

BILLS SUPPLEMENT

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Bill No. 29

Fisheries and Aquaculture Bill

2020

THE FISHERIES AND AQUACULTURE BILL, 2020

MEMORANDUM

1. POLICY AND PRINCIPLES

The object of the Bill is to consolidate and reform the law relating to the management of fisheries, fisheries products and aquaculture. The current Fisheries Act, Cap. 197 emanates from the 1951 Fisheries Ordinance which was later re-enacted as the Fish and Crocodile Act in 1964. During the Law Revision of 2000, the laws of Uganda were reorganised and the Fish and Crocodile Act became the Fish Act Cap. 197. The Fish Act was further amended in 2011 through the Fish (Amendment) Act, 2011 to provide for the establishment of the Fisheries Fund and to permit the retention and use of fees received by the Chief Fisheries Officer from the issuance of licences, permits and other fisheries activities under the Act for the effective development and management of the fisheries sector. These amendments were however not comprehensive enough to fully address all the challenges facing the fisheries sector as they only focused on licences, introduction of currency points and retentions of funds.

Additionally, there are a number of challenges and emerging issues in the regulation and management of the fisheries sector which are not addressed under the current law, including overcapacity, invasion of water bodies by aquatic weeds, limited support and investments

in aquaculture, institutional challenges, excessive fishing pressure; destructive fishing malpractices, growth in illicit fish trade in immature fish, increasing local fish demand and decreasing per capita fish consumption.

There is therefore urgent need to reform the law governing the fisheries sector to address the above identified challenges and emerging issues.

2. DEFECTS IN THE EXISTING LAW

The Fish Act is obsolete and cannot adequately cater for the current realities, including the changes in the fishery structure, aquaculture development, limiting of overcapacity and ensuring community involvement in enforcement. There have also been tremendous changes in the technological landscape, some of which require regulation. There is need to amend the Act to provide for regulation of the fisheries and aquaculture along the value chain, streamline the decentralised and centralised fisheries staffing and redefine establishment of co-management structures. Fisheries management and governance are critical for a sustainable fishery and the current breakdown in the system has created a gap at grassroots level and broken down the traceability system that is critical in ensuring fish exports to prime markets. The proposed new law is intended to realign emerging issues and provide regulations necessary for the orderly development of the fisheries sub sector.

3. REMEDIES PROPOSED TO DEAL WITH DEFECTS.

The Fisheries and Aquaculture Bill, 2020 seeks to provide for—

- (a) the conservation, sustainable management, utilisation and development of the fisheries sector;
- (b) the integrated management of the fisheries sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from

fisheries, the conservation, capture, farming, rearing, processing and marketing of fish;

- (c) the licensing and registration of fishing vessels and fishers;
- (d) the control and regulation of all fisheries and aquaculture production activities and practices, the methods of fishing and fishing gear;
- (e) an enabling environment for equitable sharing of increased benefits from a more productive fisheries sector;
- (f) the establishment and regulation of lake management organisations and gazetting of landing sites;
- (g) fish breeding and breeding areas and to provide for the regulation of fish feeds;
- (h) the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations;
- (i) administration, management and coordination with local governments and other stakeholders at all levels;
- (j) a sustainably financed Directorate for the management of the fisheries sector with clearly defined structures and linkages between the mandates of national and local governments and the private sector;
- (k) the promotion of public participation in the management and conservation of fisheries resources including women and youth and other vulnerable groups;

- (l) the promotion of public private partnerships in fish production, value addition and marketing;
- (m) the guarantee of quality and safety of fish and fishery products, including biosafety and biosecurity;
- (n) the promotion of research-based decision making and sharing of information and data; and
- (o) the mechanisation of fisheries, aquaculture and aquatic weed management.

The Bill consists of eleven Parts and one Schedule.

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VINCENT BAMULANGAKI SSEMPIJJA,
Minister of Agriculture, Animal Industry and Fisheries.

THE FISHERIES AND AQUACULTURE BILL, 2020

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SCHEDULE - CURRENCY POINT

A BILL for an Act

ENTITLED

THE FISHERIES AND AQUACULTURE ACT, 2020

An Act to consolidate and reform the law relating to fisheries and fisheries products; to provide for the conservation, sustainable management, utilisation and development of the fisheries sector; to provide for the integrated management of the fisheries sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries; to provide for the conservation, capture, farming, rearing, processing and marketing of fish; to provide for the licensing, control and regulation of all fisheries and aquaculture production activities and practices, the methods of fishing and fishing gear; to enhance and strengthen the Directorate of Fisheries Resources; to provide an enabling environment for equitable sharing of increased benefits from the fisheries sector; to provide for the establishment and regulation of lake management organisations and gazetting of landing sites; to allow for fisheries mechanisation; to provide for fish breeding and breeding areas; to provide for the regulation of fish feeds; to provide for private sector engagement in the fisheries sector; to repeal the Fish Act, Cap. 197 and the Trout Protection Act Cap 199; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Application of Act

This Act applies—

- (a) within the jurisdiction of Uganda, including all waters where fish is found or can be farmed;
- (b) to all fisheries and aquaculture activities; and
- (c) to any fishing vessel registered in Uganda and to any act or omission occurring on or by that vessel, wherever the vessel may be.

2. Purpose of Act

The purpose of this Act is—

- (a) to provide for the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations;
- (b) to provide for the administration, management and coordination of fisheries and aquaculture with local governments and other stakeholders at all levels;
- (c) to create a sustainably financed Directorate for the management of the fisheries sector with clearly defined structures and linkages between the mandates of national and local governments and the private sector;
- (d) to promote and guide public participation in the management and conservation of fisheries resources; including women and youth and other vulnerable groups;

- (e) to promote and guide public private partnerships in fish production, value addition and marketing;
- (f) to guarantee quality and safety of fish and fishery products; including biosafety and biosecurity;
- (g) to promote research-based decision making and sharing of information and data; and
- (h) to provide for the mechanisation of fisheries, aquaculture and aquatic weed management.

3. Environmental principles

All persons involved in fisheries or aquaculture activities or any other person performing functions, duties or powers under this Act in relation to the development and utilisation of fisheries resources or ensuring sustainability shall take into account and give effect to the principles of environment management prescribed under the National Environment Act, 2019.

4. Interpretation

In this Act, unless the context otherwise requires—

“aquaculture” means the planned and controlled farming of fish, molluscs, crustaceans and aquatic plants for nutrition, income and livelihoods;

“aquaculture activity” means breeding fish, hatchery operation, commercial fish farming, aquaculture farming, fish feed manufacturing and trade, live fish trade, transportation of live fish, processing of farmed fish and plants, live fish storage, omission of aquaculture service, aquaculture net manufacturing and trade in aquaculture appliances and inputs.

“aquaculture establishment” means a facility or premises on land or water approved for the production of fish through aquaculture or products used in aquaculture;

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

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

“artisanal fish processing facility” means any local facility in a fishing community or a designated place where fish, fishery or aquaculture products are prepared, handled, processed, chilled, frozen, packaged or stored;

“authorised officer” means any person or category of persons prescribed under section 99;

“breeding ground” means an area in the natural aquatic environment, where fish lay their eggs or spawn;

“Chief Fisheries Officer” means the technical head of the Directorate of Fisheries Resources;

“commercial fishing” means fishing for monetary gain, including trade, business or profit, where all or part of the catch is sold or bartered, but does not include subsistence or sport fishing;

“currency point” has the value assigned to it in the Schedule to this Act;

“Directorate” means the Directorate of Fisheries Resources established by the Ministry of Public Service;

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

“fish processing establishment” means any premises where fish, fishery or aquaculture products are prepared, handled, processed, chilled, frozen, packaged or stored, but does not include an auction or wholesale market in which only display and sale by wholesale takes place;

“fish processing facility” includes a smoking kiln, and a fish drying rank;

“Fisheries Research Institute” means the public agricultural research institute established by the National Agricultural Research Act to generate the knowledge base, develop and disseminate fisheries technologies and information for increased and sustainable fish production, conservation of the fisheries genetic resources, water quality and fish habitat and to develop and manage research and required linkages with stakeholders;

“fish product” means any derivative of fish and includes dried, frozen or chilled fish and mollusks and aquatic plants;

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

“fisheries activity” means fishing, transportation of fish, artisanal processing of fish, industrial fish processing, trade in fish maw, fish trade and other fisheries products, operating a fish storage facility, manufacturing of fishing gear, boat building and recreational fishing and trading in fishing gear;

“Fisheries and Aquaculture Management Strategy” means a Fisheries Management Strategy prepared for a lake in accordance with section 31;

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

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

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

“gear” means a tool used to capture aquatic resources; including a net, basket, trap, hook, line, spear or other implement;

“Hazard Analysis and Critical Control Point (HACCP)” means a proactive food safety management system which identifies, evaluates and controls hazards that are significant and likely to occur at specific points in the food production chain;

“lake management organisation” means a local government association established to co-ordinate the integrated planning and management of a lake under this Act;

“landing site” means a landing site established in accordance with section 38;

“licence” means a licence issued under this Act;

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

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

- “Minister” means the Minister responsible for fisheries and aquaculture;
- “minor lake” means a lake other than Lake Victoria, Lake Albert, Lake Edward, Lake George and Lake Kyoga;
- “ornamental fish” means fish for display for leisure;
- “processing” includes cleaning, filleting, canning, salting, smoking, drying, cooking, pickling, grilling or otherwise preserving or preparing fish for the purpose of commercial purposes;
- “recreational fishing” means fishing for sport, recreation or amusement which does not lead to the sale or barter of the fish;
- “shared lake” means a lake that cuts across the administrative boundary of two or more districts;
- “Surveillance Unit” means the Fisheries Monitoring Control and Surveillance Unit established by section 13;
- “transboundary fisheries resources” means fisheries resources; including wetlands, rivers, lakes or other water bodies shared by Uganda and any other country;
- “undersize fish” in relation to capture fisheries means fish of a length less than a length as may from time to time be prescribed by regulations;
- “vehicle” includes a machine or implement of any kind drawn or propelled along a road, whether by animal, mechanical, electrical or other motive power.

