakapothibitik a atawajibika kulipa faini isiyopungua milioni kumi au kifungo kisichopungua miaka mitatu na kisichozidi miaka saba.</p> <p>(b) Mtu yeyote anayemiliki, kutumia, au kusababisha mtu mwingine kuzalisha, kutunza, kuuza au kusambaza nyavu za Utali (Timba) kwa nia kufanya uvuvi anatenda kosa na atakapothibitik a atahukumiwa kutumikia kifungo kwa muda usiozidi miaka kumi.</p> | |
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| | | imprisonment for a term of not less than ten years. | | | | |
| Penalty for using foreign fishing vessel without license | <p>45.-(1) Any person, who uses a foreign fishing vessel in territorial water without a valid license or permit, commits an offence and upon conviction shall be liable to a fine of not less than four hundred thousand United States dollars or imprisonment for a term of not less than five years.</p> <p>(2) In addition to a penalty imposed in connection with an offence committed under subsection (1), the court shall order forfeiture of vessel and fishing gear to the Government</p> | <p>The principal act is amended by modifying Section 45 to read:-</p> <p>45 (1) Any person who uses a foreign vessel for fishing, collecting, transportation of fish or fishery products, aquatic flora and fauna or products of aquatic flora and fauna or facilitating fishing operations in territorial water without a valid license or permit commits</p> | | <p>45.-(1) Mtu yeyote anayetumia meli ya kigeni katika maji ya ndani bila kuwa na leseni au kibali anatenda kosa na pale atakopothibitika atawajibika kulipa faini isiyopungua dola laki nne za Kimarekani au kwenda jela kutumikia kifungo kwa kipindi kisichopungua miaka mitano.</p> <p>(2) Pamoja na faini iliyotajwa katika kifungu cha (1), mahakama itaamuru meli au chombo hicho cha uvuvi pamoja na zana zake</p> | <p>Sheria mama imerekebishwa kwa kuboresha kifungu cha 45 kisomeke hivi:</p> <p>45 (1) Mtu yeyote anayetumia meli au chombo chochote cha kigeni kwa ajili ya kuvua, kukusanya, kusafirisha samaki au mazao ya uvuvi, mimea na wanyama wa kwenye maji au kuwezesha shughuli za uvuvi katika maji ya ndadi (kina kifupi) bila ya kuwa na leseni au</p> | Penalty for using foreign fishing vessel without license (adhabu kwa kosa la kutumia meli ya kigeni bila leseni). |

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| | | an offence and upon conviction shall be fined of not less than two million United States dollars and imprisonment of not less than twenty years and in addition the court shall order the foreign vessel, its propulsion units and fishing gear used in commission of the offence to be forfeited to the Government. | | za uvuvi kutaifishwa na Serikali. | kibali anatenda kosa na atakapothibitika ataamriwa kulipa faini isiyopungua dola elfu mbili za Kimarekani na kifungo kisichopungua miaka ishirini na zaidi ya hayo mahakama itaamuru meli au chombo hicho cha kigeni pamoja na zana zake za uvuvi ambazo zilitumika katika kutenda kosa hilo kutaifishwa na Serikali. | |
| Penalty for violating fish quality | 46. Any person, who does not comply with the fish quality and standards regulations made under this Act, | The principal act is amended by modifying Section 46 to read:- | | 46. Mtu yeyote asiyetimiza masharti yaliyowekwa ya kanuni za viwango vya ubora wa samaki vilivyotokana na | Sheria mama imerekebishwa kwa kuboresha kifungu cha 46 kisomeke hivi: | Penalty for violating fish quality standards (adhabu kwa |

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| standards | <p>commits an offence and upon conviction shall be liable to-</p> <p>(a) for supplies of fish establishment for export market, to a fine of not less than one million shillings or imprisonment for a term of not less than one year, for first offence and for subsequent offence a fine of not less than three million shillings or imprisonment for a term of not less than three years;</p> <p>(b) for internal market, to a fine of not less than fifty thousand shillings for first offence or imprisonment for a term of not less than one month and for subsequent offence to a fine of not less</p> | <p>Any person who does not comply with the fish and fishery product quality standards regulations made under this Act commits an offence and upon conviction shall be liable to: -</p> <p>(a) for a fish supplier, the fish establishment, in case of a first offence, a fine of not less than three million shillings or imprisonment for a term of not less than three years. For subsequent offence a fine of not less than five million shillings or imprisonment of</p> | | <p>Sheria hii anatenda kosa na itakapothibika atawajibika kwa:</p> <p>(a) Kwa msambazaji wa samaki kiwandani kwa lengo la kuchakatwa ili kusafirishwa nje ya nchi , kwa kosa la kwanza, atawajibika kulipa faini isiyopungua milioni moja au kifungo kisichopungua mwaka mmoja na kwa makosa yatakayofuata atawajibika kulipa faini isiyopungua shilingi milioni tatu au kifungo kisichopungua miaka mitatu;</p> <p>(b) Kwa masoko ya ndani faini mkosaji, kwa kosa la kwanza, atawajibika kulipa faini isiyopungua shilingi elfu hamsini au kifungo</p> | <p>Mtu yeyote asiyetimiza masharti yaliyowekwa ya kanuni za viwango vya ubora vilivyotokana na Sheria hii anatenda kosa na itakapothibika atawajibika kama ifuatavyo:</p> <p>a) Kwa msambazaji wa samaki kiwandani kwa lengo la kuchakatwa ili kusafirishwa nje ya nchi kwa kosa la kwanza, atawajibika kulipa faini isiyopungua shilingi milioni tatu au kifungo</p> | <p>kukiuka miongozo ya ubora wa viwango vya samaki)</p> |
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| | <p>than one hundred thousand shillings and not more than three hundred thousand shillings or imprisonment for a term not less than three years;</p> <p>(c) for an exporter, in case of a first offence, to a fine of not less than five million shillings and not exceeding ten million shillings or to imprisonment for a term of not less than one year and not exceeding three years for subsequent offences, to a fine of not less than fifteen million shillings and not exceeding thirty million shillings or imprisonment for a term of not less than three years and not exceeding five years; in addition, the court shall order revocation of export license or imprisonment for a term of not less than</p> | <p>a term of not less than five years;</p> <p>(b) for internal market in case of a first offence, to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or imprisonment for a term of not less than two years; For subsequent offence a fine of not less than one million shillings and not more than three million shillings or imprisonment of not less than three years;</p> | | <p>kisichopungua mwezi mmoja na kwa makosa yatakayofuata, faini isiyopungua laki moja na isiyozidi laki tatu au kifungo kisichopungua miaka mitatu.</p> <p>(c) kwa msafirishaji wa samaki nje ya nchi, kwa kosa la mara kwanza atawajibika kulipa faini isiyopungua shilingi milioni tano na isiyozidi shilingi milioni kumi, au kutumikia kifungo jela kwa kipindi kisichopungua miaka mitatu na kwa makosa yatakayofuata atalipa faini isiyopungua shilingi milioni kumi na tano na isiyozidi shilingi milioni thelathini au kifungo kisichopungua miaka mitatu na kisichozidi</p> | <p>kisichopungua miaka mitatu. Kwa makosa yatakayofuata atawajibika kulipa faini isiyopungua shilingi milioni tano au kifungo kisichopungua miaka mitano. b) Kwa masoko ya ndani na kwa kosa linalotendwa kwa mara ya kwanza, mkosaji atawajibika kulipa faini isiyopungua shilingi laki tano na isiyozidi shilingi milioni moja au kifungo kisichopungua miaka miwili na kwa makossa</p> | |
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| | <p>one year or more than two years.</p> | <p>(c) for an exporter, in case of a first offence, to a fine of not less than five million shillings and not exceeding ten million or to imprisonment for a term of not less than three years and not exceeding five years, and in addition suspension of export license; For subsequent offence to a fine of not less than fifteen million shillings and not exceeding thirty million shillings or imprisonment</p> | | <p>miaka mitano; Aidha mahakama itaamuru kusitishwa kwa leseni ya usafirishaji au kifungo kwa kipindi kisichopungua mwaka mmoja na kisichozidi miaka miwili.</p> | <p>yanayofuata faini isiyopungua shilingi milioni moja na isyozidi milioni tatu au kifungo kisichopungua miaka mitatu.</p> <p>(c) Kwa msafirishaji nje ya nchi; kwa kosa la kwanza faini isyopungua shilingi milioni tano na isiyozidi shilingi milioni kumi au kifungo si chini ya miaka mitatu au</p> | |
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| | | for a term of not less than five years and not exceeding seven years and in addition to a penalty the license shall be withdrawn. | | | kisichozidi miaka mitano pamoja na kusimamishwa kwa leseni ya usafirishaji; kwa makossa yanayofuata faini isiyopungua shilingi milioni kumi na tano na isiyozidi shilingi milioni thelathini au kifungo kisichopungua miaka saba pamoja na adhabu hiyo leseni husika itafutwa. | |
| Pollution of aquatic habitat and its environment by oil and gas | | The principal act is amended by adding new section: (1) Any person conducting oil and gas exploration | (5) | | Sheria mama imerekebishwa kwa kuongeza kifungu kipya: (1) Mtu yeyote anayefanya kazi ya utafiti na uchimbaji wa mafuta na | Pollution of aquatic habitat and its environment by oil and gas |

