



THE REPUBLIC OF UGANDA

THE FISHERIES AND AQUACULTURE ACT, 2022

PARLIAMENT LIBRARY
P.O. BOX 7178, KAMPALA
★ 13 FEB 2023 ★
ALC NO: ..
CALL NO: ..



THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill


President

Date of assent

8/2/2023.

Act

Fisheries and Aquaculture Act

2022

THE FISHERIES AND AQUACULTURE ACT, 2022

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

- 1 Application of Act
- 2 Purpose of Act
- 3 Environmental principles
- 4 Interpretation

PART II—ADMINISTRATIVE STRUCTURE FOR FISHERIES AND
AQUACULTURE MANAGEMENT

- 5 Administration, management and development

The Minister

- 6 Functions and powers of Minister

Directorate of Fisheries Resources

- 7 Functions of Directorate
- 8 Chief Fisheries Officer

Fisheries and Aquaculture Advisory Committee

- 9 Fisheries and Aquaculture Advisory Committee
- 10 Functions of Committee
- 11 Meetings of Committee
- 12 Removal of member of Committee

Fisheries Monitoring, Control and Surveillance Unit

- 13 Establishment of Fisheries Monitoring, Control and Surveillance Unit
- 14 Functions of Surveillance Unit

Act

Fisheries and Aquaculture Act

2022

Powers of Surveillance Unit

- 15 Power of arrest
- 16 Powers of inspection and search
- 17 Powers of hot pursuit
- 18 Search warrant
- 19 Officers of Surveillance Unit to have powers of public prosecutor
- 20 Identification of officers of Surveillance Unit

PART III—ROLE OF LOCAL GOVERNMENTS

- 21 Mandate of Directorate in relation to local governments
- 22 Functions of local governments
- 23 District Fisheries Office
- 24 Functions of District Fisheries Officers

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

- 25 Fisheries regulation and control
- 26 Fisheries co-management structures

Sustainable Fisheries and Aquaculture Management

- 27 Information and planning
- 28 Trans-boundary fisheries resources
- 29 Management and development of natural fisheries resources stock
- 30 Management of fishing capacity
- 31 Landing sites

PART V—LICENCES AND PERMITS

- 32 Prohibition of fisheries and aquaculture activities without licence or permit
- 33 Application for licence or permit
- 34 Fishing vessel licence
- 35 Fishing vessel licence conditions
- 36 Fish transport licence
- 37 Fishmonger licence
- 38 Prohibition of foreign fishing vessels
- 39 Fish movement permit

Special Permits

- 40 Fishing permit for research purposes
- 41 Ornamental fishing permit
- 42 Aquarium permit
- 43 Recreational fishing permit
- 44 Permits for stocking, transfer and introduction of fish and aquatic plants
- 45 Local fishing

General Provisions Relating to Licences and Permits

- 46 Duration of licences and permits
- 47 Renewal of licence
- 48 Procedure on loss of licence or permit
- 49 Power to restrict number of licences and permits
- 50 Display and production of licences and permits
- 51 Prohibition of borrowing, pledging, inheriting, transfer or assignment of licence or permit
- 52 Cancellation of fishing vessel licence on change of vessel ownership

- 53 Variation of licences and permits
- 54 Suspension and cancellation of licences and permits
- 55 Correction of errors in licenses and permits
- 56 Registers

PART VI—REGULATION OF AQUACULTURE

- 57 Regulation of aquaculture practices
- 58 Provision of adequate measures for confinement
- 59 Environmental and social impact assessment
- 60 Safety and quality measures
- 61 Prevention and control of contaminants and other disease-causing agents
- 62 Aquaculture activity licence
- 63 Conditions of aquaculture activity licence
- 64 Alterations to aquaculture establishment
- 65 Aquaculture not to impair other activities
- 66 Notice of disease
- 67 Compliance with guidelines and codes of practice
- 68 Import or export permit for live fish
- 69 Tampering with aquaculture establishment
- 70 Aquaculture inputs
- 71 Fish feeds permitted in aquaculture
- 72 Approval of veterinary products and medicinal premises

PART VII—POST HARVEST MANAGEMENT

Fish Safety and Quality Assurance

- 73 Quality assurance
- 74 Responsibility for quality assurance
- 75 Conditions for quality management
- 76 Prevention of commercial adulteration
- 77 Fish marketing
- 78 Product traceability

- 79 Export of fish and fish products
- 80 General requirements for fish import
- 81 Food additives
- 82 Inspection of fish and fish products for export
- 83 Approval of fish processing establishment
- 84 Approval of artisanal fish processing facility
- 85 Licensing of fish maw, processors and exporters
- 86 Approval of ice producers for fish industry
- 87 Licensed vessels to meet hygienic criteria

PART VIII—ENFORCEMENT

- 88 Authorised officers

Dealings in Motor Vehicles, Fish and Vessels

- 89 Security for release of vehicles, fishing vessels and fishing gear
- 90 Disposal of seized fish and other perishable fish products
- 91 Dealings with arrested persons, seized vessels or fishing gear
- 92 Abandoned vessel, vehicle, fishing gear, fish and fish products