PART II—ADMINISTRATIVE STRUCTURE FOR FISHERIES AND
AQUACULTURE MANAGEMENT

5. Administration, management and development

The administration, management and development of fisheries and aquaculture under this Act shall be undertaken by the Directorate of Fisheries Resources, subject to the overall guidance of the Minister in collaboration with local governments and other stakeholders.

The Minister

6. Functions and powers of Minister

(1) The Minister shall—

- (a) be responsible for the formulation of policy and legislation relating to the fisheries and aquaculture subsector;
- (b) issue regulations for the fisheries and aquaculture subsector;
- (c) monitor the implementation of the National Fisheries and Aquaculture Policy, 2018 and the enforcement of this Act;
- (d) represent Uganda in its relationships with foreign countries in connection with fisheries and aquaculture;
- (e) mobilise financial and other resources for the management and development of the fisheries and aquaculture subsector; and
- (f) perform any other function incidental to the purposes of this Act.

(2) The Minister may, for the purposes of this Act, establish lake based management plans with Lake -based management regional offices.

*Directorate of Fisheries Resources***7. Functions of Directorate of Fisheries Resources**

The Directorate of Fisheries Resources shall—

- (a) ensure the appropriate conservation and development of standards on the management, sustainable use, development and protection of all fisheries and aquaculture resources;
- (b) formulate and monitor the implementation of policies regarding the conservation, management and utilisation of all fisheries and aquaculture resources;
- (c) develop standards for the management of all fisheries and aquaculture activities and fishing related activities within the scope of this Act;
- (d) develop guidelines for the preparation of fisheries and take specific management plans for the Uganda fishery waters;
- (e) issue licences and permits and control all fishing vessels and fishing gear in all public waters;
- (f) provide education to create public awareness and support for fisheries conservation, management, development and sustainable use;
- (g) set and meet goals for fisheries conservation, management, development and sustainable use;
- (h) in consultation with the Fisheries Research Institute, approve and co-ordinate research activities in relation to matters falling within the scope of this Act;
- (i) collect and analyse data in relation to resources and activities falling within the scope of this Act;
- (j) establish, manage and maintain information management systems and databases on fisheries and aquaculture;

- (k) monitor, control and undertake surveillance of fishing activities, including illegal, unregulated and unrecorded fishing and illicit fish trade;
- (l) identify human resource requirements and recommend recruitment of staff at all levels for the Directorate;
- (m) ensure safety and quality of fish, fisheries and aquaculture products in both the domestic and international market;
- (n) liaise, as appropriate, with agencies and persons, including stakeholders, industry, government agencies; regional and international organisations and experts, whether local or foreign, on matters falling within the scope of this Act;
- (o) act on behalf of the Government, subject to the Constitution and the Ratification of Treaties Act in relation to any domestic or international agreement relating to fisheries and aquaculture related activities or any matter falling within the scope of this Act, to which Uganda is or may become a party;
- (p) administer and co-ordinate international protocols, conventions and treaties relating to fisheries and aquaculture;
- (q) regulate fish safety and quality in consultation with relevant stakeholders;
- (r) identify, promote and undertake the development of appropriate fisheries and aquaculture infrastructure;
- (s) facilitate investment in commercial fisheries and aquaculture, in collaboration with relevant agencies, persons or bodies, including Government departments;
- (t) promote the development and introduction of appropriate technologies in aquaculture production, processing and preservation in collaboration with relevant stakeholders;
- (u) identify opportunities and promote all aspects of fisheries and aquaculture marketing;

- (v) arrange and enter into joint ventures or any other form of investment arrangement for purposes of performing any of its functions;
- (w) coordinate and undertake monitoring, control and surveillance of all activities within the scope of this Act; and
- (x) perform such other duties and functions consistent with the provisions of this Act as may be necessary for the fulfilment of the objectives of this Act.

8. Chief Fisheries Officer

(1) The technical head of the Directorate of Fisheries Resources appointed by the Public Service Commission shall be the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall be a professional officer in fisheries sciences and advisor to the Government in all matters related to the development and management of fisheries and aquaculture.

(3) The Chief Fisheries Officer shall be responsible for the administration of this Act and the exercise of the functions of the Directorate as provided for under this Act, including the issuance of licences, permits and any other authorisations under this Act.

(4) The Chief Fisheries Officer may, in writing, delegate the exercise of any of the powers and functions conferred upon him or her by this Act to an authorised officer.

(5) The Chief Fisheries Officer may, in writing, revoke or vary any delegation made under subsection (4).

(6) The Chief Fisheries Officer may, from time to time, issue and publish circulars and directives that are in conformity with the provisions of this Act for the purposes of facilitating the implementation of this Act.

*Fisheries and Aquaculture Technical Committee***9. Fisheries and Aquaculture Technical Committee**

(1) There is established a Fisheries and Aquaculture Technical Committee within the Directorate of Fisheries Resources.

(2) The Committee shall comprise of the following members appointed by the Minister—

- (a) the Chief Fisheries Officer, who shall be the Chairperson;
- (b) one representative of the Ministry responsible for trade, not below the level of a principal officer;
- (c) one representative of the Ministry responsible for water and environment, not below the level of a principal officer;
- (d) one representative of the Ministry responsible for local governments, not below the level of a principal officer;
- (e) one representative of the Ministry responsible for finance, not below the level of a principal officer;
- (f) one representative of the National Fisheries Research Institution;
- (g) a representative of the Ministry responsible for East African Community, not below the level of a principal officer; and
- (h) one representative from the fisheries private sector; and
- (i) one representative of the fisheries civil society organisations.

(3) The Minister shall, in appointing the members of the Committee, ensure that there is a balance of gender, skills and experience among the members.

(4) The Committee shall serve for a period of two years, renewable for one more term only.

(5) The Fisheries and Aquaculture Technical Committee shall be under the general guidance of the Minister.

10. Secretary to Committee

The Minister shall designate an officer from the Directorate to be the Secretary to the Committee.

11. Functions of Committee

(1) The Committee shall ensure that fisheries and aquaculture resources are managed on a sustainable basis.

(2) Without limiting the general effect of subsection (1), the Committee shall advise the Minister, through the Chief Fisheries Officer on—

- (a) effective planning, financing, co-ordination and service delivery in the fisheries and aquaculture subsector;
- (b) mechanisms for conflict resolution in the development and management of fisheries and aquaculture; and
- (c) the formulation of specific measures for the fisheries and aquaculture management and development.

(3) The Committee shall prepare and submit to the Minister a quarterly report of all its activities.

12. Meetings of Committee

The Committee shall regulate its own procedure.

Fisheries Monitoring, Control and Surveillance Unit

13. Establishment of Fisheries Monitoring, Control and Surveillance Unit

(1) There is established a Fisheries Monitoring, Control and Surveillance Unit within the Directorate of Fisheries Resources to

protect fish and their environment, fish products and aquatic flora and fauna against fisheries malpractices, and generally to enforce the provisions of this Act and any other applicable law.

(2) The Fisheries Monitoring, Control and Surveillance Unit shall comprise of persons appointed by the Public Service Commission and trained by the Uganda Peoples Defence Forces in para-military skills.

(3) The Minister may, in consultation with the Minister responsible for defence, by statutory instrument, make regulations for—

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

14. Functions of Fisheries Monitoring, Control and Surveillance Unit

The Fisheries Monitoring, Control and Surveillance Unit shall—

- (a) monitor, control and carry out surveillance; including enforcement of compliance with this Act and any other written law relating to activities under this Act;
- (b) protect fish and their environment, fish products and aquatic flora and fauna against fisheries malpractices, and
- (c) generally, enforce the provisions of this Act.

*Powers of Fisheries Monitoring, Control
and Surveillance Unit*

15. Power to demand name and address of offender or to arrest offender

When a person is seen or found committing an offence or is reasonably suspected of having committed an offence against this Act, a member of the Surveillance Unit may demand his or her name and address; and if he or she refuses to give that information or fails to give the information to the satisfaction of the member of the Surveillance Unit, or if the latter has reasonable grounds for believing that unless arrested the offender may escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, he or she may with or without warrant arrest him or her immediately.

16: Powers of inspection

The members of the Surveillance Unit shall have powers of inspection, which shall include the power to—

- (a) require any person to produce a licence or permit;
- (b) inspect fishing gear, fish and fish products, explosive, poisons and similar items;
- (c) require persons to provide names and addresses and produce identification;
- (d) stop any vehicle, aircraft, vessel or other means of conveyance and enter and inspect and require production of manifests and similar documents and answers to questions relating to cargo;
- (e) immobilise a seized vehicle or vessel to prevent it from being moved;
- (f) search baggage;

- (g) require persons to produce records for inspection and copying;
- (h) seize gear and other things suspected of being used in the commission of an offence;
- (i) seize fish and fish products suspected of having been or attempted to have been reared, caught, processed, exported or imported illegally or possessed in contravention of the law, or unfit for human consumption;
- (j) demolish any construction, barrier or trap that appears to have been erected or constructed illegally, or take possession of it in the name of the Government; and
- (k) arrest, without warrant, any person suspected of committing or having committed an offence under this Act.

17. Power to enter and search

(1) Whenever a member of the Surveillance Unit suspects that any person has committed an offence against this Act, he or she may—

- (a) inspect and search or authorise any person subordinate to him or her to inspect and search any baggage, package, vehicle, vessel, tent, premises or property belonging to or occupied by that person or to anyone in his or her employment, and if there is found, as a consequence of the search, any fish, dried fish, fish product, vessel engine, net, line, basket or appliance appearing to have been obtained or to be possessed in contravention of this Act, seize, detain and deal with the item in accordance with this Act;
- (b) enter onto or into any land, building, camp, tent, vehicle, aircraft, vessel or other conveyance;

- (c) require persons to produce records for inspection and copying;
- (d) seize gear and other thing suspected of being used in the commission of an offence;
- (e) seize fish and fish products suspected of having been or attempted to have been reared, caught, processed, exported or imported illegally or possessed in contravention of the law, or unfit for human consumption;
- (f) demolish any structure, barrier or trap that has been erected or constructed illegally, or take possession of it in the name of the Government; and
- (g) arrest, without warrant, any person suspected of committing or having committed an offence under this Act.

