

Fisheries Principal Regulations

GOVERNMENT NOTICE No. 317 published on 15/9/89

THE FISHERIES ACT, 1970
(No. 6 OF 1970)

REGULATIONS

Made under section 7

THE FISHERIES PRINCIPAL REGULATIONS, 1989

PART I
PRELIMINARY

1. These Regulations may be cited as the Fisheries Principal Regulations 1989 and shall come into operation on 1st July, 1989. Short title and commencement

2. In these Regulations unless the context otherwise required:— Interpretation

“the act” means the Fisheries Act, 1970;

“beche de mer” means achinoderms of class holothuroides;

“citizen” means a citizen of United Republic of Tanzania as stipulated in Immigration Laws;

“Coral” means a living or dead calcereous skeleton secreted by polyploid coelenterates of class Anthozoa;

“Director of Fisheries” means the person for the time being exercising the power conferred by or under the Act upon the Officer appointed under part II of the Act;

“dynamited” fish means fish with either one or all of the following characteristics:

that is to say limp body which when pressed leaves a depressed mark, rupture blood vessels in the gills and in the eyes, disintegrated alimentary canal, and evidence on “dynamited fish” when given by licensing authority in the prescribed Form 8 shall be accepted by any court of Law as true evidence without further doubt;

“export” means to take away any fishery product from Tanzania Mainland to any place outside the country.

“Explosive” means a dynamite or bomb; or any blasting agent, detonators or any material used in the manufacture of explosives.

“fish dealer” means any person other than a fishermen who sells, barter or offers for sale any fish or fish products, and includes 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 purposes of these Regulations;

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- “fishermen” means any person engaged in fishing;
- “fishery” includes every area, locality or place or stations in or which fishing gear is used, set or placed or located and also the area, tract or stretch of water in or from which fish may be taken by such fishing gear;
- “foreign fishing vessel” means any fishing vessel which is not a Tanzania fishing vessel;
- “freshwater game fish” means trout (Salmonidae family) Black bass (Centrarchidae family) and includes the young and the eggs thereof;
- “Government Fishing Vessel” means any fishing vessel belonging to or in the service of the United Republic of Tanzania.
- “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 the body shell (abdominal length) measured along a line parallel to the centre line of body shell;
- “licensing authority” means every officer authorized under the Act or Regulation 4 to exercise any power or to discharge any duty under these Regulations relating to registration of fishing vessels, licensing of fishing vessels, fishermen and fish dealers and general enforcement of the Fisheries Regulations;
- “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, caphalopods and scaphopods;
- “owner” as applied to registered fishing vessel or gear, means the registered owner, and as applied to any other vessel or gear means the actual owner;
- “owner” as applied to registered fishing vessel or gear, means the registered owner, and as applied to any other vessel or gear means the actual owner;
- “oyster” means any mollusc of any species of genus ostrea;
- “poison” means natural or synthetic chemicals used to kill fish;
- “processing” means cleaning, filleting, icing, packing, canning, freezing, smoking, salting, drying or otherwise preparing of fish or fish products for marketing;
- “registered tonnage” in relating to a vessel means the tonnage appearing on her certificate of registry;
- “sea fishery” means the fisheries of the waters which are to the seaward of the mean high water mark;
- “schedule” means a schedule to these Regulations;
- “shell” means the hard protective cover of a mollusc;

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“sport fishing” means fishing for sport or pleasure and not for profits;

“Tanzania fishing vessel or local vessel” means a fishing vessel registered or licensed under these Regulations which is owned wholly by one or more persons each of whom is a citizen of the United Republic, or by a body corporated or incorporated under and subject to the laws of the United Republic and has its principal place of business in the United Republic, and also includes a Government fishing vessel;

“trout stream” means any stream which contains trout or any other freshwater game fish;

“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 affects as harmful to fish and other living organisms, hazard to human helath, hinderance to marine activities, including fishing, impairment of quality for the use of sea or freshwater and reduction of amenities;

PART II

REGISTRATION OF FISHING VESSELS

3.—(1) Every fishing vessel to which the provisions of this part of Regulations apply shall be registered in accordance with and the subject to the provisions of the Act and these Regulations. applica-
tion

(2) This part of these Regulations shall apply to all fishing vessels, Government fishing vessels and to all persons.

Provided that the Director of Fisheries may direct either general or in any particular case that in their application to Government fishing vessels and to persons in the service of the Government, all or any of the provisions of this part shall be limited, modified, varied or excluded to such extent in such manner as the Director may specify.

(3) No person shall use for fishing purposes any fishing vessel which is required to be registered under these Regulations unless such a vessel has been duly registered.

(4) No person shall employ, cause, or permit any other person to use a fishing vessel which such first mentioned person is prohibited from using by the provisions of paragraph (3) of these regulations.

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- Licensing authority** 4.—(1) Every Officer in the Fisheries Division of or above the rank of:—Director of Fisheries, Assistant Fisheries Officer Grade IV, Skipper grade IV, marine Engineer grade IV, Fish Technologist Grade IV, or any other person who may be appointed by the Minister in writing for the purpose of enforcing the Act and fisheries Regulations, shall be a licensing authority on terms of these Regulations.
- Register** (2) Every licensing authority shall keep a register of all fishing vessels.
(3) The Register of all fishing vessels shall be kept in such form as to show the particulars set out in the appropriate application form prescribed in First Schedule.
- Application** 5. Every person who applies to register a fishing vessel shall lodge with the licensing authority an application in duplicate duly completed in the appropriate Form I prescribed in the First Schedule of these Regulations.
- Registration fees** 6.—(1) On receipt of an application and a fee prescribed in the Third Schedule of these Regulations the licensing authority may, subject to these regulations, register the vessel and shall issue a certificate of registration in the appropriate Form 2 prescribed in the First Schedule of these Regulations.
(2) Every licensing authority shall assign to every fishing vessel registered with him an identification mark consisting of a letter or letters representing the licensing Authority with whom it is registered and a number.
(3) The identification mark to be assigned by a licensing authority shall conform as to lettering, numbering and otherwise with the particulars set out in the Second Schedule of these Regulations.
(4) Every fishing vessel registered under the provisions of these Regulations shall be marked permanently and conspicuously to the satisfaction of the licensing authority as follows:—
(a) her name (if any) and an identification mark shall be marked on each of her bows upon a plain background or distinct contrast thereto, that is to say shall be in dark characters on a light background or light characters on a dark background;
(b) each letter and figure thereof shall be not less than 25cm high and the contours shall be not less than 4cm broad.
(5) No identification mark other than those prescribed shall be marked on any registered fishing vessel.
- Transfer of ownership** 7 —(1) On transfer of ownership of any vessel which has been registered in pursuance of these Regulations the transferrer shall hand the certificate of Registration relating to such a vessel to the person acquiring the vessel and shall, within thirty days of the date of transfer, notify in writing the licensing authority with whom the vessel is registered, the name and residential address of the transferee and the date of the transfer.