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

- 93 General offences
- 94 Counterfeiting and similar offences
- 95 False statements and evidence of application
- 96 Prohibited fishing methods and fishing gear
- 97 Undersize fish
- 98 Pollution
- 99 Offences relating to authorised officers
- 100 Impersonation of authorised officer
- 101 Penalty for violating fish quality standards
- 102 Unlawful seizure

Act *Fisheries and Aquaculture Act* **2022**

- 103 Removing or defacing seal
- 104 Alerting offender
- 105 Conspiracy to commit an offence
- 106 Continuing or subsequent offences
- 107 General penalty
- 108 Power of court to confiscate and order forfeiture
- 109 Power of court to order compensation
- 110 Offences committed by body corporate
- 111 Deprivation of monetary benefits
- 112 Cancellation of licences and permits by court
- 113 Further powers of court
- 114 Express penalties

PART X— MISCELLANEOUS

- 115 Cooperation in fisheries management
- 116 Research and training
- 117 Information
- 118 Management of fisheries information
- 119 Access to information
- 120 Regulations
- 121 Guidelines
- 122 Amendment of Schedule

PART XI—REPEAL, SAVINGS AND TRANSITIONAL

- 123 Repeal of Cap 197 and Cap 199
- 124 Existing licences, permits and agreements

SCHEDULE

SCHEDULE - CURRENCY POINT



THE REPUBLIC OF UGANDA

THE FISHERIES AND AQUACULTURE ACT, 2022

An Act to consolidate and reform the law relating to fisheries and fish products; to provide for the conservation, sustainable management, utilisation and development of the fisheries subsector; to provide for the integrated management of the fisheries subsector 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 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 subsector; to provide for the establishment and regulation of lake management organisations and gazettement 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 subsector; to repeal the Fish Act, Cap. 197 and the Trout Protection Act, Cap. 199; and for related matters.

DATE OF ASSENT

Date of Commencement

BE IT ENACTED by Parliament as follows

PART I—PRELIMINARY

1. Application of Act

This Act applies—

- (a) to all waters where fish is found or can be farmed within the jurisdiction of Uganda,
- (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 subsector with clearly defined structures and linkages between the mandates of central and local governments and the private sector,
- (d) to promote and guide public participation in the management and conservation of fisheries resources, including women, youth and other vulnerable groups.

- (e) to promote the competitiveness of the fisheries and aquaculture subsector and the diversification of fish and fish products,
- (f) to promote and guide public private partnerships in fish production, value addition and marketing,
- (g) to guarantee quality and safety of fish and fish products, including biosafety and biosecurity,
- (h) to promote research-based decision making and sharing of information and data, and
- (i) 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, aquaculture farming, fish feed manufacturing and trade, live fish trade, transportation of live fish, processing of farmed fish and plants, live fish storage, provision 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, 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, fish or aquaculture products are prepared, handled, processed, chilled, frozen, packaged or stored,
- “authorised officer” means any person or category of persons prescribed under section 88,
- “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,
- “Committee” means the Fisheries and Aquaculture Advisory Committee established under section 9,
- “currency point” has the value assigned to it in the Schedule to this Act,
- “Directorate” means the Directorate of Fisheries Resources existing in the Ministry,
- “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, fish 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 product” means any derivative of fish and includes dried, frozen or chilled fish and molluscs and aquatic plants,

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

“Fisheries Research Institute” means the National Fisheries Resources Research Institute established under the National Agricultural Research Act, 2005,

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

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

“fishing vessel” means any craft, raft or boat used for fishing but does not include a vessel used for—

- (a) the transport of fish or for aquaculture, or
- (b) local fishing.

“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 countries, and over which Uganda exercises sovereignty.

“fishmonger” means a person who trades in or sells fish or fish products,

“foreign fishing vessel” means any fishing vessel licensed or registered in a foreign country.

“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 31.

“licence” means a licence issued under this Act.

“local fishing” means fishing without a licenced fishing vessel, where fish is caught for consumption by the person engaging in the fishing.

“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,

“Ministry” means the Ministry responsible for fisheries.

“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 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, in consultation with stakeholders,
- (b) issue regulations for the fisheries and aquaculture subsector,
- (c) monitor the implementation of policies on fisheries and aquaculture 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**

The Directorate shall—

- (a) ensure the appropriate conservation and development of standards on the management, sustainable use, development and protection of all fisheries and aquaculture resources.