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| | | <p>shall not pollute aquatic habitat and its environment and in exercising such activities abide to The Environmental Management Act No.20 of 2004.</p> <p>(2) Any vessel shall not discharge oil, wastes, garbage to any territorial water body;</p> <p>(3) Subject to subsection (1) any person who contravenes this section</p> | | | <p>gesi haruhusiwi kuharibu makazi ya viumbe hai na mazingira ya kwenye maji na atakapokuwa akitekeleza kazi hizo ni lazima afuate Sheria ya Mazingira Na. 20 ya Mwaka 2004.</p> <p>(2) Ni marufuku chombo chochote kutiririsha mafuta na taka katika maji ya kitaifa.</p> <p>(3) kwa kurejea kifungu cha (1) hapo juu mtu</p> | <p>(uharibifu wa makazi ya viumbe hai na mazingira kwa mafuta na gesi)</p> |
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| | | <p>shall restore the aquatic habitat, clean and compensate the affected community to the extent of damage caused</p> <p>(4) Any person polluting aquatic habitat and its environment by oil and gas shall be fined not less than fifty billion shillings or imprisoned for a</p> | | | <p>yeyote atakayekiuka maelekezo ya kifungu hiki atarejeshesha upya ikolojia ya makazi ya viumbe hai kwenye maji, kusafisha na kufidia jamii iliyoathirika na uharibifu huo kwa kiwango kinachilingana na uharibifu uliofanyika.</p> <p>(4) Mtu yeyote atakayeharibu makazi ya viumbe hai kwenye maji na mazingira yake kwa gesi na mafuta ataamuliwa kulipa faini isiyopungua shilingi bilioni hamsini au kifungo kisichopungua miaka ishirini</p> | |
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| | | term of not less than twenty years and not exceeding thirty years or both. | | | na kisichozidi miaka thelathini au vyote kwa pamoja | |
| Penalty for other offences | 47. Any person, who contravenes the provisions of this Act other than those with specified penalties, upon conviction shall be liable to a fine of not less than one hundred thousand shillings and not more than one million shillings or to imprisonment for a term of not less than two years and not more than five years or to both such fine and imprisonment. | The principal act is amended by modifying Section 47 to read:- 47. Any person who contravenes the provisions of this Act other than those with specified penalties, upon conviction shall be fined not less than five million shillings or imprisonment of not less than five years and not more than | | 47. Mtu yeyote atakayekiuka masharti ya Sheria hii, ukiachailia mbali vifungu vyenye adhabu maalum, atakapothibitika ataamriwa kulipa faini isiyopungua shilingi laki moja na isiyozidi shilingi milioni moja au kifungo jela kisichopungua miaka miwili na kisichozidi miaka mitano au vyote faini na kifungo kwa pamoja. | Sheria mama imerekebishwa kwa kuboresha kifungu cha 47 kosomeke hivi: 47. Mtu yeyote atakayekiuka masharti ya Sheria hii, ukiachilia mbali vifungu vyenye adhabu maalum, akithibitika kutenda kosa atalipa faini isiyopungua shilingi milioni tano au kifungo jela kisichopungua miaka mitano | Penalty for other offences (adhabu kwa makosa mengine) |

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| | | ten years or to both fine and imprisonment | | | na kisichozidi miaka kumi au vyote kwa pamoja. | |
| Abandoned vessel, gear, fish or fish products | <p>48-(1) Where an authorized officer has reason to believe that, any fishing gear, vessel, fish or fish product has been abandoned for the purpose of avoiding prosecution, he shall apply to court for an order to dispose of the gear vessel, fish or fishery product.</p> <p>(2) Where a fishing vessel or fishing gear or fishery product is abandoned, and the authorized officer believes that any person is liable to be investigated, searched or arrested in connection with a commission of an offence under the Act, or that, that person has absconded to any place within or outside the United Republic, or has concealed himself so that he cannot be searched, arrested</p> | <p>Modified by adding section 48(6) to read:-</p> <p>(6)Where an authorized officer has reason to believe that, any fishing gear, vessel, fish or fish product has been abandoned for the purpose of avoiding prosecution, he shall fill the inventory form of all abandoned fishing vessels, gears, or any items in connection with illegal fishing</p> | | | <p>48-(1) Pale ambapo Afisa mwenye mamlaka anapokuwa na sababu ya kuamini kwamba zana yoyote ya uvuvi, zao la uvuvi au chombo kimetelekezwa kwa lengo la kukwepa kushtakiwa, ataiomba mahakama impe kibali cha kuteketeza zana, samaki au zao hilo la uvuvi.</p> | |