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(2) If the person to whom the ownership of any registered vessel is transferred intends to use it as a fishing vessel, such person shall, within thirty days of the day of transfer, forward the certificate of registration relating to such a vessel to the licensing authority with whom the vessel is registered and shall lodge an application in accordance with regulation 5, in so far as it is appropriate, for the transfer of registration to his name.

(3) On receipt of the certificate and the application referred to in paragraph (2) of this Regulation together with the prescribed fee as specified in the Third Schedule to these Regulations licensing authority shall transfer the registration to the name of the person specified as the transferee, forthwith cancel the original certificate and shall issue a fresh certificate on which he shall enter the personal particulars required to be shown on the certificate of registration relating to the vessel.

(4) If the person to whom the ownership of any registered vessel is transferred does not intend to use it as a fishing vessel, such person shall forthwith upon such transfer forward for cancellation the certificate of registration relating to such vessel to the licensing authority with whom the vessel is registered and shall also in all other respects comply with the provisions of regulation 8 of these Regulations and that Regulation shall apply accordingly.

8. If any circumstances (other than a change of ownership) occurs in relation to any registered fishing vessel, which affects the accuracy of any particulars entered as respects that vessel in the register, the owner of the vessel shall forthwith inform the licensing authority with whom it has been registered, and the licensing authority shall upon without fee, cause the register to be amended accordingly.

9.—(1) There shall be established a central registry of fishing vessels registered under these Regulations.

(2) The Director of Fisheries shall appoint any of the licensing authority to be the Central Registrar of fishing vessels.

10.—(1) Every licensing authority shall supply without delay the Central Registrar a copy of every entry made in his register and shall upon application being made to him by any other licensing authority under these Regulations or by any public officer, forthwith provide without fees a copy of the entries in his register relating to any specified fishing vessel.

(2) Any member of the public, on showing reasonable cause may on payment of prescribed fee of thirty shillings inspect the Central Registry and such licensing authority or Central Registrar shall also supply to any person applying for a copy of those entries relating to any specified vessel, a copy of those entries on payment of the prescribed fee of thirty shillings, if such a person shows he has a reasonable cause for requiring such a copy.

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(3) Any Government Officer may, in his official capacity, without fee, at all reasonable times inspect the register and take copies of any entries in it.

(4) The Central Registrar shall file and keep all copies of such entries of application of licences furnished in pursuance of these Regulations, and shall on request by a licensing authority, or public officer supply such particulars in relation thereto as may be required.

(5) In any cause or matter relating to a fishing vessel or licence or permit produced by the Central Registrar or other office deputed by him shall be prima facie evidence of any matter, fact or thing stated or appearing thereon.

PART III

LICENSING OF FISHING VESSELS
FISHERMEN AND FISH DEALERS

A: LICENSING OF FISHING VESSELS.

Classes of
fishing
vessels
and issue
of licences

11.—(1) Fishing vessels shall be classified for licensing purposes in classes enumerated in part (a) of the Third Schedule of these Regulations and fees payable for such licences shall be those stated in part (a) of the Third Schedule against each class and upon payment of the said fee and subject to compliance with the provisions of the Act and of these Regulations licensing authorities may issue licences which shall be in the appropriate Form 4 prescribed in the First Schedule of these Regulations.

(2) Any fishing vessel brought into the country whether owned by citizen or non-citizen shall be registered under these Regulations and have licences under non-citizen conditions until such a time the vessel has been properly imported into the country and registered under the merchant shipping Act No. 43 of 1967.

Exemption: This part of Regulation shall not apply to Government or public corporation owned vessels.

(3) No person shall use for fishing purposes any vessel of a class specified in part (a) of the Third Schedule of these Regulations, unless has a valid licence in respect of such vessel issued in accordance with these Regulations.

(4) No person shall employ cause or permit any other person to use a vessel which such first mentioned person is prohibited from using by the provisions of paragraph (3) of the Regulation.

(5) Application for fishing vessel licences shall be made in the appropriate Form 3 prescribed in the First Schedule of these Regulations.

(6) Licences permitting the use of the a vessel for fishing purposes shall be in the appropriate Form 4 prescribed in the First Schedule of these Regulations.

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(7) For purposes of ascertaining whether or not a vessel complies with the provisions of the Act or of these Regulations, a licensing authority may direct that before any vessel is licensed under this part of these Regulations, the owner or the person applying for licences shall produce the vessel for inspection to licensing authority.

12.—(1) No fishing vessel licenced under these Regulations shall proceed on a fishing voyage unless it is seaworthy and there is placed on the vessels:— Fishing vessels to be kept in seaworthy condition

(a) sufficient quantity of food and number of utensils for holding water and food; and

(b) a serviceable horn or trumpet.

(2) Where any licensing authority, upon inspection of any licensed fishing vessel which is being prepared to proceed on a fishing voyage, considers that the vessel is unseaworthy or unfit to proceed to sea or to make a fishing voyage, that the food or water for the use of the crew are of bad quality, he may detain the vessel until he is satisfied that she is a safe vessel or that proper food or water are provided in lieu of those which have been condemned.