(2) A member of the Surveillance Unit may seize anything under the powers conferred on him or her by this section, whether or not the owner can be found and the officer may—

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

(3) A member of the Surveillance Unit shall exercise the powers of arrest in accordance with the Criminal Procedure Code Act.

18. Powers of hot pursuit

The powers of the Surveillance Unit shall include the power, after hot pursuit and pursuant to Uganda's rights under international law, to a

board a foreign or Ugandan vessel outside the fishing waters and to bring that vessel back within the fishing waters if the authorised officer has reasonable grounds to suspect that it has been used to commit an offence within the fishing waters.

19. Search warrant

A member of the Surveillance Unit shall not exercise the powers of entry under section 16 in respect of a dwelling house without a warrant obtained from a magistrate, after satisfying the court that it is necessary to make a search.

20. Authorised officers to have powers of public prosecutor

In any prosecution for an offence against this Act, an authorised officer may, subject to the express directions of the Director of Public Prosecutions, have and exercise all the powers of a public prosecutor appointed by the Director of Public Prosecutions under section 223 of the Magistrates Courts Act.

21. Use of force

A member of the Surveillance Unit may use reasonable force to carry out searches and seizures and may, after notifying the local authorities, erect temporary barriers on roads for the purpose of making searches of vehicles and persons.

22. Identification of member of Surveillance Unit

In the course of exercising any powers under this Part, a member of the Surveillance Unit shall—

- (a) on demand, produce official identification showing him or her to be a member of the Surveillance Unit; and
- (b) provide a written receipt for any fish or goods seized by him or her under this Act.

PART III—ROLE OF LOCAL GOVERNMENTS

23. Mandate of Directorate in relation to local governments

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

- (a) inspecting, monitoring and co-ordinating of Government initiatives and policies in the fisheries sector as they apply to local governments;
- (b) co-ordinating and advising persons and organisations in relation to fisheries projects involving direct relations with local governments; and
- (c) assisting in the provision of technical advice, support, supervision and training to local governments to enable them to carry out the delivery of fisheries services in their respective areas, and to develop their capacity to manage fisheries resources.

24. Functions of local governments

A local government shall—

- (a) collaborate, through lake management organisations to ensure the sustainable management of fisheries on shared lakes;
- (b) manage the fisheries resources within their jurisdiction under the guidance of the Chief Fisheries Officer;
- (c) coordinate the development of aquaculture within their jurisdiction;

- (d) participate in the planning and development of fish landing sites;
- (e) make bylaws and ordinances for sustainable fisheries and aquaculture management;
- (f) where there are no lake management organisations, collaborate with landing site fisheries management committees as partners in the management of minor lakes;
- (g) in consultation with the relevant ministries, departments and agencies, identify activities in the catchment area of any lake or water body that lie entirely within its administrative boundaries and which may impact on the biodiversity of the lake or water body or on the livelihoods of persons who depend on fisheries and, in relation to those activities, incorporate into local development plans, measures, including those relating to land use and natural resources, to prevent or mitigate such impacts;
- (h) develop a district Fisheries and Aquaculture Management Plan which shall be in consonance with the relevant Fisheries and Aquaculture Sector Strategic Plan;
- (i) perform fisheries and aquaculture related tasks conferred by this Act or any other law; and
- (j) perform such functions as may be delegated by the Chief Fisheries Officer from time to time under this Act.

25. District Fisheries Office

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

(2) A District Service Commission shall appoint a District Fisheries Officer and such other officers, as may be required for the proper functioning of the District Fisheries Office.

26. Functions of District Fisheries Officers

(1) The functions of a District Fisheries Officer are—

- (a) to co-ordinate with the Directorate and other relevant stakeholders on matters relating to fisheries and aquaculture;
- (b) to advise and guide the District Council on all matters relating to fisheries and aquaculture;
- (c) to sensitise, promote, guide and support the establishment and operation of landing site fisheries management committees and lake management organisations;
- (d) to provide technical guidance and collaborate in the collection, analysis, use, storage and transfer of fisheries data and information for management purposes and to link the data to wider information management systems and development planning systems of the local government;
- (e) to provide such information to the Directorate as may be required for the purposes of fisheries management and aquaculture development;
- (f) to provide technical guidance and collaborate with relevant stakeholders in the development of fisheries management and aquaculture development strategies;
- (g) to support and promote extension and other related services in the development and provision of advisory services; including research relating to fisheries and aquaculture;

- (h) to ensure, in collaboration with lake management organisations and landing site fisheries management committees, that this Act and the regulations made under it are enforced; and
- (i) to ensure, in collaboration with lake management organisations, fishing communities, civil society organisations and landing site fisheries management committees that licences and permits required under this Act are obtained.

(2) In addition to any report filed by the District Fisheries Officer under any written law, a District Fisheries Officer shall submit a quarterly report to the Chief Fisheries Officer on activities relating to fisheries management in the District.

(3) A District Fisheries Officer who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding six months or both.

PART IV—SUSTAINABLE USE AND MANAGEMENT
OF FISHERIES AND AQUACULTURE RESOURCES

27. Fisheries regulation and control

(1) The regulation and control of fisheries and aquaculture activities including monitoring and surveillance of all water bodies, fish handling, storage and processing facilities, fish markets, roads, air, entry and exit border points shall be under the Directorate of Fisheries Resources.

(2) The Directorate of Fisheries resources shall, in the performance of its functions under subsection (1), consult the relevant Government ministries, departments and agencies, as appropriate.

(3) Any activity related to fishing, fish movement and fish marketing of unreported and unrecorded fisheries and dealing in undersize fish is prohibited under this Act.

28. Fisheries co-management structures

The Minister shall, by regulations, establish and prescribe functions of fisheries co-management committees from the landing site up to national level with linkages to the regional level including—

- (a) landing site fisheries management committee;
- (b) sub-county fisheries management committee;
- (c) district fisheries management committee;
- (d) lake wide fisheries management committees;
- (e) national fisheries management committees; and
- (f) regional fisheries management committees.

29. Information and planning

The Chief Fisheries Officer shall issue guidelines, directions in consultation with the Minister to local governments, lake management organisations, landing site fisheries management committee and civil society organisations relating to—

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

*Sustainable Fisheries and Aquaculture Management***30. Fisheries and Aquaculture Sector Strategic Plans**

The Minister shall cause to be prepared by the Directorate, in consultation with the relevant stakeholders, Fisheries and Aquaculture Sector Strategic Plans, which shall be public documents and the framework for the implementation of the National Fisheries and Aquaculture Policy and programmes of Government.

31. Fisheries and Aquaculture Management Strategy

(1) There shall be a Fisheries Aquaculture Management Strategy for each lake.

(2) Where a lake management organisation has been established in respect of a lake, the lake management organisation shall be responsible for the preparation of the Fisheries and Aquaculture Management Strategy as part of the Lake Management Plan.

(3) The Fisheries and Aquaculture Management Strategy shall—

- (a) contain a description of the area covered;
- (b) include a statement of objectives;
- (c) identify the main threats to and opportunities for fisheries and aquaculture resources and livelihoods, including environmental threats;
- (d) define information needs for research;
- (e) consider the extent to which measures can be taken to minimise the impact of fisheries and aquaculture activities on the environment;

- (f) comply with the relevant Fisheries and Aquaculture Sector Strategic Plan, the National Fisheries and Aquaculture Policy and this Act;
- (g) contain a description of the management measures and activities to be undertaken;
- (h) set out the requirements and procedures governing the use of and access to fisheries and aquaculture resources; and
- (i) specify its duration and the requirement for periodic review.

32. Purpose of Fisheries and Aquaculture Management Strategy

(1) A Fisheries and Aquaculture Management Strategy shall give effect to the Fisheries Sector Strategic Plan, applicable national policies and the provisions of this Act.

(2) A draft of each Fisheries and Aquaculture Management Strategy shall be submitted to the Chief Fisheries Officer for verification of its compliance with subsection (1).

(3) Where, in the opinion of the Chief Fisheries officer, a draft Fisheries and Aquaculture Management Strategy submitted to it under subsection (2) does not comply with the requirements of subsection (1), the Chief Fisheries Officer shall return the Fisheries and Aquaculture Management Strategy to the lake management organisation which submitted it, for revision and amendment.

33. Trans-boundary lakes

The Chief Fisheries Officer shall co-operate with lake management organisations and fisheries management organisations at international, regional, national levels, local governments and landing site fisheries management committees in the management of transboundary resources.

34. Preparation of Fisheries and Aquaculture Management Plans and Strategies

Every Fisheries and Aquaculture Management Plan and Strategy shall be prepared in a consultative manner and in accordance with guidelines issued by the Chief Fisheries Officer.

35. Management and development of natural fisheries resources stock

(1) The Minister shall, by regulations, prescribe methods and processes for the management and development of natural fisheries resources stock.

(2) Subject to subsection (1), the Chief Fisheries Officer shall—

- (a) develop a fisheries management and development plan for the natural fisheries for each existing and identified potential fisheries public water body and where applicable, develop a species specific plan;
- (b) conduct and coordinate stock assessment, fisheries frame surveys, fisheries catch assessment exercises, and manage and disseminate the resultant databases;
- (c) manage and coordinate the removal of physical or natural barriers on public water bodies that may impede the production, management and development of fisheries from such waters;
- (d) develop management and control measures for sustainable production and development of the natural fisheries resources;
- (e) plan, set up and coordinate co-management structures for the effective involvement of fishing communities,

traders, processors and exporters in the management and development of the fisheries; and

- (f) institute and manage closed fishing grounds, demarcating and management of fish breeding and spawning grounds, and establishment and management of natural fisheries protection parks;
- (g) control and regulate all activities pertaining to fisheries production and development.