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| | <p>or otherwise investigated, the authorized officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspect.</p> <p>(3) Where upon completion of measures taken pursuant to subsection (1), it is found that an offence has been committed, the authorized officer shall, by notice published in the Gazette, notify the public his intention to apply to a court of law for an order in relation to the property or goods involved in the commission of a crime.</p> <p>(4) Upon expiry of twenty one days from the date of publication of notice under subsection (3),</p> | <p>and handle to the custod of local authority until court procedures are fulfilled.</p> | | | <p>(2) Pale ambapo chombo cha uvuvi au zao la uvuvi limetelekezwa na Afisa mwenye mamlaka anaamini kwamba mtu yeyote anaweza kuchunguzwa, kupekuliwa au kukamatwa akihusishwa kutenda kosa kinyume na Sheria hii, au kwamba mtu huyo ametoroka kuelekea</p> | |
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| | <p>the authorized officer may make an application in accordance with subsection (3)</p> <p>(5) Upon receipt of an application made pursuant to subsection (2), the court shall make such an order as it shall deem proper or just.</p> | | | | <p>maeneo ya jirani au ya nje ya Jamhuri ya Muungano, au amejificha asiweze kutafutwa, kukamatwa au vinginevyo kuchunguzwa, Afisa mwenye mamlaka ataamuru uchunguzi ufanyike kuhusiana na eneo na mali zilizokuwa zikimilikiwa, kukaliwa au kuendeshwa na Mtuhumiwa hapo awali.</p> <p>(3) Pale ambapo baada ya kumaliza kuchukua hatua stahiki</p> | |
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| | | | | | <p>kwa mujibu wa kifungu (1), itakapobainika kwamba kosa limetendeka, Afisa mwenye Mamlaka ataufahamisha umma kwa kutoa tangazo kwenye gazeti la serikali nia yake ya kuomba kibali cha mahakama ya kisheria kufungua mashtaka dhidi ya mali au bidhaa zilizotumika kutenda kosa hilo.</p> <p>(4)Baada ya kumalizika kwa siku ishirini na moja tangu siku tangu kutangazwa kwa notisi hiyo katika kifungu</p> | |
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| | | | | | <p>cha (3), Afisa mwenye mamlaka atawasilisha maombi hayo kwa mujibu wa kifungu cha (3).</p> <p>(5) Mara baada ya kupokea maombi yaliyowasilishwa kwa mujibu wa kifungu cha (2), mahakama itatoa amri kwa namna itakavyoona inafaa</p> | |
| Reward | 49. The Director may authorize the payment of rewards to persons giving genuine and authentic information regarding offences leading | Retained | | | 49. Mkurugenzi anaweza kupanga kiasi na kuidhinisha malipo ya | |

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| | to conviction of an offender and may regulate the amount and payment of such rewards. | | | | zawadi kwa mtu anayetoa taarifa muhimu na za kuaminika kuhusu uhalifu na zitakazoweze ha mtuhumiwa kutiwa hatiani. | |
| Protection of informers (kulinda watoa taarifa za siri) | 50. Any authorized officer shall have the duty to protect any person who gives useful information as provided for under section 49. | Retained | | | 50. Afisa yeyote mwenye mamlaka atakuwa na wajibu wa kumlinda mtu yeyote anayetoa taarifa muhimu kama ilivyoanishwa katika kifungu cha 49. | |
| PART X | | | | | | |
| GENERAL PROVISIONS (SEHEMU X MASHARTI YA JUMLA) | | | | | | |
| Sovereignty over biological resources Utawala wa rasilimali | 51.-(1) All biological resources and their intangible products whether naturally occurring or naturalized within fisheries including | Retained | | 51.-(1) Rasilimali zote za kibiolojia na mazao yake bila kujali kama zipo katika uasili wake au zimefanywa kuwa za asili ikiwa ni pamoja | Imebaki kama ilivyo | |

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| <p>za kibaolojia</p> | <p>genetic resources belonging to the Government in accordance with Article 27 of the Constitution, shall be conserved and utilized for the people of this country in accordance with the provisions of this Act and any other written law on biological resources.</p> <p>Whether (2) The transfer of any biological resources, their derivative products intangible components from fisheries shall not operate so as to extinguish the sovereignty of Tanzania over those resources.</p> <p>(3) Notwithstanding the provisions of subsection (2), the Director in collaboration with agencies responsible for scientific research, keep record on performance of all genetic resource exported outside the</p> | | | <p>na rasilimali za kijenetiki kulingana na Ibara ya 27 ya Katiba ya Nchi zinahesabika kama ni mali ya Serikali, na zitatunzwa, na kutumiwa kwa ajili ya watu wa nchi hii kwa mujibu wa masharti ya sheria hii na sheria nyingine yeyote iliyotungwa kuhusu rasilimali za kibiolojia. Kama (2) uhamishaji wa rasilimali zozote za kibiolojia, mazao ya Uvuvi hautafanyika bila kuzingatia uhuru wa Tanzania juu ya rasilimali hizo.</p> <p>(3) Kwa kuzingatia masharti ya kifungu kidogo cha (2), Mkurugenzi kwa kushirikiana na taasisi zinazohusika na utafiti wa kisayansi, atatunza kumbukumbu za mwenendo wa</p> | | |
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| | <p>country.</p> <p>(4) Without prejudice to the provisions of subsection (1), the right to determine and regulate access to genetic resources is vested in the Government and may be exercised by the competent authority in consultation with relevant organizations in accordance with the provisions of this Act or any other written law on biological resources.</p> | | | <p>rasilimali za kijenetiki zilizosafirishwa nje za nje ya nchi.</p> <p>(4) Bila kuathiri masharti ya kifungu kidogo cha (1), haki ya kuamua na kusimamia upatikanaji wa rasilimali za kijeni imewekwa katika Serikali na inaweza kutumika na mamlaka husika katika kushauriana na mashirika husika kwa mujibu wa vifungu vya Sheria hii au sheria nyingine yoyote iliyoandikwa juu ya rasilimali za kibiolojia.</p> | | |
| Environmental impact Assessment | <p>52. No person shall undertake any development activities in this Act, without undertaking Environmental Impact Assessment in accordance with any other written laws of Tanzania.</p> | Retained | | <p>52. Hakuna mtu atakayefanya shughuli zozote za maendeleo katika Sheria hii, bila kufanya tathmini ya athari za mazingira kwa mujibu wa sheria yoyote</p> | | |

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| | | | | nyingine iliyoandikwa ya Tanzania. | | |
| Research priority areas and facilitation | <p>53.-(The Director shall in collaboration with research institutions and other stakeholders outline areas that require research.</p> <p>(2) Any person intending to undertake any research in fisheries prior to obtaining any permit or obtained from any other person(s) or organization shall be required to obtain a research clearance from the Director.</p> <p>(3) An application for a research permit to which this section applies, shall be accompanied by a copy of the research proposal and include-</p> <p>(a) the name, qualifications and designation of the person applying for the clearance;</p> <p>(b) the names, qualifications and designation of any person whom it</p> | <p>The principal act is amended by modifying Section 53 to read:-</p> <p>(1) The Director shall in collaboration with the Tanzania Fisheries Research Institute or other research institutions and stakeholders outline priority areas that require research.</p> | | <p>53. Mkurugenzi kwa kushirikiana na taasisi za Utafiti na wadau wengine atainisha maeneo yanayotakiwa kufanyiwa utafiti</p> <p>(2) mtu akitaka kufanya utafiti wowote katika uvuvi kabla ya kupata kibali au kutoka kwa mtu mwingine yeyote au shirika atahitajika kwanza kupewa kibali cha utafiti kutoka Mkurugenzi.</p> <p>(3) Maombi ya kibali cha utafiti ambayo yanahusika na sehemu hii yatalazimika kuambatishwa na nakala ya andiko la utafiti pamoja na mambo mengine yafuatayo; –</p> <p>(a) Jina, sifa na wadhifa wa mtu</p> | <p>Sheria kuu ni imerekebishwa kwa kuboresha sehemu 53 ili isomeke kama ifuatavyo; -</p> <p>(1) Mkurugenzi kwa kwa kushirikiana na taasisi ya utafiti wa uvuvi Tanzania au taasisi nyingine za utafiti na wadau Ufupisho Maeneo ya kipaumbele ambayo yanahitaji utafiti</p> | |