(3) Where any vessel is detained under paragraph (2) a licensing authority may, before releasing her require the owner or master to rectify any defects found to exist.

(4) Any person who contravenes the provisions of paragraph (1) or fails or refuses to comply with any requirements under paragraph (3) of this regulation shall be guilty of an offence against these Regulations.

B: LICENSING OF FISHERMEN AND FISH DEALERS

13.—(1) No person shall engage in fishing, collecting or export of any of the fish or fish products enumerated in part (b) of the Third Schedule of these Regulations unless he is the holder of a valid licence permitting him to engage in fishing or collecting or export of the type of fish products specified on the licence. No person to engage in certain types of fishing or export of fish or fish products unless licenced.

(2) No person shall employ, cause or permit any other person to engage in fishing, collecting or export of any type of fish or fish product which such first mentioned person is prohibited from fishing, collecting or export by the provisions of paragraph (1) of this Regulation.

(3) The fees stated against each type of fish or fish product specified in part (b) of the Third Schedule of these Regulations shall be payable to licences for fishing, collecting or export of these types of fish products.

(4) Application for licences under this Regulation shall be in the appropriate Forms 5(a) and 5(b) prescribed in the First Schedule of these Regulations. Form 5(a) and 5(b)

(5) Licences under this Regulation shall be in the appropriate Form 6 prescribed in the First Schedule of these Regulations. Form 6

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(6) On receipt of an application and the prescribed fee, a licensing authority may, subject to the provisions of the Act and of these Regulations issue a licence in the prescribed Form 6 of these Regulations.

(7) (a) No person shall by way of trade, buy, sell or otherwise deal in ordinary fish unless a valid licence is issued to him under Business Licensing Act, or is exempted from such a licence in respect of his trade in fish or fish products under these Regulations.

(b) Fees for the licences and export royalties are shown in part (c) of the Third Schedule of these Regulations and the exempted group included fishermen with valid special licences issued by the Director of Fisheries under Regulation 20 of these Regulations, who may sell or otherwise deal in fish or fish products throughout the country in tea rooms, Restaurants, hotels, shops and at fish receiving stations.

(c) Fish hawking is prohibited and instead all hawkers should sell their fish or fish products in fish markets or other prescribed places and shall have valid licences issued under Business Licence Act.

(d) No person other than licensed fishermen or fish dealer shall possess fish or fish products specified in part (d) in the Third Schedule of these Regulations without a certificate of ownership in the prescribed Form 7.

Certain fish or fish products require certificate of ownership Form 7

(e) No person shall fish, kill sea turtle, possess turtle shell or deal in turtle shell or any other species classified as endangered in any International Convention which Tanzania is a party.

Fishing, killing, possession of turtle prohibited

C: GENERAL PROVISION RELATING TO LICENCES

Register all licences

14. Every licensing authority shall keep and maintain a register in respect of each type of licence issued under these Regulations.

Power to refuse or suspend a licence

15. The Director of Fisheries may in his discretion, refuse to issue a licence or may suspend any licence already issued under these Regulations for such a period as he may specify; whereas the licensing authority is other than Director of Fisheries, he shall report his intentions to suspend a certain licence to the Director of Fisheries who may confirm, vary or reverse the intentions of the other licensing authority.

16. The Director of Fisheries may cancel, revoke a licence or permit issued or granted under these Regulations on either of the following grounds:—

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- (a) that the holder has been convicted of an offence against the Act or any Regulations made thereunder or he has violated or failed to comply with any of the conditions or restrictions attached to or imposed on the licence or permit.
- (b) that the holder has been convicted of an offence involving dishonesty or fraud.

17.—(1) Every licence issued under these Regulations other than:— Duration of licences

- (a) a sport fishing licence referred to in paragraph (2) of this Regulation;
- (b) a special licence issued by the Director of Fisheries under Regulation 20 of these Regulations unless previously cancelled shall remain in force until 31st December next following the date of issue.

(2) A Sport fishing licence may be issued for a fortnight or for one month or for one year and such licence shall unless previously cancelled continue in force:—

- (a) in case of a fortnightly licence for a period of fourteen days from the date of issue;
- (b) in the case of a monthly licence, for a period of thirty days from the date of issue, and
- (c) in the case of a yearly licence for a period of one year from the date of issue.

(3) A licence issued under these Regulations shall not be transferrable. Licences not transferrable

18.—(1) The Director of Fisheries may attach to any licence issued under these Regulations any conditions which in his opinion are necessary or expedient for the carrying into effect the objectives and purposes of the Act and of these Regulations so long as those conditions are not inconsistent with the provision of the Act or Regulations made thereunder. Power of the Director of Fisheries to attach conditions to licences

(2) Without prejudice to the generality of the provisions of paragraph (1) of this Regulation, The Director of Fisheries may impose conditions as to:—

- (a) the methods used in fishing and disposal of fish or particular specie of fish and the use of any equipment, appliance, instrument, net, fishing gear, dams or any other means whatsoever;
- (b) closed period for fishing and disposal of fish or particular species of fish;
- (c) number of fishermen to be engaged, number of fishing vessels, fishing gear, dams, or any pieces of equipment, appliance or instruments to be employed for any purpose in relation to fishing;

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- (d) the minimum length or size of any species of fish which may be captured or killed;
- (e) the manner in which any fish or species of fish or any fish products shall be graded, cured, processed, preserved, marked or marketed;
- (f) the preparation, purchase, sales or disposal of fish or fish products including fish offals;

Director may call for records and returns

19.—(1) Every licensee shall furnish to the licensing authority such records pertaining to fish, species of fish products captured, killed, processed, preserved, packed, bought, sold, imported, exported, or otherwise acquired or disposed off as the Director of Fisheries may by general or special order direct.

(2) Every licensee shall submit to the licensing authority such periodic returns as the Director of Fisheries may by general or special order direct.