(3) The Chief Fisheries Officer shall, in each financial year, prepare a comprehensive status report on fisheries resources which shall include data on the annual fisheries production.

36. Management of fishing capacity

(1) The Chief Fisheries Officer shall, in consultation with the Minister, through the issuance of licences, control entry to the fisheries and determine the maximum allowed fishing effort in each water body, based on available scientific data and where there is no data, a precautionary approach shall be applied.

(2) The Chief Fisheries Officer shall licence fishers by species, and shall, from to time, specify the gear type, size and number for each target species based on the state of stock.

37. Landing sites

(1) The Chief Fisheries Officer shall, in consultation with local governments and other stakeholders, establish, by notice in the *Gazette*, landing sites throughout Uganda.

(2) A landing site shall be a clearly defined area adjacent to a water body that is used principally for fisheries purposes.

(3) The Government may, subject to the Constitution, acquire all gazetted landing sites in trust for the people of Uganda.

(4) Activities at a landing site and on the related land, buildings and facilities shall include the landing of fish from fishing vessels and fish transport vehicles, and the onward processing and sale of fish.

(5) The Chief Fisheries Officer shall cause to be collected, fishing landing data and information data from all gazetted landing sites.

(6) The Minister may, by regulations, prescribe additional requirements for landing sites.

(7) The Chief Fisheries Officer shall issue guidelines for the establishment and closure of landing sites.

PART V—LICENCES AND PERMITS

38. Prohibition of fisheries and aquaculture activities without licence or permit

A person shall not engage in any fisheries or aquaculture activity without the relevant licence or permit issued by the Chief Fisheries Officer under this Act.

39. Application for licence or permit

(1) An application for a licence or permit under this Act shall be in the manner prescribed by regulations.

(2) Subject to this Act, the Chief Fisheries Officer may, on application being made in the prescribed manner and on payment of the prescribed fee, issue to an applicant a licence or permit in such manner and subject to such conditions as the Chief Fisheries Officer may deem fit.

(3) The Chief Fisheries Officer shall, in determining an application for a licence or permit, have regard to the purposes of this Act, the Fisheries Sector Strategic Plan and the relevant Fisheries and Aquaculture Management Strategy.

40. Fishing vessel licence

- (1) A vessel shall not be used for fishing unless—
- (a) the vessel is registered under the Vessels (Registration) Act; and
 - (b) there is in force, in respect of that vessel, a valid fishing vessel licence.

(2) The owner and crew of a vessel used in contravention of subsection (1) each commit an offence and are each liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment for a term not exceeding three years, or both.

41. Fishing vessel licence conditions

(1) A fishing vessel licence may be subject to general or special conditions and shall have a unique fishing vessel identification plate for the vessel to which it relates as may be prescribed by regulations.

(2) The owner and crew of a vessel used in contravention of any condition relating to the fishing vessel licence, each commit an offence and are each liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding three years, or both.

42. Fish transport licence

(1) A vessel, or vehicle shall not be used to transport fish unless—

- (a) the vessel or vehicle is registered under the Vessels (Registration) Act or the Traffic and Road Safety Act 1998 respectively; and
- (b) there is in force in respect of that vessel or vehicle, a valid fish transport licence.

(2) The owner and crew of a vessel or vehicle which transports fish without a valid fish transport licence contrary to subsection (1) or in breach of any condition applicable to the licence each commit an

offence and are each liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding three years, or both.

43. Fish trade licence

(1) A person shall not trade in fish or fisheries products unless he or she is in possession of a valid fish trade licence issued by the Chief Fisheries Officer.

(2) A person who trades in fish without a fish trade licence commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding three years, or both.

44. Fish storage facility licence

(1) A person shall not store fish or fisheries products unless he or she is in possession of a valid fish storage facility licence issued by the Chief Fisheries Officer.

(2) A person who stores fish without a fish storage licence commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding three years, or both.

45. Prohibition of foreign fishing vessels

(1) A foreign fishing vessel shall not be used for commercial fishing in the waters of Uganda.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding five thousand currency points or to an imprisonment for a term not exceeding three years or both.

46. Fish movement permit

(1) A person shall not, for purposes of trade, move fish or fish products from one place to another unless he or she is in possession of a valid movement permit issued by the Chief Fisheries Officer.

(2) The Chief Fisheries Officer may delegate the power to issue a movement permit under subsection (1) to a local government.

(3) A person who, for purposes of trade, moves fish or fish without a fish movement permit commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding one year, or both.

(4) The holder of a fish movement permit shall cause the permit to be carried and exhibited at all times.

(5) A fish movement permit shall be in the form prescribed by regulations.

47. Fishing control permit

(1) A person shall not undertake fishing without a valid fishing control permit issued by the Chief Fisheries Officer.

(2) For the purposes of subsection (1), every person who is present on board a vessel engaged in commercial fishing is deemed to be undertaking fishing and shall be in possession of a fishing control permit.

(3) A commercial fishing permit is not transferable, except in the manner prescribed by regulations.

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

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

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

*Special Permits***48. Research fishing permit**

(1) A person shall not undertake research fishing without a valid research fishing permit issued by the Chief Fisheries Officer.

(2) The Minister may, by notice in the Gazette, exempt any public institution or person from the requirement under subsection (1).

(3) The Chief Fisheries Officer shall, before issuing a research fishing permit under this section—

- (a) consult the relevant local governments and the lake management organisation with responsibility for the lake or water body on which the research is proposed to be conducted; and
 - (b) have regard to the Fisheries and Aquaculture Sector Strategic Plan and the purposes of this Act.
- (4) A research fishing permit granted under this section—
- (a) shall specify the water body or water bodies on which the research fishing is permitted;
 - (b) shall be valid for a period of up to one year and is renewable;
 - (c) shall, where it is issued to a person who is not a citizen of Uganda, include a condition that at least one Ugandan scientist must be included in the research project to which the permit relates, at the expense of the person to whom the permit is issued;
 - (d) shall require the research findings and data to be communicated to the Chief Fisheries Officer within a specified period;
 - (e) may impose such terms and conditions as the Chief Fisheries Officer deems fit;
 - (f) shall be issued on the payment of a prescribed fee; and
 - (g) may permit the use of prohibited fishing gear and methods.

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

(6) A person who undertakes research fishing without a research fishing permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding six months, or both.

49. Ornamental fishing permit

(1) A person shall not engage in fishing for ornamental fish without a valid ornamental fishing permit issued by the Chief Fisheries Officer.

(2) A person who engages in fishing for ornamental fish without an ornamental fishing permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding one year, or both.

50. Aquarium permit

(1) A person shall not keep an aquarium without a valid aquarium permit issued by the Chief Fisheries Officer.

(2) A person who keeps an aquarium without an aquarium permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

51. Recreational fishing permit

(1) A person shall not engage in recreational fishing without a recreational fishing permit issued by the Chief Fisheries Officer.

(2) The Chief Fisheries Officer may delegate the power to issue a recreational fishing permit under subsection (1) to the Uganda Wildlife Authority.

(3) A person who engages in recreational fishing without a recreational fishing permit commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding six months, or both.

52. Permits for stocking, transfer and introduction of fish and aquatic plants

(1) A person shall not, without a valid permit issued by the Chief Fisheries Officer—

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

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

(3) The Chief Fisheries Officer shall, in determining an application under this section—

- (a) consult with local governments, the lake management organisation and the landing site fisheries management committee responsible for the affected water body or bodies; and
- (b) have regard to the purposes of this Act, the Fisheries and Aquaculture Sector Strategic Plan and the relevant Fisheries and Aquaculture Management Strategy.

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

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

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

53. Local fishing

Local fishing shall be regulated in accordance with the Local Governments Act, subject to any restrictions imposed by the Chief Fisheries Officer as may be required to give effect to the relevant Fisheries and Aquaculture Management Strategy or to minimise threats to fisheries resources not provided for in the Fisheries and Aquaculture Management Strategy.

General Provisions Relating to Licences and Permits

54. Duration and form of licences and permits

(1) A licence issued under this Act shall be valid for a calendar year and shall be in a form and subject to conditions, either generally or in respect of any particular licence, as may be prescribed by regulations.

(2) A permit issued under this Act shall be valid for the period specified in the permit.

55. Licence or permit not to be borrowed

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

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding one thousand currency points, or to imprisonment not exceeding one year, or both.

56. Procedure on loss of licence or permit

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

57. Power to restrict number of licences and permits

The Chief Fisheries Officer may, with the approval of the Minister, by notice in the *Gazette* and in a newspaper of national circulation, limit the number of all or any of the licences or permits which may be issued under this Act, either generally or in respect of any particular waters or area of Uganda.

58. Display and production of licences and permits

(1) A licensee shall keep on board his or her vessel or carry his or her licence on him or her whenever and wherever he or she engages in the activities authorised by or under the licence and shall produce the licence on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the licensee, the date of issue of the licence and the competent body by which it was issued.

(2) The holder of a permit shall display or carry his or her permit on him or her whenever and wherever he or she engages in the activities authorised by or under the permit and shall produce a valid permit on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the holder of the permit, the date of issue of the permit and the competent body by which it was issued.

59. Prohibition of transfer or assignment of licence or permit

(1) A licence or permit is personal to the holder of the licence or permit and shall not be transferred or assigned.

(2) Any person who transfers or assigns a licence or permit to any other person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points, or imprisonment not exceeding one year, or both and the licence or permit shall be deemed to have been cancelled as from the date of the purported transfer or assignment.