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| | <p>is proposed will assist or work with the person applying for the clearance;</p> <p>(c) the name, function and address of the institution or organization, if any, with which the person applying for the clearance is connected, either directly or indirectly and if a different institution or organization is funding in whole or in part the research, the name, address and function of that funding institution or organization;</p> <p>(d) the purpose of the research and the use of which it shall be put, including any proposal for the publication of the results of the research and any proposed commercial exploitation of the research, and</p> <p>(e) any such other matters as may be prescribed.</p> <p>(4) In determining whether to grant or refuse to grant a</p> | | | <p>anayeomba kibali</p> <p>(b) Majina, sifa na wadhifa wa mtu yeyote ambaye anapendekezwa kufanya kazi na mtu anayeomba kibali;</p> <p>(c) Jina, majukumu na anwani ya taasisi au shirika, kama ipo, ambayo mtu anayeomba kibali anafanya nayo kazi moja kwa moja au la au kama ni shirika linalotoa fedha ni fedha kwa ujumla au kwa sehemu ya utafiti, na jina, anwani na kazi ya taasisi hiyo fedha au shirika;</p> <p>(d) madhumuni ya utafiti na matumizi ambayo ni lazima auawe, ikiwa ni pamoja na pendekezo yoyote kwa ajili ya uchapishaji wa matokeo ya utafiti na yoyote</p> <p>(e) hayo mambo mengine kama</p> | | |
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| | <p>research clearance, the Director shall have regard to -</p> <p>(a) any general policies concerning research adopted by any national bodies charged with a duty to promote and regulate research;</p> <p>(b) the extent to which the proposed research is likely to contribute to the furtherance of the objectives of fisheries asset out in Part III of this Act;</p> <p>(c) the proposal or lack of them that the research plan contains for providing feedback from the research and disseminating the results of the research within the country;</p> <p>(d) the extent to which the research plan complies with any international agreements relating to research on fisheries of the nature proposed in the application;</p> <p>(e) such other matters as</p> | | | <p>inaweza eda.</p> <p>(4) katika kuamua kama ruzuku au kukataa kutoa kibali cha utafiti, mkurugenzi na suala kwa - kuhusu utafiti iliyopitishwa na miili yoyote taifa dhamana na wajibu wa kuendeleza na kusimamia utafiti; sera yoyote Mkuu (a) (b) kiasi ambacho utafiti uliopendekezwa ni uwezekano wa kuchangia kwa kushirikiana wa malengo ya uvuvi mali nje katika sehemu ya II ya sheria hii;</p> <p>(c) pendekezo au ukosefu wao ambayo mpango wa utafiti ina kwa kutoa maoni kutokana na utafiti na kusambaza matokeo ya utafiti ndani ya nchi;</p> <p>(d) kiwango ambayo mpango wa utafiti</p> | | |
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| | <p>appear to be relevant or as may be Prescribed.</p> <p>(5) In granting a research clearance, the Director may attach such conditions to the clearance as are calculated to ensure that the matters referred to in subsection (3) are observed and furthered by the research and in particular such conditions may regulate and control the manner in which any specimen of flora or fauna are taken from a fisheries reserve or are exported from Tanzania in the course of or at the Conclusion of the permitted research.</p> <p>(6) Any person, who has been granted a research clearance shall, at his own expense deposit one copy of any publication of any sort with any research section, whether produced by the person granted the research permit alone or as</p> | | | <p>hukubaliana na makubaliano yoyote kimataifa zinazohusiana na utafiti wa uvuvi wa asili katika maombi; (e) kama nyingine masuala kama kuonekana kuwa husika au kama inaweza eda.</p> <p>(5) katika kumpa kibali cha utafiti, Mkurugenzi anaweza ambatisha hali kama hiyo kwa kibali kama ni mahesabu kwa kuhakikisha kwamba masuala zilizotajwa katika kifungu (3) aliona na zitambuliwe na utafiti na hasa hali kama hiyo inaweza kudhibiti na kudhibiti namna ambayo specimen yoyote ya mimea au wanyama ni kuchukuliwa kutoka Hifadhi ya uvuvi au yanasafirishwa kutoka Tanzania</p> | | |
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| | <p>a joint author with other persons during the course of the research in each such library in the country as shall be Specified in the research permit or as may be prescribed.</p> <p>(7) Where the Director is satisfied after due inquiry or as a result of information given to him by a reliable source that any research is being conducted otherwise than in accordance with the terms of a research clearance, he shall forthwith withdraw the said research permit and issue a direction in writing to the person to whom the research clearance was granted to cease all activities connected with or arising out of the research.</p> <p>(8) A person from whom a research clearance has been withdrawn under subsection (6), may appeal to the Minister.</p> | | | <p>katika mfululizo wa au katika hitimisho la utafiti kuruhusiwa.</p> <p>(6) mtu, ambaye amepewa kibali cha utafiti itakuwa, katika yake gharama amana nakala moja ya chapisho ya aina yoyote na sehemu yoyote utafiti, iwe mtu nafasi kibali cha utafiti peke yake au kama mwandishi pamoja na watu wengine wakati wa kozi ya utafiti katika kila maktaba katika nchi kama itakuwa maalum katika utafiti kibali au kama inaweza eda.</p> <p>(7) ambapo Mkurugenzi ni kuridhika baada kutokana uchunguzi au kama matokeo ya taarifa aliyopewa kwa chanzo cha kuaminika kwamba utafiti wowote kuwa mazoezi vinginevyo</p> | | |
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| | | | | <p>kuliko kulingana na masharti ya kibali cha utafiti, yeye mara itakuwa kuondoa utafiti alisema kibali na kutoa mwelekeo katika kuandika kwa mtu ambaye kibali cha utafiti ulitolewa kwa kusitisha shughuli zote za kushikamana au inayotokana nje ya utafiti.</p> <p>(8) mtu ambaye kibali cha utafiti imekuwa kuondolewa chini ya kifungu (6), anaweza kukata rufaa kwa Waziri.</p> | | |
| Call for research information | 54. The Director may call for any research information obtained to be disseminated to the public. | Retained | | 54. Mkurugenzi anaweza kuagiza taarifa yoyote utafiti isambazwe kwa umma. | | |
| Call for information from licensee | 55. The Director may for the purpose connected with the implementation of this Act, by notice sent in writing, or delivered by | Retained | | 55. Mkurugenzi kwa kwa madhumuni yanayoendana na utekelezaji wa sheria hii, kwa taarifa zilizotumwa kwa | | |