Special licences

20 —(1) Notwithstanding anything contained in these Regulations, the Director of Fisheries may grant to any person, without fees, a licence to be called a Special Licence, which shall entitle the holder to engage in fishing and to do such other things as may be specified therein for any of the following purposes:—

- (a) Scientific research and museums;
- (b) Complimentary purposes;
- (c) Educational purposes; and
- (d) The supply of food in cases of emergency where no other adequate food supply is available.

(2) A special licence may authorize fishing in any waters and fishing of any kind of species of fish provided that a special licence issued for complimentary purposes shall not authorize the fishing of any kind of fish declared to be protected under any regulations made under the Act or fishing in any Marine Reserves, parks or Sanctuary;

(3) A special licence shall be valid for the period specified therein.

Replacement of a lost licence

21.—(1) If any person to whom a licence has been issued under these Regulations satisfies the licensing authority who issued such licence that his licence or any copy of it has been lost, destroyed or defaced, the licensing authority may or, on payment by the applicant of a fee of twenty shillings issue to him a duplicate licence including any particulars endorsed on entered upon the licence lost, destroyed or defaced and the duplicate so issued shall have the same effect as the original licence.

(2) Any licence which has been altered or added to without lawful authority or has become defaced or mutilated shall **not be deemed** to be a valid licence for the purposes of these Regulations.

22.—(1) Any person aggrieved by:

- (a) the refusal by a licensing authority to issue a licence to him;

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- (b) the suspension or revocation of a licence; permit or authority by the Director of Fisheries;
- (c) Any conditions or restriction attached or imposed on a licence, may within thirty days of communication to him of such refusal, suspension, revocation, condition or restriction, appeal in writing to the Minister.

(2) A petition of appeal lodged under this Regulation need to be any form, but the appellant shall:—

- (a) prepare the petition in duplicate;
- (b) adequately describe the matter to which the appeal relates;
- (c) set forth concisely the grounds of objection;
- (d) sign the petition; and
- (e) serve the duplicate to the Director of Fisheries or as the case may be, the licensing authority whose decision is being challenged.

(3) On receipt of the duplicate referred to in paragraph (2) (e) of this Regulation, the Director of Fisheries or the licensing authority, as the case may be, shall without delay forward to the Minister a written statement setting out such particulars relating to the subject matter of the appeal together with his own comments thereon as in his opinion are useful towards a just determination of appeal.

(4) The decision of the Minister in an appeal shall be in writing and shall be communicated to the appellant and the Director of Fisheries or as the case may be, the licensing authority.

PART IV

GENERAL PROVISIONS RELATING TO PROHIBITIONS,
RESTRICTIONS AND EXEMPTIONS

23.—(1) No person shall without first obtaining a written permit or other authorization from the Director of Fisheries and except in accordance with the conditions specified in the permit or other authorization:—

Restriction on import and export of fish and introduction of new species

- (a) Import any live fish or fish products into Tanzania Mainland other than fish indigenous to Tanzania Mainland or
- (b) Introduce into any water in Tanzania Mainland blue gill sunfish (*helioperca marcochira*) carp all species of cyprinus (including gold fish) or any species of fish, not indigenous to Tanzania Mainland or the eggs thereof; or

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(c) transfer any species of fish or fish products not indigenous to Tanzania Mainland or the eggs thereof from one water to another within Tanzania Mainland; or

(d) Export any live fish which are protected or fish products from Tanzania Mainland.

(2) In addition to any other penalty which may be awarded against any person for contravention of paragraph (1) of this Regulation, the Director of Fisheries may order seizure or destruction of any fish or fish products in respect of which the offence has been committed.

control of
disease in
fish

24.—(1) Where in the opinion of any licensing authority any fish or fish products in any waters are infected with any epidemic disease, he may give notice in writing to the owner of the waters or of fishing rights therein requiring the destruction of all fish or fish products in the said waters or the taking of such other measures as the licensing authority may specify in the notice.

(2) Every person who receives notice served upon him under paragraph (1) of this Regulation shall comply with the requirements set out therein at his own expenses, and in default of such compliance, the licensing authority may enter upon the area take or cause to be taken such measures as may be necessary for complying with the requirement of the notice and expenses incurred thereon shall be recoverable as a civil debt from the person who has been in default.

25.—(1) No person shall possess, or use dynamite, or explosive or electric devices for the purpose of killing fish or to simplify fishing.

(2) No person shall possess dynamited fish at sea or lake or river, or at fish receiving station or at any other place.

(3) Evidence on dynamited fish shall be given in court of law by a licensing authority in form N. 8 as prescribed in the Third Schedule of these Regulations.

(4) Any person who contravenes and the provisions of Regulation 25 shall be guilty of an offence.

Prohibition of use
of poison,
and penalty for
offence

26. No person shall possess or use poison to kill fish in any lake, river, dam, estuary or sea. Any person who contravenes this Regulation shall be guilty of an offence.

water pollution
prohibited

27.—(1) No person shall cause or knowingly permit to flow or pass into water any solid, liquid or gaseous matter, or cause water pollution in any lake, river, dam, estuary or sea water.

(2) The Director of Fisheries shall maintain and establish a system of consultation and co-operation with appropriate officials in the Ministry responsible for Industries or any other person or body of persons established by any written law for the purpose of requiring any person or body of persons who contravenes the provisions of this Regulation to clean the polluted water within a reasonable period at his own expenses.

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28.—(1) No person shall wilfully disturb any spawn, or spawning fish or any bed, bank or shallow water in which there is any spawn or spawning fish provided that nothing in this Regulation shall affect any legal right to take any material or water from any waters.

prohibition of disturbance of spawn

(2) No person shall carry out any fishing activity using trawl net or otherwise engage in trawling in Lake Victoria:—

- (a) In waters of dept of 20 metres or less.
- (b) In any bay, gulf or inlet of the lake.