60. Cancellation of fishing vessel licence on change of vessel ownership

(1) Where there is a change of ownership of the vessel during the validity period of the fishing vessel licence, the person to whom the licence was issued shall surrender the licence to the Chief Fisheries Officer, who shall cancel the licence and the new owner shall apply for a licence under this Act

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

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

61. Variation of licences and permits

The Chief Fisheries Officer may vary a licence or permit—

- (a) on the request of the holder of the licence or permit, subject to such conditions as the Chief Fisheries Officer considers appropriate; or
- (b) if it is reasonably necessary for the effective management of fishing activities, the conservation or management of fisheries resources or for the economic benefit of Uganda.

62. Suspension and cancellation of licences and permits

(1) The Chief Fisheries Officer may suspend or cancel a licence or permit—

- (a) if the holder of the licence or permit has been convicted of an offence under this Act and sentenced to a penalty not exceeding five hundred currency points or imprisonment for a term exceeding six months, or both;
- (b) if the licence or permit was granted in error or on the basis of false or misleading information; or
- (c) if there is a serious or repeated breach of any of the conditions of the licence or permit issued under this Act.

(2) The Chief Fisheries Officer shall, before suspending or revoking or cancelling a licence or permit under subsection (1) give the licensee or permit holder fourteen days' notice requiring him or her to give reasons, if any, why his or her licence or permit should not be suspended or cancelled.

63. Registers

(1) The Chief Fisheries Officer shall keep the following registers—

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

(2) The Chief Fisheries Officer shall, by notice in the *Gazette*, appoint the places at which the registers shall be located and state the hours when they shall be open for inspection by the public during working hours.

PART VI—REGULATION OF AQUACULTURE

64. Regulation of aquaculture

The Chief Fisheries Officer shall, in collaboration with relevant stakeholders, regulate aquaculture in Uganda and approve all aquaculture establishments.

65. Fish breeding permit

(1) No person, institution, organisation or establishment shall engage in fish breeding without a fish breeding permit issued by the Chief Fisheries Officer.

(2) A person or establishment intending to carry out fish breeding shall apply to the Chief Fisheries Officer for a fish breeding permit in the manner prescribed by regulations.

(3) A fish breeding permit shall be issued on payment of the prescribed fee.

(4) Where the Chief Fisheries Officer refuses to grant a fish breeding permit he or she shall communicate in writing, the reasons for the refusal.

66. Provision of adequate measures for confinement

A person, institution, organisation or establishment shall not carry out aquaculture without adequate measures for confinement of the fish to prevent escape from the establishment.

67. Environmental and social impact assessment

A person or establishment shall not engage in aquaculture for commercial purposes without carrying out the relevant environmental and social impact assessment in accordance with the National Environment Act, 2019.

68. Safety and quality measures

(1) A person engaged in the construction of an aquaculture establishment shall—

- (a) construct the aquaculture facility in such a manner as to ensure the safety and quality of the live fish and fishery products and the environment; and
- (b) put in place sanitary measures in a manner prescribed by regulations to ensure health for fish and other animals and aquatic plants, safety and quality of products and protection of the environment.

69. Prevention and control of contaminants and other disease-causing agents

(1) A person or establishment engaged in aquaculture shall not practice aquaculture without having in place measures to prevent and control contaminants and other disease-causing agents arising from the air, soil, water, feed, fertilisers, fish stock, veterinary drugs, and agricultural chemicals including pesticides or any other source of contaminants.

(2) All persons and establishments engaged in aquaculture shall comply with the standard sanitary measures for aquaculture prescribed by guidelines issued by the Chief Fisheries Officer.

70. Aquaculture licence

(1) A person shall engage in commercial aquaculture without a valid aquaculture licence issued by the Chief Fisheries Officer.

(2) This section does not apply to subsistence aquaculture.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years, or both.

71. Application for aquaculture establishment licence

(1) An application for an aquaculture establishment licence shall be made in the prescribed form to the Chief Fisheries Officer and shall be accompanied by the prescribed application fee.

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

(3) The Chief Fisheries Officer shall, before determining an application under this section, carry out such consultations, in accordance with such procedures as may be prescribed by regulations.

(4) The procedures under subsection (3) may require the costs of, and ancillary to consultation, to be borne wholly or partly by the applicant.

(5) The Chief Fisheries Officer shall not issue a licence under this section unless he or she is satisfied that—

- (a) the applicant has the legal right to occupy any land required for the operation of the aquaculture facility, and to use the land for that purpose;
- (b) the applicant has the legal right to abstract or use any water required for the operation of the aquaculture facility and to discharge any waste water or effluent from that facility;
- (c) the applicant has complied with the National Environment Act, 2019 and any other applicable written law; and
- (d) the applicant has the necessary skills and experience; either personally or through the employment of suitably qualified staff, to operate the aquaculture facility in a manner that will not harm the environment, fish in adjacent or connected waters, or the quality of those waters.

72. Conditions of aquaculture establishment licence

(1) An aquaculture licence may contain such conditions as the Chief Fisheries Officer considers necessary to ensure the protection of the environment and fish in adjacent or connected waters including conditions relating to—

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

(2) The Chief Fisheries Officer shall, in determining the conditions to be included in an aquaculture licence, have regard to guidelines as may be issued by the Minister from time to time.

(3) An aquaculture licence is not transferable without the written consent of the Chief Fisheries Officer.

(4) A person who operates an aquaculture facility in breach of the conditions of the relevant aquaculture permit commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years or both.

73. Alterations to commercial aquaculture facility

A commercial aquaculture facility shall not be altered without the prior consent in writing of the Chief Fisheries Officer.

74. Aquaculture not to impair other activities

The Chief Fisheries Officer shall, in collaboration with local governments and other relevant bodies ensure that—

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

75. Notice of epidemic disease

(1) Where the Chief Fisheries Officer, is satisfied that any fish or aquatic plants or animals or fish products in any establishment are infected with any epidemic disease, the Chief Fisheries Officer shall, if satisfied, give notice in writing to the establishment, requiring the destruction of all fish, aquatic plants or animals or fish products in the establishment, or for the taking of such measures as the Chief Fisheries Officer may specify in the notice.

(2) Any person who receives a notice under subsection (1) shall comply with the requirements set out in the notice at his or her own expense, and in default of compliance, the Chief Fisheries Officer, authorised officer or local government may enter upon the area taken, or cause to be taken such measures as may be necessary for complying with the requirements of the notice and any expenses incurred therein shall be recoverable as a civil debt from the person in default.

76. Compliance with guidelines and codes of practice

The biosecurity mechanisms at an aquatic establishment shall be in accordance with guidelines and the Code of Practice for Aquaculture issued by the Chief Fisheries Officer.

77. Refusal to approve aquaculture establishment

(1) The Chief Fisheries Officer may refuse to approve an aquaculture establishment if the approval is not in the public interest.

(2) Any person aggrieved by the refusal of Chief Fisheries Officer under subsection (1) may appeal to the Minister within 30 days from the date of refusal by way of petition stating the facts for grounds for refusal.

78. Monitoring and inspection of aquaculture establishment

The Directorate of Resources Fisheries Officer shall monitor and inspect aquaculture establishments under this Act.

79. Import or export permit for live fish.

(1) A person shall not import live fish into Uganda for purposes of aquaculture without an import permit issued by the Chief Fisheries Officer and a fish health certificate from the country of origin.

(2) A person shall not export live fish from Uganda for purposes of aquaculture without an export permit and a fish health certificate issued by the Chief Fisheries Officer.

(3) A person who wishes to import or export fish shall apply to the Chief Fisheries Officer in the manner prescribed by regulations.

(4) The Chief Fisheries Officer may refuse to grant an import permit if the fish to be imported—

- (a) presents a danger of degradation of native species through the influx of exotic genes that are less fit, either by means of hybridization or hypothetically by gene transfer; or
- (b) presents a danger of loss of native species or change in species composition through competition, predation and habitat degradation.

80. Tampering with aquaculture establishments

(1) A person shall not tamper with or add an item or organism or deleterious substance to an aquaculture establishment.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding one year, or both.

81. Aquaculture inputs

(1) The Chief Fisheries Officer shall certify all persons or establishments intending to engage in production for sale and distribution or importation of aquaculture inputs including fish seed, aquaculture feeds, aquaculture fertilizers, hormones or antibiotics for aquaculture use.

(2) A person or establishment shall not produce, distribute or sell fish seed to fish farmers without a fish seed production certificate issued by the Chief Fisheries Officer.

(3) A person or establishment intending to carry out fish seed production shall apply to the Chief Fisheries Officer in a manner prescribed by regulations.

(4) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding five thousand currency points or imprisonment not exceeding three years, or both.

82. Fish feeds permitted in aquaculture

Any feeds used in an aquacultural establishment shall contain all the nutrients in the proportions required for optimum growth of the target fish as prescribed by regulations.

83. Approval of veterinary products and medicinal premixes

A person or establishment shall not obtain veterinary therapeutic products and medicinal premixes for inclusion in fish feeds unless they are approved for use by the Chief Fisheries Officer in consultation with the Chief Veterinary Officer..

PART VII—POST HARVEST MANAGEMENT

*Fish Safety and Quality Assurance***84. Quality assurance principle**

(1) The Directorate of Fisheries Resources shall be responsible for regulation and quality assurance under this Act and shall coordinate the development, regulation and control of fish quality and safety assurance and control activities and programmes.

(2) The Chief Fisheries Officer shall be the competent authority on official fish quality control in Uganda.

85. Responsibility for quality assurance

Every person or establishment handling or processing fish, fishery or aquaculture products is responsible for ensuring—

- (a) compliance with this Act, regulations made under this Act and any other applicable law; and
- (b) the safety and quality of the fish, fisheries or aquaculture product at all times.

86. Conditions for quality management

(1) The Chief Fisheries Officer shall ensure that consumers are supplied only with safe, wholesome and unadulterated fish and fish products.

(2) The Chief Fisheries Officer shall prescribe standards for hygienic and quality production and placements in the market, set and adopt minimum standards for safety and quality assurance and ensure that the standards are applied throughout the fishing industry production, harvesting, handling, transportation, storage, processing and marketing.