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| (Kuulizia taarifa utafiti wito maelezo kutoka licencee | registered post, require any person holding a license under this Act to send or deliver to the Director within thirty days from the date on which the notice was sent or delivered, such documents and information that is required. | | | maandishi au kwa njia ya posta, kuhitaji mtu yeyote aliye na leseni iliyotolewa chini ya sheria hii kutuma au kurudisha kwa Mkurugenzi ndani ya siku thelathini kutoka tarehe ambayo Ilani ya kutumwa au kukombolewa, nyaraka na taarifa ambayo inahitajika | | |
| Exemptions | 56. Notwithstanding anything contained in this Act, the Minister may grant an exemption to any person or organization from all or any of the provisions of this Act or of any subsidiary legislation not inconsistent with the provisions of this Act in order to entitle the holder to engage in fishing and to do such other things as may be specified in the order for any of the following purposes:- (a) scientific research and | Retained | | 56. ijapokuwa chochote zilizomo katika sheria hii, Waziri anaweza kutoa msamaha kwa mtu yeyote au shirika kuhusu jambo lolote au masharti ya sheria hii au sheria yoyote ndogo si kinyume na masharti ya sheria hii ili entitle ya mwenye kujihusisha na uvuvi na kufanya mambo mengine kama inaweza kubainishwa ili kwa yoyote ya sababu zifuatazo:-(a) utafiti wa kisayansi | | |

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| | display museums, zoo or similar establishments; (b) educational and cultural activities; (c) supply of good in case of emergency where no other adequate food supply is available; and (d) Compliment. | | | na makumbusho ya kuonyesha, Hifadhi ya wanyama au majengo sawa; (b) shughuli za elimu na utamaduni; (c) usambazaji wa nzuri katika kesi ya dharura ambapo hakuna chakula cha kutosha nyingine usambazaji ni kupatikana; na (d) pongezi | | |
| Regulations | 57.-(1) The Minister may make regulations for the better carrying out of the objects and purposes of this Act and may by such regulations, make provisions which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing, regulating or controlling the capture, collection, gathering, processing, storage or marketing of fish, fish products, aquatic | The principal act is amended by modifying Section 57 to read:- (1) The Minister may make regulations for the better carrying out of the objects and purposes of this Act and may, by such regulations, | | 57.-(1) Waziri anaweza kutengeza kanuni kwa ajiri ya kuboresha utekelezaji wa sheria hii na katika kanuni hizo anaweza kuweka vifungu muhimu kilingana na maoni yake kwa lengo la kulinda, kuifadhi, kuendeleza, kusimamia uvuvi kwenye maji ya asili, ukusanyaji, uchakataji, uifadhi na | Sheria hii ni inarekebishwa kwa kuboresha kifungu 57 kosomeke:- (1) Waziri anaweza kuweka kanuni kwa kubeba vyema nje vitu na madhumu ni ya sheria hii | |