29. Notwithstanding anything contained in these Regulations, a person shall not be guilty of any offence against any other provisions of Regulations 25, 26, 27 and 28 by reason only of any act done in exercise of any legal right, or in continuance of any process or method which he has been lawfully employing from before the commencement of the Regulations, if he proves to the satisfaction of the court that he has used all available and practicable means to render any substance, matter or thing used by him harmless to fish or to the spawning grounds, spawn or food of fish.

Exemption from certain prohibition

30. No foreign fishing vessel shall enter territorial waters for any purpose unless such entry is authorized by or under:—

restriction on entry of foreign fishing vessel in territorial water

- (a) the Act or Regulation made thereunder, or
- (b) any other written law, or
- (c) any treaty or international convention to which the United Republic of Tanzania is a party;

31. In the territorial waters no person on board a foreign fishing vessel, including members of her crew and persons attached to or employed on such vessel, shall:—

Restriction of fishing in territorial waters

- (a) fish or prepare to fish; or
- (b) unload, land or tranship any fish, outfit of supplies or
- (c) ship or discharge any person; or
- (d) purchase or obtain bait or any supplies or outfits; or
- (e) take or prepare any aquatic flora, unless he is authorized to do so by or under the Act or regulations made thereunder or any other written law or any treaty or International Convention to which United Republic of Tanzania is a party.

32. Every foreign fishing vessel that enters the territorial waters shall fly its national flag and ensure that its registration mark is clearly visible, and it shall clear its decks of fishing gear which shall be stowed in such manner as to preclude its use.

prohibition of exposing fishing gear in territorial waters

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prohibition of transporting fish into territorial waters 33. No person, being on board a Tanzania fishing vessel shall bring into the territorial waters any fish or fish products received outside such waters from a foreign vessel, unless he is authorized to do so by provisions of the Act or regulations made thereunder.

restriction on possession of fish in prohibited place 34. At any place where fishing for any type of fish is prohibited under these Regulations, no person shall have in his possession any fish or such type of fish the fishing of which is prohibited, as the case may be, or any product thereof, without lawful excuse, the proof of which shall lie upon him.

fishing gear not to obstruct navigation 35. No person shall set or use seine nets, gill nets or other fishing gear in such place or manner as to obstruct navigation.

fishing gear not to be damaged 36. No person shall by conducting or navigating any boat or vessel or in manner destroy or damage any seine net, gill net or other fishing gear lawfully set.

stakes, weirs, etc., to be removed 37. Every person who uses stakes, posts, bouys or other materials for the purposes of fishing shall remove the same from the waters within forty eight hours of having ceased to use them, and in all case at the expiry of the fishing seasons.

main channel not to be obstructed 38. Except where the Director of Fisheries having regard to any special circumstances by writing permits otherwise, a fishing gear shall be so set or used as to leave clear, navigational and unobstructed at least one third of the whole breadth of the river or stream, main channel at low tide or tidal stream, to which the gear is set.

nets or fishing gear not to obstruct the passage of fish 39. No person shall erect, construct, use or maintain in the territorial waters any net or other fishing gear which unduly obstructs the passage of fish, and a licensing authority may order removal of or cause to be removed any such net, or other fishing gear.

prohibition on use of certain sizes of seine and other types of nets, rockets, explosive harpoons and spear guns. 40. Notwithstanding anything contained in these Regulations no person shall use for fishing:—

- (a) monofilament nets in all Fresh water Fisheries;
- (b) harpoon guns, spear guns, except where he is authorized to do so by regulations made under the Act.

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41.—(1) Notwithstanding anything contained in these Regulations, ^{exemp-} no licence, permit or permission shall be required for fishing by means ^{tions re-} of any of the methods set out in the Fourth Schedule of these Regulations. ^{lating to}

(2) Where a fee has been prescribed and is chargeable in respect of ^{methods} any matter or thing under these Regulations, the Director of Fisheries ^{of fishing} may remit the whole or part of such fee which, but for this Regulation, would be payable by any bona fide Ujamaa Village.

PART V

OFFENCES AND PENALTIES

42. Any person who contravenes any of the provisions of these Reg- ^{offences} ulations shall be guilty of an offence.

43. Any person who is guilty of an offence under these Regulations ^{penalty} other than those with prescribed penalties shall be liable on conviction: ^{for} of- ^{fences}

- (a) in the case of a first offence, to a penalty of a fine not exceeding ten thousand shillings or of a term of imprisonment not exceeding two years or of both such fine and imprisonment;
- (b) in the case of a second or subsequent offence, to a penalty of a fine not exceeding twenty thousand shillings or a term of imprisonment not exceeding five years, or of both such fine and imprisonment.

44.—(1) Any person who is guilty of an offence under these Regula- ^{regulation} tions 25, 26, 30, 31 and 40 shall be liable on conviction:— ^{25, 26, 30,} ^{31 and 40}

- (a) In case of a first offence to a penalty of a fine of not less than ten thousand shillings or to a term of imprisonment of not less than three years or both such fine and imprisonment;
 - (b) In case of a second offence or subsequent offences to a penalty of a fine of not less than fifteen thousand shillings or to a term of imprisonment not less than four years or both such fine and imprisonment.
- (2) The court convicting a person of an offence under paragraphs (a) and (b) shall order forfeiture to such a vessel, fish and fishing gear, to the United Republic of Tanzania Mainland.

45. The Fisheries (General) Regulations G.N. No. 57 of 16/3/1973.

Government Notice No. 138 of 27/6/1975
Government Notice No. 1 of 13/1/1978
Government Notice No. 84 of 17/9/1982
Government Notice No. 109 of 17/9/1982
are hereby revoked.

Fisheries Principal Regulations

G.N. No. 317 (cond.)