(3) The Minister may, by regulations, specify hygienic conditions for—

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

87. Prevention of commercial fraud

The Chief Fisheries Officer shall establish and maintain effective systems to detect and prevent commercial fraud by requiring every batch of fish or fish products placed on the market to have a sanitary mark in a manner prescribed by regulations.

88. Fish marketing

The Chief Fisheries Officer shall, in collaboration with other stakeholders and the private sector, ensure the hygienic marketing and distribution of fish.

89. Product traceability

The Chief Fisheries Officer and every District Fisheries Officer shall ensure that all steps in the supply chain, for each batch or consignment of fish or fishery products, label and identify the supplier of the fish and fishery products or raw materials and their customers in a manner prescribed by regulations.

90. Export of fish and fishery products

(1) A person shall not export any fish or fishery product from Uganda without an export permit and a fish health certificate issued by the Chief Fisheries Officer.

(2) A person shall not process for export, export or attempt to export any fish or fishery product unless that fish or fishery product is processed in an establishment in accordance with this Act and regulations made under this Act.

(3) A person or establishment shall not export fish or fishery products that do not comply with the labelling requirements prescribed by regulations and standards issued by the Uganda National Bureau of Standards.

(4) A person or establishment shall not load or unload a vessel, vehicle, aircraft or railway wagon with a consignment of fish or fishery products for export unless the consignment has been duly inspected by a fisheries inspector.

(5) Permissible standards for contaminants in fish and fishery products shall be prescribed by regulations.

(6) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years, or both.

91. General requirements for fish import

(1) A person or establishment shall not import into Uganda any fish or fishery products without an import permit from the Chief Fisheries Officer and a fish health certificate from the country of origin.

(2) The import permit referred to in subsection (1) shall be in the form prescribed by regulations.

(3) All fish and fishery products being imported into Uganda shall be verified by a fisheries inspector at the port of entry.

(4) Where an establishment imports any fish or fishery products, the transportation, processing, packaging or other manner of handling of that fish or fishery products shall be in the manner prescribed by regulations and shall comply with any conditions prescribed by the Chief Fisheries Officer.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years, or both.

92. Food additives and therapeutants

(1) An establishment shall not be in possession of food additives without the approval of the Chief Fisheries Officer.

(2) Permitted food additives shall not be used in amounts exceeding the permissible levels prescribed by regulations.

(3) A person shall not import fish, fishery or aquaculture products containing prohibited levels of food additives or prohibited food additives prescribed by the Chief Fisheries Officer.

(4) Where food additives are used, the establishment shall indicate in an indelible manner on the packaging the type and name of the additive used.

(5) The use of food additives in fish and fishery products shall be in a manner prescribed by regulations.

(6) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years or both.

93. Inspection of fish and fishery products for export.

(1) A fish processing establishment shall, before the dispatch of a batch or consignment of fish or fishery products for export, notify a fisheries inspector in a manner prescribed by regulations

(2) Each batch or consignment of fish or fishery products for export shall be inspected by a fisheries inspector at the fish processing establishment or port of exit.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment not exceeding three years, or both.

94. Approval of fish processing establishment

A person shall, before constructing, reconstructing or adapting a fish processing establishment, submit to the Chief Fisheries Officer, for approval, the plan of the establishment and a list of activities to be carried out at the establishment.

95. Approval of artisanal fish processing facility

(1) A person shall not operate an artisanal fish processing facility without a licence issued by the Chief Fisheries Officer under this Act.

(2) A person shall not handle fish or fishery products in a manner that compromises the quality and safety of the fish, including placing fish or fishery products on the bare-ground.

(3) The Chief Fisheries Officer shall keep a register of all licensed artisanal fish processing facilities.

(4) All artisanal fish processors shall conform to the minimum hygiene requirements prescribed in the Code of Practice for Safety and Quality Assurance in the Artisanal Fisheries Subsector.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding one year, or both.

96. Licensing of fish maw dealers, traders, processors and exporters

(1) A person shall not deal in, trade, process or export fish maws without a licence issued by the Chief Fisheries Officer under this Act.

(2) An application for a licence under subsection (1) shall be in the manner prescribed by regulations.

(3) Every processing establishment for fish maws shall comply with requirements specified in regulations.

(4) A processing establishment for fish maws shall, ensure that fish maws meet the export and import requirements specified in regulations before placement of the products on the market.

(5) The conditions for storage and transport of fish maws shall be in accordance with the regulations.

97. Approval of independent ice producers for fish industry

The Chief Fisheries Officer may approve independent suppliers of ice to the fishing industry which meet the conditions prescribed in the Manual of Standard Operating Procedures for Fish and Aquaculture Inspection and Quality Assurance issued by the Chief Fisheries officer.

98. Licensed vessels to meet hygienic criteria.

(1) The operator or owner of a vessel or vehicle licensed under this Act shall meet the required hygienic criteria set out in regulations made under this Act.

(2) A fisheries inspector shall conduct a quarterly verification of licensed vessels or vehicles to ensure continuous compliance with the criteria set out in regulations.

(3) The Chief Fisheries Officer may suspend a vessel or vehicle licence where standards are not maintained or where there is violation of the Act, regulations made under this Act and any other applicable law until such time as it can be demonstrated that the vessel is compliant.

PART VIII—ENFORCEMENT

99. Authorised officers

(1) For the purposes of this Act, the following persons are authorised officers—

- (a) fisheries inspectors and other officers of the Directorate of Fisheries Resources;
- (b) local government fisheries officers designated in writing by the Chief Fisheries Officers; and
- (c) officers employed in the Fisheries Monitoring, Control and Surveillance Unit;

(2) Notwithstanding subsection (1), the Chief Fisheries Officer may, by statutory instrument, designate public officers as authorised officers.

(3) Authorised officers shall have the same powers as members of the Surveillance Unit specified in sections 16, 17, 18, 19, 20, 21, 22 and 23.

100. Identification of authorised officers

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

- (a) on demand, produce official identification which will show him or her to be an authorised officer; and
- (b) provide a written receipt for any fish or fishery products or other items seized by the authorised officer under this Act.

(2) An authorised officer shall exercise the power of arrest conferred under this Act in accordance with the Criminal Procedure Code Act.

(3) Where the terms and conditions of service of a member of the Surveillance Unit authorise him or her to possess firearms in the course of his or her duties, the member of the Surveillance Unit shall, in addition to any other terms and conditions that may be imposed under this section, wear a uniform and be governed by regulations made in consultation with the Inspector General of Police regarding—

- (a) powers of search and arrest;
- (b) training;
- (c) discipline; and
- (d) use of firearms.

Dealings in Motor Vehicles, Fish and Vessels

101. Security for release of vehicles, fishing vessels and gear

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

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

(3) Where a vehicle, vessel or fishing gear is seized, impounded or confiscated and the owner, operator or hirer of the vehicle, vessel or gear or both does not apply for the release of the vehicle, vessel or fishing gear under subsection (1), the Chief Fisheries Officer shall cause a notice of the intention to sell the vehicle, vessel or fishing gear by auction to be published in the Gazette and in at least two newspapers of national circulation.

(4) The vehicle, vessel or fishing gear shall be sold by auction thirty days after the notice in subsection (3).

(5) The proceeds of any sale under subsection (4) shall be applied to—

- (a) payment of costs and charges relating to the sale, including advertisement; and
- (b) payment of expenses of the removal and storage of the motor vehicle, trailer or engineering plant.

102. Disposal of seized fish and other perishables

(1) The Chief Fisheries Officer may, where fish or other perishable fisheries products are seized under this Act—

- (a) release the fish or perishable fisheries products on obtaining adequate security from the person from whom they were seized, upon payment of the administrative penalty under section 128;
- (b) where court proceedings have been instituted, sell the fish or perishable products and pay the proceeds into court;

(c) in case of under size fish, destroy the fish or fisheries products.

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

103. Dealings with arrested persons, seized vessels or gear

(1) A person arrested under this Act shall be brought before the court without delay and, subject to section 101, anything seized during the arrest shall also be produced in court.

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

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

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

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

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

104. Abandoned vessel, vehicle, gear, fish and fish products

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

(2) Where a fishing vessel, vehicle, fishing gear or fish product is abandoned, and the authorised officer believes that any person is liable to be investigated, searched or arrested in connection with the commission of an offence under this Act and that person—

- (a) has absconded to any place within or outside Uganda; or
- (b) has concealed himself or herself so that he or she cannot be searched, arrested or otherwise investigated, the authorised officer may cause an investigation to be taken in relation to the area or premises and property previously in possession, occupation or control of the suspect.

PART IX—OFFENCES, PENALTIES, FEES,
FINES AND OTHER CHARGES

105. General offences

Any person who—

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

106. Counterfeiting and similar offences

Any person who—

- (a) counterfeits or issues, without due authority, any licence or permit;
- (b) is found in possession of a licence which is fraudulently issued;
- (c) submits false information in an application for a licence or permit;
- (d) counterfeits, alters, obliterates or defaces any stamp, mark, sign, licence or permit;
- (e) knowingly receives or keeps in his or her possession, any fish product acquired in contravention of this Act,

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

107. False statements and evidence of application

(1) Any person who—

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

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or to imprisonment not exceeding one year, or both.

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

108. Prohibited fishing methods and gear

(1) A person commits an offence who—

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

(2) A person who commits an offence under subsection (1) (a) is liable, on conviction, to imprisonment not exceeding eight years without the option of a fine.

(3) A person who commits an offence under subsection (1) (b), (c) or (d), is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding one year, or both.

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

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

(6) Any person who—

(a) manufactures, stocks or sells prohibited fishing gear, including nets with prohibited mesh sizes; or

(b) sells explosives or substances knowing or having good cause to know that they are likely to be used for illegal fishing,

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

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

109. Undersize fish

Any person who—

(a) in fishing waters, captures, kills or injures any fish which is undersize; or

(b) buys, sells, exposes for sale, or is in possession of any fish or part of a fish, which is undersize and was taken from any fishing waters,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or to imprisonment not exceeding seven years, or both.