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| | <p>flora or products of aquatic flora.</p> <p>(2) Without prejudice to the generality of subsection (1), the Minister may make regulations -</p> <p>(a) providing for the issuance, suspension and cancellation of licences or authorities granted or given under this Act or any subsidiary legislation made under this Act;</p> <p>(b) prescribing the terms and conditions upon which any such licence or authority may be granted or issued;</p> <p>(c) prescribing the forms of application for licences and responsible authorities;</p> <p>(d) prescribing fees for licences and authorities;</p> <p>(e) requiring all or any category of fishing vessels to be registered;</p> <p>(f) providing for and regulating the description,</p> | <p>make provisions which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing, regulating or controlling the capture, collection, gathering, processing, storage or marketing of fish, fishery products, aquatic flora and fauna or products of aquatic flora and fauna.</p> <p>(2) Without prejudice to the generality of subsection (1) the Minister may make regulations-</p> | | <p>masoko ya samaki na mazo yake na mimea ya kenye maji na mazao yake.</p> <p>(2) bila ya kuathiri kifungu (1), Waziri atatengeneza kanuni-</p> <p>(a) Kanuni ambazo zitaruhusu, kutoa, kusitisha au kufuta leseni au mamlaka iliyotolewa chini ya sheria hii,</p> <p>(b) Kuainisha masharti na vigezo</p> | <p>na Mei, kwa sheria kama hizo, kufanya vyakula ambayo, kwa maoni yake, ni muhimu au vya kufaa kwa ajili ya the madhumu ni ya kulinda, kuhifadhi, kuendeleza, kusimami au kudhibiti kukamatwa, ukusanyaji, ukusanyaji, usindikaji, uhifadhi</p> | |
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| | <p>specifications and form of nets to be used in fishing and the size of the meshes;</p> <p>(g) prohibiting or regulating the use of any description of fishing gear;</p> <p>(h) prohibiting, restricting or regulating the importation into Mainland Tanzania any live fish, other than fish indigenous to Mainland Tanzania;</p> <p>(i) prohibiting or regulating the exportation of fish, aquatic flora or any fish product or product of aquatic flora;</p> | <p>(a) providing for the issuance, suspension and cancellation of licenses or authorities granted or given under this Act or any subsidiary legislation made under this Act;</p> <p>(b) prescribing the terms and conditions upon which any such license or authority may be granted or issued;</p> <p>(c) prescribing the forms of application for licenses, and responsible authorities ;</p> | | <p>ambavyo leseni au mmalaka inaweza kutolewa.</p> <p>(c) kuainisha fomu maombi ya leseni na mamlaka husika.</p> <p>(d) kuainisha ada za leseni na mamlaka</p> <p>(e) Uitaji wa vyombo vinavyotakiwa kusajiliwa.</p> <p>(f) Kutoa vigezo vitakavyotumika kama muomgozo katika kufafanua sifa na aina ya nyavu itakayotumika na ukubwa wa macho.</p> <p>(g) Kuzuia au kudhibiti matumizi ya zana za uvuvi</p> <p>(h) kuzuia, kukataza au kudhibiti uingizwaji wa samaki hai, na samaki wengine ambao siyo wa asili.</p> <p>(i) kuzuia na kusimamia usafirishaji wa samaki na mazao</p> | <p>au masoko ya samaki, bidhaa za uvuvi, majini flora na fauna au bidhaa ya majini flora na fauna.</p> <p>(2) Bila ya kuathiri ujumla wa kifungu (1) Waziri anaweza kutengenez a kanuni</p> <p>(a) kutoa kwa ajili ya utoaji, kusimamishwa na kufutwa kwa leseni au mamlaka nafasi au lililotolewa chini</p> | |
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| | | <p>(d) prescribing fees for licenses, services and authorities;</p> <p>(e) requiring all or any category of fishing vessels to be registered;</p> <p>(f) providing for and regulating the description, specifications and form of nets to be used in fishing and the size of the meshes;</p> <p>(g) prohibiting or regulating the use of any description of fishing gear;</p> <p>(h) prohibiting, restricting or regulating the importation</p> | | <p>yake, na mimea ya kwenye maji na mazao yake.</p> <p>kuzuia au kukataza matumizi ya milipuko kwa madhumuni ya uvuvi;</p> <p>(k) kuzuia au kukataza matumizi ya sumu za kemikali au sumu mali kwa madhumuni ya uvuvi;</p> <p>(l) kuzuia au kukataza kuvua, ukusanyaji, au uharibifu wa aina yoyote ya samaki, mimea ya maji, au viumbe maji</p> <p>(m) kutoa mwongozo wa hifadhi maeneo muhimu kwa mazalia ya samaki,</p> <p>(n) kudhibiti na kuzuia uchafuzi wa maji ya kitaifa</p> <p>) Kuthibiti uingizaji ndani na usafirishaji nje samaki, mazao ya uvuvi na viumbe maji</p> | <p>ya sheria hii au sheria yoyote ndogo alifanya chini ya sheria hii;</p> <p>(b) kutoa maelekezo za masharti kwa ajili ya utoaji leseni au mamlaka yoyote kama inaweza kutolewa ;</p> <p>(c) kutoa maelekezo ya fomu ya maombi ya leseni, na mamlaka husika;</p> <p>(d) kutoa maelekezo ya ada kwa ajili ya</p> | |
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| | | <p>into Mainland Tanzania any live fish, other than fish indigenous to Mainland Tanzania;</p> <p>(i) prohibiting or regulating the exportation of fish, aquatic flora and fauna or any fish product or product of aquatic flora and fauna ;</p> <p>(j) prohibiting or restricting the use of explosives for the purpose of fishing;</p> <p>(k) prohibiting or restricting the use of any poisonous chemical or toxic substance for</p> | | <p>(P) kutambua na kuweka vipindi kufungwa kwa uvuvi;</p> <p>(q) kupunguza au kudhibiti idadi ya vyombo vya Uvuvi;</p> <p>(r) kusimamia masoko ya samaki, mazao ya uvuvi na mimea maji</p> <p>(s) kuzuia, kudhibiti au kudhibiti shughuli za vyombo vya uvuvi vya kigeni katika maji ya Kitaifa;</p> <p>(t) kusimamia usindikaji wa samaki, bidhaa za samaki au mimea Maji</p> <p>(u) Kuanisha taratibu za uchakataji wa samaki, mazao ya samaki na viumbe maji wa kufuatwa</p> <p>(v) Kuanisha vigezo vya ubora wa majengo na miundombinu ya uchakataji na uhifadhi au kuuza</p> | <p>leseni, huduma na mamlaka;</p> <p>(e) kuhitaji vyombo vyote vya uvuvi kusajiliwa</p> <p>(f) Inaelekeza na kusimamia utoaji wa vigezo vya aina ya nyavu kutumika katika uvuvi na ukubwa wa jicho la wavu;</p> <p>(g) Kuzuia au kusimamia utoaji wa vigezo vya zana za uvuvi,</p> <p>(h) kuzuia, kudhibiti, na kusimamia uingizaji Tanzania</p> | |
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| | | <p>the purpose of fishing,</p> <p>(l) prohibiting or restricting the capturing, collection, removal or destruction of any variety of fish, aquatic flora and fauna, fish product or product of aquatic flora and fauna;</p> <p>(m) providing for the protection of critical habitats;</p> <p>(n) preventing the obstruction and pollution of territorial waters;</p> <p>(o) controlling the import and export of fish, aquatic flora</p> | | <p>samaki, mazao ya samaki na viumbe maji;</p> <p>(w) kudhibiti na kurekebisha uingizaji na utengenezaji wa nyavu za kuvulia</p> <p>(x) kusimamia muundo, mamlaka na kazi za vyama;</p> <p>(y) kusimamia mishahara na marupurupu ya kikosi</p> <p>(z) Kutoa na kudhibiti vigezo vya kufuatwa na wavuvi wakubwa</p> <p>(aa) Kutoa na kudhibiti vigezo vya kufuatwa na wafugaji wa samaki</p> <p>(bb) kutoa vigezo kwa ajili ya utoaji wa vitambulisho vinazotumika</p> <p>(cc) kutoa kwa ajili ya ulinzi wa viumbe</p> | <p>bara samaki yoyote kuishi, zaidi ya samaki asilia kwa Tanzania bara;</p> <p>(i) kuzuia, au kudhibiti usafirishaji nje ya nchi wa samaki, mimea ya majini na wanyama wa majini</p> <p>(j) kuzuia matumizi ya milipuko kwa madhumuni ya uvuvi;</p> <p>(k) kuzuia au kuzuia matumizi ya sumu za kemikali kwa</p> | |
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| | | <p>and fauna, fish products or products of aquatic flora and fauna;</p> <p>(p) determining and imposing closed periods;</p> <p>(q) limiting or controlling the number and size of fishing vessels;</p> <p>(r) regulating the marketing of fish, aquatic flora and fauna, fishery products or products of aquatic flora and fauna;</p> <p>(s) prohibiting, regulating or controlling the activities of foreign fishing vessels within</p> | | <p>maji wa makazi ya majini, mifumo ya ekolojia na vilivyo hatarini;</p> <p>(dd) kusimamia uvuvi mdogo;</p> <p>(ee) kutoa kwa ajili ya kurejesha rasilimali zilizo katika hali ya kutoweka</p> <p>(ff) kutoa na kurekebisha njia ambamo rasilimali za kijenetiki zinaweza kusimamiwa;</p> <p>(gg) maelekezo ya namna ya kuweka alama ya nyavu za uvuvi;</p> <p>(hh) maelekezo ya namna ya kuondoa nyavu zilizopotea;</p> <p>(iii) Kusimamia matumizi ya vifaa bandia vya kuvutia samaki kudhibiti matumizi ya samaki</p> <p>(jj) Maelekezo ya namna ya ukusanyaji takwimu na kutoa taarifa</p> | <p>madhumuni ya uvuvi,</p> <p>(l) kuzuia kukamata, kukusanya, kuondolewa au uharibifu wa aina yoyote ya samaki, majini flora na fauna, samaki bidhaa au bidhaa ya mimea ya majini.</p> <p>(m) Maelekezo kwa ajili ya ulinzi wa mazalia muhimu;</p> <p>(n) kuzuia kizuizi na</p> | |
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| | | <p>territorial waters;</p> <p>(t) regulating the processing of fish, fish products or aquatic flora and fauna or products of aquatic flora and fauna;</p> <p>(u) prescribing conditions under which every processor of fish, fish products or products of aquatic flora and fauna shall comply;</p> <p>(v) prescribing specifications to which any factory building, Fish establishments or other premises used</p> | | | <p>uchafuzi wa mazingira ya bahari;</p> <p>(o) kudhibiti uagizaji na usafirishaji wa samaki, mimea ya majini na wanyama, samaki bidhaa au bidhaa ya majini mimea na Wanyama;</p> <p>(p) kutambua na kuweka vipindi kufunga Uvuvi;</p> <p>(q) kupunguza au kudhibiti idadi na ukubwa wa uvuvi vyombo;</p> <p>(r) kusimamia masoko ya samaki, mimea na</p> | |
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| | | <p>for the purpose of fish processing, storage or sale of any Fish, fish product, aquatic flora and fauna or product of aquatic flora and fauna shall conform;</p> <p>(w) controlling and regulating importation, manufacturing and construction of fishing gears;</p> <p>(x) regulating the structure, functions and powers of authorized associations;</p> <p>(y) regulating the remunerations and fringe</p> | | | <p>Wanyama, bidhaa za uvuvi au bidhaa ya majini mimea na Wanyama;</p> <p>(s) kuzuia, kudhibiti au kudhibiti shughuli za vyombo vya uvuvi wa kigeni ndani ya mipaka ya bahari;</p> <p>(t) kusimamia usindikaji wa samaki, bidhaa za samaki au majini flora na fauna au bidhaa ya majini mimea na Wanyama;</p> <p>(u) Kuainisha matakwa ambayo</p> | |
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| | | <p>benefits for the Unit;</p> <p>(z) providing for and regulating the conditions under which industrial fishing will be undertaken;</p> <p>(aa) providing for the issuance of identification cards and conditions under which they will be used;</p> <p>(bb) providing for protection of biodiversity of aquatic habitats, ecosystems and endangered species;</p> <p>(cc) regulating artisanal fisheries;</p> | | | <p>kila mchakataji wa samaki, mazao ya uvuvi atatakiwa kufuata;</p> <p>(v) Kuainisha vigezo vya kufuatwa kwa kiwanda, au mahali pa kuchakatia mazao ya uvuvi au panapotumika kwa madhumuni ya usindikaji wa samaki, uhifadhi</p> <p>(w) kudhibiti na kusimamia uingizaji na utengenezaji wa nyavu za</p> | |
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| | | <p>(dd) providing for the restoration and recovery of depleted stocks;</p> <p>(ee) providing for and regulating the manner in which genetic resources shall be managed;</p> <p>(ff) providing for marking of fishing gears and outboard engines;</p> <p>(gg) providing for recovery of lost and abandoned fishing gears;</p> <p>(hh) regulating the use of fish aggregating devices;</p> <p>(ii) providing for data collection and</p> | | | <p>uvuvi;</p> <p>(x) kusimamia muundo, kazi na mamlaka ya vyama vya uvuvi</p> <p>(y) kurekebisha ujira na marupurupu kwa ajili ya kitengo cha;</p> <p>(z) kurekebisha hali ya chini ambayo uvuvi wa viwanda utakuwa kufanyika;</p> <p>(aa) Maelekezo kwa ajili ya utoaji wa vitambulisho na hali ya chini ambayo yatatumika</p> | |
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| | | <p>reporting;</p> <p>(j) prescribing a programme for the monitoring, surveillance and control of diseases of aquatic organisms;</p> <p>(kk) prescribing the form of any license or other approval which is issued, granted or given under this Act;</p> <p>(ll) prescribing the duration of any license and the conditions which are applicable to the renewal of any such license;</p> <p>(mm)prescri</p> | | | <p>(bb) Kuelekeza kwa ajili ya ulinzi wa viumbehai wa makazi ya majini, mifumo ya ekolojia na hatarini;</p> <p>(cc) kudhibiti wadogo uvuvi;</p> <p>(dd) kusaidia kurejesha na kuhuisha rasilimali zinazotoweka;</p> <p>(ee) kutoa na kurekebishana njia ambamo rasilimali za kijenetiki zinasimamiwa;</p> <p>(ff) Maelekezo ya uwekaji wa alama</p> | |
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| | | <p>bing the health certification requirements to be met prior to the import or export of live aquatic organisms, eggs, fertilized eggs, or prior to the export of any aquatic product;</p> <p>(nn) prescribing measures for the prevention, treatment and eradication of diseases in aquatic organisms;</p> <p>(oo) regulating the discharge into natural water bodies of any pollution from offshore activities;</p> | | | <p>katika injini na maboti</p> <p>(gg) Maelekezo kwa ajili ya kuweka alama ya uvuvi gia na injini outboard;</p> <p>(hh) kudhibiti matumizi ya vifaa vya kuvutia samaki</p> <p>(ii) kutoa kwa ajili ya ukusanyaji wa data na taarifa;</p> <p>(jj) Kutoa maelekezo kwa ajili ya mpango wa ufuatiliaji, uchunguzi na udhibiti wa magonjwa ya viumbe viishivyo</p> | |
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| | | <p>(pp) regulating the collection of wild seeds;</p> <p>(qq) Regulating ornamental fish fishing and brood stock harvesting.</p> <p>(rr) prescribing the management of the National Fish Quality Control Laboratories;</p> <p>(ss) regulating the manner in which collaborative fisheries management activities shall be carried out;</p> <p>(tt)</p> <p>(uu) regulating anything which may be</p> | | | <p>majini;</p> <p>(kk) Kuainisha fomu ya leseni yoyote au idhini nyingine ambayo ni kutolewa, nafasi au lililotolewa chini ya sheria hii;</p> <p>(ll) Maelezo ya muda wa leseni yoyote na masharti ambayo vinatumika kwa upya wa leseni hizo;</p> <p>(mm) Kuainisha matakwa ya usafi na afya kabla ya kuingiza au kuuza</p> | |
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| | | required for the proper implementation of this Act | | | <p>mazao nje nje ya viumbe hai viishivyo majini, mayai, mayai</p> <p>(nn) Kuainisha hatua za kuzuia, kutibu na kutokomez a magonjwa kwa viumbe viishivyo majini;</p> <p>(oo) kusimami a umwagaji wa maji taka katika maji ya asili na uchafuzi wa kutokana na shughuli za kibinadamu</p> | |
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| | | | | | <p>(pp) kusimamia ukusanyaji wa mbegu;</p> <p>(qq) Kusimami a uvuvi wa samaki wa mapambo na kuvuna brood wa hisa.</p> <p>(rr) Kuanisha matakwa ya usimamizi wa Maabara ya Taifa ya Uvuvi ya samaki kudhibiti ubora</p> <p>(ss) Kusimami a namna ambavyo mashirikia no katika usimamizi yatafanyik a:</p> <p>(tt) Kusimamia masuala yote</p> | |
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| | | | | | ambayo yanatakiwa kufuatwa kufanikish a utekelezaji wa Sheria hii. | |
| Act to prevail over by-laws | 58. Where any provision of any by-law made by a local authority is inconsistent with any provision of this Act or any subsidiary legislation made under this Act, the provision of this Act or, as the case may be, of the subsidiary legislation, shall be construed so as to revoke, to the extent of the inconsistency, the provision of such by-law. | Retained | | 58. Endapo sehemu yoyote katika sheria ndogo ndogo zilizotungwa na mamlaka za mitaa haiendani na kifungu chochote cha sheria hii au sheria yoyote ndogo chini ya sheria hii, utoaji wa sheria hii au kama hali itakavyokuwa, sheria ndogo, itatafsiriwa ili kuondoa kasoro au mapungufu ya sheria hiyo | | |
| Repeals, Act No. 6 of 1970 | 59-(1) The Fisheries Act. 1970 is hereby repealed. (2) Notwithstanding the repeal of the Act- (a) all licences and permits granted under the provisions of the | The principal act is amended by modifying Section 59 To read:- 59 (1) The | 59-(1) Sheria ya Uvuvi inafutwa. (1) Bila kuathiri masharti | Sheria hii inarekebishwa kwa kuboresha kifungu 59 kisomeke:- 59(1) Sheria ya uvuvi na. 22 ya mwaka 2003 inafutwa | | |