FIRST SCHEDULE

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

(The Fisheries (Principal) Regulations, 1989)

APPLICATION FOR REGISTRATION OF A FISHING VESSEL

(Regulation 4 (2))

- (a) Full name of owner
- (b) Occupation
- (c) Residential address:
- (d) Postal Address
- (e) Nationality (Citizen of)
-
- If citizenship acquired by Registration state registration number
- (f) Age and sex

2. I/WE HEREBY apply for registration of the vessel described below:—

- (a) Name of vessel (if any)
- (b) Length overall
- (c) Type of vessel
- (d) Gross Registered Tonnage
- (e) Date of construction
- (f) Prime mover: Paddle/Sail/Outboard Engine/Inboard engine.
- (g) Engine type: Make.....
Engine No.....Date installed.....
- (h) H.P.....Number of engine.....
- (i) Home Port
-
- (j) Type of fishing gear and quantity
-

3. I/WE HEREBY THAT:—

- (a) All the above particulars are to the best of my/our knowledge correct; and that the vessel has not previously been registered in Tanzania Mainland.
- (b) The vessel in respect of which this application is made was inspected and a valid certificate of condition No.....was issued by.....on.....place.....

Date.....

.....
Signature of Applicant

Fisheries Principal Regulations

G.N. No. 317 (contd.)

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

(No. 6 of 1970)

(The Fisheries (Principal) Regulations, 1989)

CERTIFICATE OF REGISTRATION OF A FISHING VESSEL
(Regulation 6 (1))



1.
Name of owner	Occupation
.....
Residential address	Postal address
.....
Nationality	Age, Female/Male
.....
2.
Name of Vessel	Length overall
.....
Type of vessel	Gross Registered Tonnage (GRT)
.....
Date of construction	Prime Mover
.....
Engine type and No. Make	Date installed
.....
H.P. Number of engine	Home Port
.....
Type of Gear and Quantity
.....
.....
Place.....	Fee Shs.
.....
.....
Date
.....	(Licensing Authority Name and Signature)

Fisheries Principal Regulations

G.N. No. 317 (contd.)

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

(The Fisheries (Principal) Regulation, 1989)

APPLICATION FOR FISHING VESSEL LICENCE

(Regulation 11 (5))

Application is hereby made for the issue of a fishing vessel licence for the period from.....to.....in respect of a registered fishing vessel of which the following is description:—

1.
Full name of owner	Full address of owner
.....
Name of vessel	Registration No.
.....
Type of vessel	Gross Registered Tonnage (GRT)
.....
Engine type and No. Make	Length overall
.....
Home Port	

2. Particulars of previous licence (if any);

Date of expiry of last licence
Period covered by expired licence:

Fromto:

Expired licence No.

If the vessel is not at present licensed, please state the reason for it not being licensed: .

.....
.....

3. Particulars of applicant:

Full name:

Full Address:

Nationality..... Age:

Female/Male

I certify that to the best of my knowledge and belief the above particulars are true.

Place:

Date:

.....
Signature of applicant

Fisheries Principal Regulations

G.N. No. 317 (contd.)

THE UNITED REPUBLIC OF TANZANIA

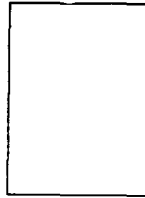
THE FISHERIES ACT, 1970

(No. 6 of 1970)

(The Fisheries Principal Regulations, 1989)

(Regulation 11 (6))

FISHING VESSER LICENCE



Licence is hereby issued to (Name & address)

.....
.....

Name of vessel

Registration No.

to use for fishing subject to the provision of Fisheries Act. Date of issue

Expiry date

fee paid

This licence is issued under the following conditions:

1. Licence not transferrable.
2. Licensee must notify the licensing authority of any changes of vessel ownership within thirty days.
3. Licence valid for five (5) years for citizens only but must be renewed annually.

Renewals

.....
*Name signature of Licensing
Authority*

1st Renewal:

From:.....to

2nd Renewal:

From.....to

3rd Renewal:

From:.....to

4th Renewal:

From:.....to

N. B.

This licence and receipts must be exhibited inside the vessel.

Fisheries Principal Regulations

G.N. No. 317 (contd.)

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

(The Fisheries (Principal) Regulations, 1969)

APPLICATION FOR LICENCE UNDER REGULATION 13 (4)

FIRST PART

(to be filled in by Applicant)

Fishing licence/collecting or dealing in

.....

(State here: e.g. Crustaceas, Sea weeds, Beche de mer, fresh/dried fish, aquarium, fish etc.)

Full Name of applicant

Address

.....

Residence

Telephone (if any)

Citizen or non citizen

Particulars of previous licence if any

Licence No.

Inforce from:

I certify that to the best of my knowledge and belief the above particulars are true.

Signature of applicant:

Date:

PART TWO

(To be filled by village authority if applicable)

Recommendation

.....

Signature:

.....

Official Stamp

Date

Fisheries Principal Regulations

G.N. No. 317 (contd.)

PART THREE

(To be filled by a District Fisheries Officer in respect of licences issued at Regional Office or at Fisheries Headquarter)

Recommendation

.....

Signature Date

Official Stamp:

PART FOUR

(To be filled by Regional Fisheries Officer in respect of licences issued at Regional Office or at Fisheries Headquarters)

Recommendations:

.....

Signature: Date

Official Stamp:

PART FIVE

(Concerns the Director of Fisheries)

*May be granted/may not be granted

Further explanation:

.....

Signature: Date

Official stamp:

*Delete what is not applicable.

Form 5(b)

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

APPLICATION FOR AN EXPORT LICENCE FOR FISH AND FISH PRODUCTS

(Regulation 13 (4))

PART ONE

(To be filled by applicant)

Licence for exporting

(Give examples e.g. Crustaceas, Seaweeds, Sea shells, fresh dried fish) Country to be exported

.....

Fisheries Principal Regulations

G.N. No. 317 (contd.)

Place of collection or name of agent where it is collected by agent
Where the fish is being collected by Agent/Agents name of Agent/Agents
No. of licence of agent.....issued
(date)
Full name of applicant:
Address:
Place of residence
Telephone No:
Number of expired licence (if any)
In force from to:
I certify that to the best of my knowledge what is stated above is true.
Signature..... Date:

PART TWO

(To be filled by District Committee)

Recommendation:
Signature:..... Date:
Official Stamp:.....