110. Pollution

Any person who—

- (a) disturbs, injures, poisons, kills or detrimentally affects any fish, fish spawning ground, including any aquatic plant or animal or fish food in any part of the fishing waters, by casting, discharging or allowing to fall, flow or percolate into those waters, oil, chlorinated hydrocarbon, biocide, pesticide, toxic or any other substance, heavy metal or other material or rubbish; or
- (b) places any pollutants in a place where, by natural means, they can be washed into or otherwise reach the fishing waters or any water body,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or to imprisonment not exceeding five years, or both.

111. Offences relating to authorised officers

A person who—

- (a) fails to comply with a lawful order issued by an authorised officer in accordance with this Act;
- (b) refuses an authorised officer entry upon any land, water, premises, facility, vehicle or vessel which he or she is empowered to enter by this Act;
- (c) obstructs, intimidates, molests, hinders or wilfully delays an authorised officer in the exercise or performance of his or her powers and functions under this Act;
- (d) refuses an authorised officer access to records, including electronic records, kept in accordance with this Act;
- (e) knowingly or negligently misleads or gives wrongful or false information to an authorised officer under this Act;

- (f) knowingly makes a statement or produces a document that is false or misleading in a material particular to an authorised officer engaged in carrying out his or her duties and functions under this Act;
- (g) fails to answer questions or produce anything required to be produced under this Act;
- (h) refuses or resists a lawful search or inspection or
- (i) fails to state or wrongly states his or her name or address to an authorised officer in the course of his or her duties under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding two years, or both.

112. Impersonation of authorised officer.

A person, not being an authorised officer, or employee of the Directorate of Fisheries Resources, who takes or assumes the name, designation, character or appearance of an authorised officer, or employee of the Directorate of Fisheries Resources for the purpose of—

- (a) obtaining admission to any premises;
- (b) doing or causing to be done any act which he or she is not entitled to do; or
- (c) doing any unlawful act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding two years or both; in addition to any other punishment to which he or she may be liable for the commission of any offence under this Act.

113. Penalty for violating fish quality standards

Any person, who fails to comply with the fish quality standards prescribed by or under this Act, commits an offence and is liable, on conviction—

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

114. Bribery

(1) An officer who—

- (a) directly or indirectly asks for, takes or accepts, in connection with any of his or her duties, any payment or other reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward, not being a payment or reward which he or she is lawfully entitled to claim or receive; or
- (b) enters into or acquiesces in any oral or written agreement to do, abstain from doing, permits, conceals, or connives in, any act or thing which is contrary to this Act or the proper execution of his or her duty,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding ten years, or both.

- (2) A person who—
- (a) directly or indirectly offers or gives to any officer any payment or reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward; or
 - (b) proposes or enters into any agreement with any officer, in order to induce him or her to do, abstain from doing, permit, conceal, or connive at, any act or thing which is contrary to the provisions of this Act or the proper execution of the duty of such officer,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding ten years, or both.

115. Unlawful seizure

A person who—

- (a) takes, or causes or permits to be taken, anything seized under this Act otherwise than in accordance with this Act;
- (b) breaks, destroys or throws overboard from any facility, aircraft, vessel or vehicle, anything for the purpose of preventing its seizure or for the purpose of preventing it from being secured after it has been seized; or
- (c) destroys or damages anything that is seized under this Act otherwise than in circumstances provided for in this Act or regulations made under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment not exceeding one year, or both.

116. Removing or defacing seal

A person who—

- (a) removes a seal of the Directorate from any premises, facility or package without the authority of an authorised officer or fisheries inspector; or
- (b) willfully alters, defaces, obliterates or imitates, any mark placed by an authorised officer or fisheries inspector on any premises, facility or package,

commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment not exceeding three years, or both.

117. Alerting offender

A person who, with intent to obstruct a fisheries inspector, an authorised person or an employee of the Directorate in the execution of his or her duty, alerts, or does any act for the purpose of alerting any person engaged in the commission of an offence under this Act, whether or not that person is in a position to take advantage of such alert or act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding one year, or both.

118. Conspiracy to commit an offence

A person who conspires with another person to contravene any of the provisions of this Act commits an offence and is liable on conviction to a fine not exceeding five thousand currency points or imprisonment not exceeding five years, or both.

119. Continuing or subsequent offences.

(1) A person who continues to contravene any of the provisions of this Act or regulations made under the Acts commits an offence and is liable to an additional penalty—

- (a) in the case of an individual, of a fine not exceeding one thousand currency points for each day on which the offence continues; or

(b) in the case of a body corporate, to a fine not exceeding ten thousand currency points for each day on which the offence continues.

(3) A person who commits a second or subsequent offence is liable to pay an additional penalty—

(a) in the case of an individual, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years, or both; and

(b) in the case of a body corporate, to a fine not exceeding one hundred thousand currency points.

120. General penalty

A person who contravenes any provision of this Act for which no penalty is specifically provided, commits an offence and is liable, on conviction—

(a) in the case of an individual, to a fine not exceeding five thousand currency points or imprisonment not exceeding seven years, or both; and

(b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

121. Power of court to confiscate and order forfeiture

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

(a) any fish or fisheries product in respect of which the offence was committed or which was found in the possession or his or her agent's possession; or

(b) any vehicle, vessel or other conveyance, machinery, goods or equipment, fishing gear implement, appliance, material,

container, weapon or other thing which was used to commit the offence or which was capable of being used to take fish products found in his or her possession and used in respect of the commission of the offence.

(2) Any fish or fisheries product forfeited under subsection (1) shall, unless otherwise ordered by the court, be destroyed, sold or otherwise disposed of as the court may determine.

122. Power of court to order compensation

The court may, where a person is convicted of an offence under this Act, order the person to—

- (a) pay to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage not exceeding five times the value of the fish; or
- (b) pay up to ten times the amount of any fees or other payment which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

123. Offences committed by body corporate

(1) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine or imprisonment prescribed by the relevant section.

124. Deprivation of monetary benefits

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

125. Cancellation of licences and permits by court

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

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

126. Further powers of court

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

127. Fees, fines, penalties and other charges

(1) The Directorate may, in the performance of its functions under this Act, levy fees, fines, penalties and charges.

(2) Without prejudice to the general effect of subsection (1), the Directorate may levy the following fees, fines, penalties and charges—

- (a) administrative fines;
- (b) coercive fines;
- (c) express penalties; and

(d) charges for services offered by the Directorate under this Act or regulations made under this Act.

(3) The fees, fines, penalties and charges referred to under this section shall be deposited into the Consolidated Fund.

(4) Where a person does not make a payment under this Act on or before the time when the amount is payable, the person shall pay, as a penalty, a surcharge of five percent of the amount in default for each day of default.

128. Administrative fines

(1) Where an authorised officer or a fisheries inspector has reasonable grounds to believe that a person has contravened the provisions of this Act, the authorised officer or environmental inspector may impose an administrative fine and serve a notice on that person.

(2) An authorised officer or a fisheries inspector may require the person served with a notice under subsection (1) to pay the administrative fine within a time prescribed in the notice.

(3) The notice issued under this section shall—

(a) specify the date and nature of the alleged contravention;

(b) contain a summary of the facts which the fisheries inspector or authorised officer alleges;

(c) be endorsed with a statement setting out the provisions of the law contravened;

(d) specify the penalty payable; and

(e) state the details of the bank account into which the payment is to be made.

(4) The person on whom a notice has been served under subsection (1) shall pay the fine specified in the notice in the time prescribed in the notice.

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

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

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

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

(9) The Chief Fisheries Officer may issue guidelines setting out the criteria for issuing and payment of administrative fines.

129. Coercive fines

(1) The Directorate may impose a coercive fine on any person who contravenes this Act or a decision made under this Act.

(2) A coercive fine imposed under subsection (1) shall become effective when the person responsible fails to meet the deadline set by the Directorate for remedying the matter.

(3) The Directorate may determine whether the coercive fine is a one-off payment or is continuous for as long as the non-compliance persists.

(4) Where the non-compliance occurs on the part of a corporate body, an association or other entity, the coercive fine shall be imposed on that corporate body or entity.

(5) The Chief Fisheries Officer shall cancel the licence or permit of any person who fails to pay a coercive fine under this Act.

130. Express penalties

(1) The Minister may, by regulations, prescribe an express penalty scheme for contravention of any provision of this Act.

(2) For the avoidance of doubt, an express penalty prescribed under subsection (1) shall be payable into the Consolidated Fund.

PART X – MISCELLANEOUS

131. Cooperation in fisheries management

(1) The Minister shall establish mechanisms for collaboration with the regional and international community to contribute towards a peaceful, healthier and better global fisheries management for the present and future generations.

(2) The Minister may, subject to the Constitution, collaborate with the Ministry responsible for foreign affairs, sector ministries and agencies, to initiate, coordinate and implement transboundary fisheries management programmes with other countries.

(3) Without prejudice to subsection (2), the Minister may, on the recommendation of the Chief Fisheries Officer, establish a national focal point for the coordinated implementation of multilateral environmental agreements to enable effective preparation for negotiations, reporting, feedback and national implementation.

132. Research and training

The Minister, in consultation with relevant stakeholders and local governments—

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

133. Information

(1) The Chief Fisheries Officer may require an applicant for a licence or a permit to provide him or her with information concerning any activity under this Act as he or she may deem necessary.

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

134. Management of fisheries information

- (1) The Chief Fisheries Officer shall—
 - (a) gather, document, evaluate and disseminate information on fisheries resources;

- (b) carry out public education and awareness on fisheries resources;
- (c) foster information exchange on fisheries with other ministries, departments, agencies of government, foreign agencies, international and nongovernmental agencies;
- (d) coordinate and support local governments in the management of fisheries information;
- (e) advise Government on fisheries information gaps and needs;
- (f) issue guidelines and establish principles for the gathering, documentation, evaluation and dissemination of fisheries information; and
- (g) require a local government or any person to submit fisheries information to the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall establish a national fisheries information resource centre to standardise fisheries information and to act as the central depository for fisheries information.