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| | <p>Fisheries Act, shall be deemed to have been made under this Fisheries Act;</p> <p>(b) all regulations made under the Fisheries Act, shall be deemed to have been made under this Act and shall remain in force and have effect until repealed, replaced or amended under and in accordance with the provisions of this Act;</p> | <p>Fisheries Act No. 22 of 2003 is hereby repealed.</p> | <p>yaliyomo kwenye sharia iliyofutwa:-</p> <p>(a)leseni zote na vibali zilizotolewa chini ya vifungu vya sheria hii zitajulikana kama zimeundwa chini ya sharia hii</p> <p>(b)kanuni zote zilizotungwa chini ya sharia hii zitajulikana kama zimetungwa chini ya sharia hii na zitakuwa na nguvu mpaka pale zitakapofutwa au kurekebishwa chini ya na kutokana na vifungu cya sharia hii</p> | | | |
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| Amendment of Schedules | The Minister may amend schedules to this Act | Waziri anaweza kubadirisha mpangilio wa sheria hii | | | | |
| Saving provision | <p>(2) Notwithstanding the repeal of the Act;</p> <p>(a) all licenses and permits granted under the provisions of the Fisheries Act, shall be deemed to have been made under this Fisheries Act;</p> <p>(b) all regulations made under the Fisheries Act, shall be deemed to have been made under this Act and shall remain in force and have effect until repealed, replaced or amended under and in accordance with the provisions of this Act</p> <p>(c) all lawful orders, notices ,by laws or anything given or made by an authorized officer so authorized to give or make such lawful orders, notices and by-laws under the Fisheries Act, shall be</p> | | <p>(2) Bila kuathiri kufutwa kwa sheria;</p> <p>(a) leseni zote na vibali zilizotolewa chini ya Sheria ya Uvuvi, zifahamika kuwa zimetungwage nezwa chini ya Sheria hii ya Uvuvi;</p> <p>(b) Kanuni zote zilizotungwa chini ya Sheria ya Uvuvi, zitaonekana kuwa zimefahamika kwamba zimetungwa chini ya sheria</p> | | | |