PART THREE

(To be filled by a Regional/or District Fisheries Officer)

1. Recommendation of the Regional/District where the applicant resides
2. Recommendation by other Regions/District where the place of fishing/collection is
other than the place of residence
(Made in consultation with Regional/District concerned)
Signature:.....
Official Stamp:..... Date:

PART FOUR

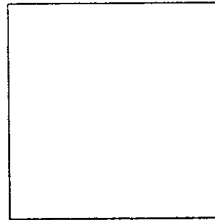
(Concern the Director of Fisheries)

* Application should be granted/not granted
Additional information
Signature:.....
Official Stamp:..... Date:

* Delete what ever is not applicable.

Fisheries Principal Regulations

G.N. No. 317 (cont.)
Form No. 6



THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

(No. 6 of 1970)

(The Fisheries (Principal) Regulations 1989)

LICENCE FOR FISHING OR DEALING IN FISH OR FISH PRODUCTS

(Regulation 13 (5))

Licence is hereby granted to:
This licence is valid from (Date of issue)..... to:
and for fishing or otherwise dealing in the type of fish or fishproduct hereunder described .
fees paid shs..... Issued at
this day.....

This licence is issued under the following conditions:—

1.
2.
3.

.....
Signature of licensee

.....
Licensing Authority
(Name & Signature)

Date:

Renewals **Licensing Authority**
1st renewal from.....to
2nd renewal from.....to
3rd renewal from.....to
4th renewal from.....to

Fisheries Principal Regulations

o. 317 (contd.)

SCHEDULE

(Regulation 6 (3))

PROVISIONS AS TO IDENTIFICATION MARKS

The places mentioned below in column one shall be represented respectively by the sets of letters mentioned in column two, and where more than one set of letters occurs in respect of any place, such shall be represented by any of such sets of letters:—

COLUMN ONE REGION/DISTRICT	COLUMN TWO MARK
1. Arusha	A
Arumeru	RU
Arusha	AR
Monduli	MD
Hanang	BB
Ngorongoro	NG
Kiteto	ET
Mbulu	ML
2. COAST	C
Bagamoyo	BG
Mafia	MF
Rufiji	RJ
Kisarawe	KS
Kibaha	KH
3. DARES SALAAM	X
Ilala	IL
Temeke	TK
Kinondoni	KI
4. DODOMA	D
Dodoma Urban	DM
Mpwapwa	MP
Kondoa	KD
Dodoma Rural	DV
Kongwa	KO
5. IRINGA	N
Iringa	IR
Mufindi	FD
Njombe	ND
Rudewa	RW
Makete	MK

Fisheries Principal Regulations

G.N. No. 317 (contd.)

6. KIGOMA	K
Kigoma	KG
Kasulu	KU
Kibondo	KB
7. KILIMANJARO	J
Moshi	MH
Same	SE
Rombo	RB
Hai	HI
Mwanga	MN
8. LINDI	L
Kilwa	KW
Lindi	LD
Nachingwea	HA
Liwale	LE
9. MARA	R
Bunda	BD
Musoma	MU
Tarime	TE
Serengeti	ST
10. Mbeya	E
Chunya	CH
Kyela	KY
Mbeya	MB
Mbozi	BZ
Ileje	IJ
Usangu	US
Rugwe	RG
11. MOROGORO	G
Kilosa	KL
Ulanga	UL
Morogoro	MG
Kilombero	OK
12. MTWARA	W
Masasi	MA
Mtwara	MT
Newala	NE
Tandahimba	TH

Fisheries Principal Regulations

G.N. No. 317 (contd.)

13. MWANZA	M
Geita	GA
Malya	KM
Mwanza	MW
Ukerewe	UK
Magu	UM
Sengerema	SR
Misungwi	SU
14. RUKWA	Q
Mpanda	PD
Sumbawanga	SB
Nkasi	NK
15. RUVUMA	V
Mbinga	MN
Songea	SG
Tunduru	TU
Songea sub-District	SO
16. SHINYANGA	Y
Kahama	KA
Maswa	MS
Shinyanga	SY
Bariadi	BA
Shinyanga Sub-District	SN
Meatu Sub-District	MA
17. SINGIDA	S
Iramba	KT
Manyoni	MY
Singida Urban	SA
Singida Rural	SW
18. TABORA	O
Tabora	TB
Nzega	NZ
Urambo	UR
Igunga	IG
18. TANGA	T
Handeni	HD
Korogwe	KR
Lushoto	LT
Pangani	PA
Muheza	MZ
Tanga	TA

Fisheries Principal Regulations

G.N. No. 317 (contd.)

20. KAGERA	B
Biharamulo	HR
Bukoba	BK
Karagwe	KE
Ngara	NR
Muleba	ME

THIRD SCHEDULE

(Regulations 6 (1) 7 (3) 11 and 13)

(a) Fishing vessel registration and transfer fee

	Citizen/Local vessel	Non-Citizen/Foreign vessel
Fishing vessel registration fee	shs. 60/-	US \$ 1000.0
Transfer fees	shs. 60/-	US \$ 1000.0
Sport fishing vessel	shs. 60/-	US \$ 20.0

(b) Classes of fishing vessels and fees for fishing licences (Form 4)

Discription of fishing vessel	Citizen/Local vessel (T.shs)	Non-Citizen/Foreign vessel
1. Non powered vessel up to 10 metres in length	60/-	US \$ 10 per GRT
2. Powered vessel up to 10 metres in length	150/-	US \$ 10 per GRT
3. Power or non-powered vessel between 10—15 metres in length	180/-	US \$ 10 per GRT
4. Powered or non-powered vessel between 15 metres and 20 metres in length	240/-	US \$ 10 per GRT
5. Powered or non-powered vessel over 20 metres in length	1200/-	US \$ 10 per GRT
6. Powered or non powered vessel of any length in respect of which the licensing authority is satisfied upon proof in the belief, that it is used for pleasure or recreational purposes other than sport fishing	240/-	US \$ 10 per GRT

(c) Type of fish and fish products and fees for licences for fishing, collecting or dealing in fish or fish products:— (form No. 6)

Fisheries Principal Regulations

G.N. No. 317 (contd.)