(3) The Chief Fisheries Officer may publish any fisheries information as he or she considers necessary for public education and awareness.

135. Access to information

(1) Subject to article 41 of the Constitution and the Access to Information Act, 2005, every citizen has a right of access to any information relating to the implementation of this Act, submitted to or in the possession of the Directorate, a local government or any other relevant stakeholder.

(2) A citizen desiring information under subsection (1) shall apply to the Chief Fisheries Officer and shall be granted access to the information on the payment of the prescribed fee.

136. Regulations

(1) The Minister may, by statutory instrument, make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations in respect of any or all of the following matters—

- (a) the manner of and conditions for recognition by the Government of associations and other bodies representing fishers, fish processors, fish farmers and persons in other sectors of the fishing industry;
- (b) the establishment, management and closure of landing sites;
- (c) measures to protect wetlands and fish breeding grounds from damage caused by specific fishing methods; the control and prohibition of methods of fishing and protection of fish stock and habitats from the effects of pollution or from the effects of measures taken to eliminate or control pollution;
- (d) the conservation, sustainable management or utilisation and protection of fisheries resources, including the establishment of closed areas and the declaration of closed seasons, the prescription of the limits on the amounts, sizes and weights of fish caught, retained or traded;
- (e) methods of fishing;
- (f) the procedure for application for licences and permits;
- (g) the marketing, purchase, sale, processing, canning or freezing of fish, either generally or in respect of any particular area or areas;

- (h) fish culture, aquatic pests and weed, fish farming and fish breeding;
- (i) the extraction, handling, processing, transportation and marketing of fish maws;
- (j) the importation, exportation and manufacture of fishing gear;
- (k) limiting the numbers of licences and permits; whether generally or specifically;
- (l) fees or charges payable under this Act, including land site user fees;
- (m) closing an area or areas to commercial fishing, or prohibiting a method or methods of commercial fishing within an area or areas, for the purpose of better providing for recreational fishing;
- (n) recreational and local fishing; including restrictions on the amount of fish that may be caught;
- (o) the restocking of water bodies;
- (p) the introduction of alien and exotic species and regulating the import and export of live freshwater or marine fish and fry and their spawn, any other aquatic organisms and aquatic plants;
- (q) aquaculture and fish breeding; including the issue by the Chief Fisheries Officer of guidelines, instructions and codes of practice for the maintenance and operation of aquaculture facilities;
- (r) the control of diseases of fish, including the destruction of any live fish stock in aquaculture facilities;

- (s) the handling, sale, transport, storage, treatment, processing and labeling of fish and fish products to promote the value of fish and fish products, and to minimise or prevent risks to human health;
- (t) prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing sites;
- (u) light fishing and the type of light fishing per water body;
- (v) equitable sharing of fisheries resources;
- (w) prescribing the standards for boats and boat size per water body;
- (x) prescribing the number of boats per person or company;
- (y) prescribing the number of nets per boat;
- (z) prescribing the type of gear per water body;
- (aa) bait fishing;
- (bb) gazetting closed seasons and fish breeding areas;
- (cc) the management of fish processing establishments to prepare and implement quality management programmes and own checks;
- (dd) monitoring quality management programmes and application of Hazard Analysis and Critical Control Point (HACCP);
- (ee) the performing of microbiological and chemical and physical analyses on fish and fish products before they are released for human consumption;

- (ff) certifying the quality of fish and fish products through issuance of sanitary certificate before they are placed on the market;
- (gg) prescribing the manner in which fish and fish products placed on the market shall be labelled;
- (hh) prescribing ornamental fish;
- (ii) prohibiting or regulating trade in fish or fish products;
- (jj) establishing a traceability system of fish and fish products at any stage;
- (kk) the methods, equipment, and devices to be used for determining the size or weight of any fish and regulating or prohibiting the possession or use of any kind of gear, equipment, or device used for, or related to, fishing;
- (ll) prescribing undersize fish and regulating or prohibiting the catching of undersize fish, either generally or in respect of any specified area;
- (mm) the notification of diseases dangerous to fish and the measures to be taken to control or eradicate the notified diseases;
- (nn) prescribing details and conditions relating to the registration of fishing vessels and fish carriers and related matters, the method or methods of identifying fishing vessels and fish carriers, the identification marks or symbols or distinguishing flags to be carried by such vessels and by tenders and similar vessels carried by or attached to or used in conjunction with registered vessels, and the identification marks on sails, nets or seines, and other gear used in fishing, by vessels or otherwise;

- (oo) specifying information concerning fisheries activities to be provided to the Chief Fisheries Officer and the form, format and frequency within which the information is to be submitted;
- (pp) prescribing forms and other documents required for the purposes of this Act; and
- (qq) prescribing the form and contents of registers to be kept under this Act.

(3) Regulations made under this section may apply to all water bodies in Uganda, a single lake, water body or part of a water body.

(4) Regulations made under this section may, in respect of any contravention—

- (a) provide for additional enforcement powers of authorised officers;
- (b) provide for the forfeiture of anything used in the commission of an offence;
- (c) prescribe a penalty of a fine not exceeding ten thousand currency points or imprisonment not exceeding seven years, or both;
- (d) in the case of a continuing contravention, prescribe an additional penalty not exceeding one thousand currency points in respect of each day on which the offence continues; or
- (e) prescribe a higher penalty not exceeding twenty thousand currency points or imprisonment not exceeding ten years or both in respect of a second or subsequent contravention.

137. Guidelines

The Chief Fisheries Officer may issue guidelines and codes of practice relating to fisheries and fisheries management, not inconsistent with this Act and regulations made under this Act.

138. Amendment of Schedule

The Minister may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

PART XI—REPEAL, SAVINGS AND TRANSITIONAL**139. Repeal of Cap. 197 and Cap. 199**

(1) The Fish Act is repealed.

(2) The Trout Protection Act is repealed.

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

140. Existing licences, permits and agreements

(1) A licence or permit issued under the Fish Act repealed by section 139, and which is in force immediately before the commencement of this Act—

(a) shall have effect from the commencement of this Act as if granted under this Act; and

(b) in the case of licence or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(2) Any agreement or similar arrangement made under any of the Acts repealed by section 139 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

SCHEDULE

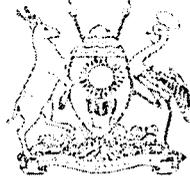
Section 4 and 138

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

Cross References

Access to Information Act, 2005,
Criminal Procedure Code Act, Cap. 116.
Fish Act, Cap. 197.
Local Governments Act, Cap. 243.
Magistrates Courts Act, Cap. 16.
National Agricultural Advisory Services Act, 2001, Act 10 of 2001.
National Agricultural Research Act, Cap. 205.
National Environment Act, 2019, Act 5 of 2019.
Ratification of Treaties Act, Cap. 204.
Traffic and Road Safety Act 1998, Cap. 361.
Universities and Other Tertiary Institutions Act, 2001, Act 7 of 2001.
Vessels Registration Act, Cap. 362.



THE REPUBLIC OF UGANDA

THE FISHERIES AND AQUACULTURE BILL, 2020

CERTIFICATE

OF

FINANCIAL IMPLICATIONS

(Made under section 76 of the Public Finance Management Act, 2015)

THIS IS TO CERTIFY that the draft Fisheries and Aquaculture Bill, 2020 has been examined as required under section 76 of the Public Finance Management Act, 2015, as amended.

I wish to report as follows -

(a) Purpose of the Bill

The purpose of the Bill is:

- (i) To provide for the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations;
- (ii) To provide for the administration, management and coordination with local governments and other stakeholders at all levels;
- (iii) To create a sustainably financed Directorate for the management of the fisheries sector with clearly defined structures and linkages between the mandates of national and local governments and the private sector;
- (iv) To promote and guide public participation in the management and conservation of fisheries resources including women and youth and other vulnerable groups;

- (v) To promote and guide public private partnerships in fish production, value addition and marketing;
- (vi) To guarantee quality and safety of fish and fishery products including biosafety and biosecurity;
- (vii) To promote research- based decision making and sharing of information and data; and
- (viii) To provide for the mechanism of fisheries, aquaculture and aquatic weed management.

(b) Expected benefits of the Bill on the economy:

- (i) With over 1.2 million people directly dependent on the fisheries sector as their main source of household income, the anticipated increase in fish production will create more employment opportunities for citizens and in turn increase household incomes;
- (ii) Fish being a major source of critically required animal protein diet for millions of Ugandans, increased fish production and consumption will improve the nutritional benefits of citizens;
- (iii) Increased volume of fish traded locally, regionally and internationally which in turn will facilitate and contribute to increased revenue generation for the country.

(c) Expected Outputs:

The expected outputs from the National Fisheries and Aquaculture Bill, 2019 are;

- (i) Fisheries and Aquaculture Management and Governance system reviewed;
- (ii) Research and Appropriate Technology transfer promoted;
- (iii) Human Resource Capacity developed;
- (iv) Increased fish production and productivity;
- (v) Post-Harvest Management, Value addition and Quality Assurance promoted;
- (vi) Fish Trade and Marketing promoted;
- (vii) Practices for Environmental Sustainability and mitigating Climate Change

promoted;

- (viii) Fish Biosafety and Disease Control systems established;
- (ix) Aquaculture Commercialization through establishment of Aqua parks;
- (x) Fisheries and Aquaculture Management Information System (FAMIS) established.

(d) Planned Expenditure over the MTEF period:

The total financial implication for implementing this Bill is **Ushs. 307.8 billion** over a period of five years which as a condition the Accounting Officer will fully accommodate within the Medium Term Expenditure Framework (MTEF) of the Ministry of Agriculture, Animal Industry and Fisheries.

Submitted to Cabinet under my hand this 26 day of February 2021.

Matia Kasaija (MP)

Minister for Finance, Planning and Economic Development

Received by:.....

Date:.....