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| | <p>deemed to have been made under this Act, and shall remain in force and effective until amended or withdrawn under this Act.</p> | | <p>hii chini ya Sheria hii na zitaendelea kutumika mpaka zitakapofutwa , kubadilishwa au kurekebishwa kwa mujibu wa masharti ya Sheria hii; Sheria, itaonekana kuwa imefanywa chini ya Sheria hii na itaendelea kutumika na kuathiri mpaka kufutwa, kubadilishwa au kurekebishwa chini na kwa mujibu wa masharti ya Sheria hii;</p> <p>(c) amri zote halali</p> | | | |
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| | | | <p>kisheria, notisi, na sharia ndogo au kitu chochote kilichotolewa au afisa aliyeidhinish wa ili kutoa au kufanya amri za halali, notisi na sheria ndogo chini ya Sheria ya Uvuvi, zitaonekana kuwa imefanywa chini ya Sheria hii , na itabaki katika nguvu na ufanisi mpaka kurekebishwa au kuondolewa chini ya Sheria hii</p> | | | |
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SECOND SCHEDULE

(Made under section.....)

TENURE, MEETINGS AND PROCEEDINGS OF THE COMMITTEE

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| Chairperson of the Committee | The Committee shall be chaired by the Permanent Secretary of the Ministry responsible for fisheries meet quarterly a year and may convene an ad-hoc meeting when it deems necessary. |
| Secretary of the Committee | The Director of Fisheries or Aquaculture shall be the Secretary of the Committee |
| Tenure of the Committee Members | The tenure of the office for the Committee members shall be five years and may be renewable once. |
| Quorum | The quorum of the meeting shall be half of the members |
| Good conduct, responsibilities and legal liabilities Member of the Committee | A Committee member of the Fund shall ;- a) be of good conduct and high integrity; b) treat information pertaining to any matter relating to the Fund as confidential and shall not disclose information unless authorized to do so or compelled by law so to do; c) desist from acting in a way that is inconsistent with the responsibilities of the Committee in terms of the Constitution and other Laws of the Land; d) Refrain from using the position or privileges of, or confidential information obtained as a Fund member to gain or improperly benefit another person. |
| Voting | a) The decisions of the Committee shall be made by consensus or, in the absence of consensus, by a majority of the members present and voting. b) In case of equality of votes, the Chairperson shall have the casting vote. |

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| | <p>c) The Chairperson shall, if present, preside at all meetings of the Committee and in his absence, the Member of the Committee present at the meeting shall, from among themselves, select someone to preside.</p> <p>d) Full minutes of all proceedings at meetings shall be maintained by the Secretary. Minutes of the meetings shall be circulated to Member of the Committee prior to the next meeting. A copy of all minutes of meetings shall be duly signed by the Chairperson and the Secretary at the next meeting and filed at the Secretariat.</p> |
| The Committee may regulate its own proceedings | Subject to the provision of this Schedule, the Member of the Committee may regulate its own operations |

The principal act is amended by modifying Schedule of the Act

SCHEDULE

(Made under section 40 (1))

LIST OF OFFENCES THAT MAY BE COMPOUNDED

1. Artisanal fishers fishing without license.
2. Collecting fish or fishery products without valid license.
3. Artisanal fishers fishing using unregistered vessel.
4. Permitting others to use unregistered vessel for fishing.
5. Transporting of fish or fishery products without movement permit ;
6. Transportation of fish or fishery products without approval certificate of a vessel or vehicle;
7. Exporting of fish or fishery products without export license or paying export royalty

8. Possession, storing, export or trading of Nile Perch fish of total length less than 50 cm and above 85 cm.
- 9. Possession, storing, export or trading of fish maws from Nile Perch of total length less than 50 cm and or above 85 cm**
10. Violating fish, fishery products quality Management and standards,
11. Possess, store, sell use or cause another person to use illegal fishing gears and metho

Passed in the National Assembly on

Clerk of the National Assembly

Sheria hii inarekebishwa kwa kuboresha mpangilio wa sheria hii

MPANGILIO

(Imetungwa chini ya kifungu 40 (1))

ORODHA YA MAKOSA KUWA COMPOUNDED

1. Wavuvi wadogo wanaovua bila kuwa na leseni.
2. Kukusanya samaki au mazao ya uvuvi bila leseni halali.
3. Wavuvi wadogo wanaotumia vyombo visivyosajiliwa.
4. Ukiruhusu wengine kutumia chombo zisizosajiliwa
5. Usafirishaji wa samaki au mazao ya Uvuvi bila kibali
6. Usafirishaji wa samaki au mazao ya Uvuvi bila cheti cha udhibitisho cha idhini ya chombo au gari kusafisha mazao ya Uvuvi;
7. Kusafirisha samaki au mazao ya uvuvi bila leseni ya usafirishaji au kulipia mrahaba
8. Kumiliki, kuhifadhi, usafirishaji au biashara ya samaki aina ya sangara wenye urefu chini ya sm 50 au zaidi ya sm 85.
- 9. Kumiliki, kuhifadhi, usafirishaji au biashara ya Mabondo ya Sangara kutokana na Sangara wenye urefu chini ya sentimita 50 zaidi ya sentimita 85.**
10. Kukiuka masharti ya ubora mazao ya uvuvi, usimamizi na viwango,

11.Kumiliki, kuhifadhi, kuuza, matumizi au kusababisha mtu mwingine kutumia zana au njia haramu za Uvuvi