Fish, Fish product	Citizen	Non-citizen
1. Fees for collecting or fishing:—		
Aquarium fish	1,200/-	US \$ 100
Sea shells	480/-	US \$ 100
Beche de mer	240/-	US \$ 100
Sea Weeds	240/-	US \$ 100
Shark fins & shark Jaws	240/-	US \$ 100
Offals	240/-	US \$ 100
2. Fees for crustances (prawns, lobsters or crabs) Fishing:—		
— Fisherman without vessel or with unpowered vessel up to 10m	240/-	—
— Fisherman with powered or unpowered vessel up to 10m length	360/-	US \$ 10 @ GRT
— Fisherman with powered or unpowered vessel between 10 metres to 15 metres in length .	720/-	US \$ 10 @ GRT
— Fisherman with powered or unpowered vessel between 15 metres and 20 metres	1,800/-	US \$ 10 @ GRT
— Fisherman with powered or unpowered vessel over 20 metres in length	3,000/-	US \$ 10 @ GRT
3. Fees for Marine Sport and Trout Fishing:—		
—For two weeks	120/-	US \$ 10
—For a month	240/-	US \$ 15
—For a year	720/-	US \$ 50

4. Fees for ordinary fish or any fish not specified above will be charged according to:—

- (a) Fisherman not owning vessel or gear.
 (b) According to the nature of fishing vessels.

The Fees will be charged for individuals, body of individuals, company or parastatal organization or village.

	Citizen Local Vessel	Non-Citizen
— Fisherman not owning fishing vessel or gear	60/-	—
— Fisherman with non-powered vessel up to 10m length or with gear only	120/-	US \$ 5 per GRT
— Fisherman with powered vessel of not more than 10 metres in length	240/-	US \$ 5 per GRT
— Powered or non-powered vessel between 10 metres and 15 metres in length	480/-	US \$ 5 per GRT
— Powered or non-powered vessel between 15m and 20 metres in length	1,200/-	US \$ 5 per GRT
— Powered or non-powered vessel over 20 metres in length	2,400/-	US \$ 5 per GRT

Fisheries Principal Regulations

G.N. No. 317

5. Fees for export licence and export Tax for fish and fishery products.

TYPE OF PRODUCT	CITIZEN (T. SHS.)		NON-CITIZEN	
	Licence Fee	Export Tax (T. Shs.)	Licence Fee (USD)	Export Tax (Shs.)
1. Aquarium fish	4,800/-	3/- per fish	100.0	7/50 per fish.
2. Beche de mer	2,400/-	3/- per kg.	100.0	7/50 per kg.
3. Crustacea	4,320/-	5/- per kg.	100.0	10/50 per kg.
4. Sea shells	4,320/-	10% and volerem	150.0	12/4% and volerem.
5. Sea weeds	2,400/-	3/- per kg.	100.0	7/50 per kg.
6. Shark fins Shark jaws	2,400/-	5/- per kg.	100.0	7/50 per kg.
7. Cephalopods (squids & Octopus)	4,320/-	5/- per kg.	100.0	7/50 per kg.
8. Fish other than specified above	4,320/-	5/- per kg.	100.0	7/50 per kg.
9. Fish Offals	2,400/-	4% - and volerem	100.0	5% and volerem.

(d) Form No. 7 Certificate of Ownership.

Type of fish and fish products and fees for ownership Certificate;

A single shell	5/-
A number of seashells making a set or unit	8/-
Shark Jaw	15/-
Aquarium fish tank	10/-

Fisheries Principal Regulations

G.N. No. 317 (contd.)

THE UNITED REPUBLIC OF TANZANIA

Form No. 7

THE FISHERIES ACT, 1970

(The Fisheries (Principal) Regulations, 1989)

Regulation 13 (17) (d)

CERTIFICATE OF OWNERSHIP FOR FISH AND FISH PRODUCTS

Place:.....

Date:.....

Name of ownership

Address (Postal & Residential)

being holder of (type of fish or fish products)

Quantity weight or pieces.....

Fee paid

.....
Name of Licensing Authority

Date:.....

.....
Signature

.....
Official Stamp

Fisheries Principal Regulations

THE UNITED REPUBLIC OF TANZANIA

G.N. No. 317 (contd.)
Form No. 8

THE FISHERIES ACT, 1970

(The Fisheries (Principal) Regulations 1989)

Regulation 25 (3)

EVIDENCE ON DYNAMITED FISH

Place.....District.....

Region:.....

Date:.....Time:.....

Name and Address of fisherman/fish dealer found in possession of dynamited fish:

Type of fish:.....weight

Fish body appearance:

State of blood vessels in the gills and eyes:

Fish gill colours:

State of fish alimentary canal:

Full Name and Designation of

Officer/Licensing Authority:

Official Stamp:

Signature:.....Date:

Customs Tariff (Remission)(Tanzania Breweries Limited)

G.N. No. 317 (contd.)

FOURTH SCHEDULE

(Regulation (41))

FISHING METHODS EXEMPTED FROM TAKING OUT A LICENCE

1. Fishing for prawns using cloth—KUTANDA UDUVI.
2. Using rod and line or handline 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 or a fish reserve.
3. Small cast nets, seine nets for amusement, sport, domestic consumption or commercial purposes except in spawning grounds or closed waters, or fish reserve.
4. Baskets, traps, gill nets when used without using a fishing vessel for domestic consumption or sale except in spawning grounds or closed waters or fish reserve.

Dar es Salaam,
4th July, 1989

ARCADO D. NTAGAZWA,
*Minister for Lands, Natural
Resources and Tourism*