Act

Fisheries and Aquaculture Act

2022

- (b) monitor and inspect aquaculture establishments under this Act,
- (c) develop guidelines for the preparation of fisheries and lake-based management plans for the fishing waters,
- (d) issue licences and permits and regulate all fishing vessels and fishing gears in all fishing waters in accordance with this Act,
- (e) create public awareness and provide support for fisheries conservation, management, development and sustainable use,
- (f) in consultation with the Fisheries Research Institute, approve and co-ordinate research activities in relation to matters falling within the scope of this Act,
- (g) collect, analyse and disseminate data in relation to resources and activities falling within the scope of this Act,
- (h) establish, manage and maintain information management systems and databases on fisheries and aquaculture,
- (i) identify human resource requirements and recommend recruitment of staff at all levels for the Directorate,
- (j) ensure safety and quality of fish, fish products and aquaculture products in both the domestic and international market,
- (k) 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,

Act

Fisheries and Aquaculture Act

2022

- (l) regulate fish safety and quality in consultation with relevant stakeholders;
- (m) identify, promote and undertake the development of appropriate fisheries and aquaculture infrastructure.
- (n) facilitate investment in commercial fisheries and aquaculture, in collaboration with relevant agencies, persons or bodies, including Government departments,
- (o) promote the development and introduction of appropriate technologies in fisheries and aquaculture production, processing and preservation in collaboration with relevant stakeholders.
- (p) identify opportunities and promote all aspects of fisheries and aquaculture marketing,
- (q) coordinate and undertake monitoring, control and surveillance of all activities within the scope of this Act, and
- (r) 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 Director responsible for fisheries resources in the Ministry is designated as the Chief Fisheries Officer for purposes of this Act

(2) The Chief Fisheries Officer shall have qualifications and considerable experience in fisheries sciences

(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

(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 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 Advisory Committee

9. Fisheries and Aquaculture Advisory Committee

(1) There is established a Fisheries and Aquaculture Advisory Committee within the Ministry

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

- (a) the Chief Fisheries Officer,
- (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) a representative of the Ministry responsible for East African Community, not below the level of a principal officer,

- (g) one representative of the Ministry responsible for transport,
- (h) one representative of the Fisheries Research Institute,
- (i) one representative of fish processors,
- (j) one representative of the aquaculture subsector,
- (k) two representatives of the capture fisheries subsector,
- (l) one representative from the academia with considerable experience in fisheries sciences or aquaculture research, and
- (m) one representative of the fisheries civil society organisations

(3) The Minister shall appoint a Chairperson and Vice-Chairperson of the Committee from amongst members of the Committee

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

(5) A member of the Committee, except the Chief Fisheries Officer, shall serve for a period of three years and shall be eligible for reappointment for one more term only

(6) The Chief Fisheries Officer shall be the Secretary to the Committee

(7) The Committee shall be under the general guidance of the Minister

10. Functions of Committee

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

(2) Without limiting the general effect of subsection (1), the Committee shall advise the Minister 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

11. Meetings of Committee

The Minister shall, by regulation, prescribe the procedure of meetings of the Committee

12. Removal of member of Committee

A member of the Committee may be removed from office on the following grounds—

- (a) if the member is declared bankrupt,
- (b) if the member is withdrawn by the organisation or institution that he or she represents on the Committee, or
- (c) if the member is convicted of an offence under this Act

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

(2) The Surveillance Unit shall comprise persons appointed by the Public Service Commission

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

- (a) the organisation and deployment of the Surveillance Unit,
- (b) the functions and duties of officers 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 officers of the Surveillance Unit, and
- (e) matters relating generally to the good order and administration of the Surveillance Unit

(4) Where the terms and conditions of service of an officer of the Surveillance Unit authorise him or her to possess firearms in the course of his or her duties, the officer 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 under this section regarding—

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

14. Functions of Surveillance Unit

The 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
- (d) generally, enforce the provisions of this Act

*Powers of Surveillance Unit***15. Power of arrest**

(1) An officer of the Surveillance Unit may, without a warrant, arrest a person who is suspected of having committed an offence under this Act

(2) In the exercise of his or her powers under subsection (1), the officer of the Surveillance Unit may request from the person arrested, his or her name and address

16. Powers of inspection and search

(1) The officers of the Surveillance Unit shall have powers of inspection and search which shall include the power to—

- (a) require any person to produce a licence or permit,
- (b) inspect fishing gear, fish, fish products and similar items,
- (c) require any person to provide name and address, 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) 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 any person in his or her employment,
 - (f) require a person to produce records for inspection and copying,
 - (g) seize fishing gear and other things suspected of being used in the commission of an offence under this Act,
 - (h) seize fish and fish products suspected of having been reared, caught, processed, exported or imported illegally or possessed in contravention of the law, or unfit for human consumption, and
 - (i) take possession of, or with a court order, demolish any structure, barrier or trap that has been erected or constructed illegally for purposes of fisheries or aquaculture activity
- (2) An officer 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) An officer of the Surveillance Unit shall provide a written receipt for any fish, fish product or goods seized by him or her under this Act
- (4) An officer of the Surveillance Unit shall exercise the powers of arrest conferred under this Act in accordance with the Criminal Procedure Code Act

17. 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 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 the vessel has been used to commit an offence within the fishing waters

18. Search warrant

(1) An officer of the Surveillance Unit shall not exercise the powers of entry and search in respect of a dwelling house without a warrant obtained from a magistrate

(2) The search under subsection (1) shall be carried out in the presence of the area local council officials

(3) An officer of the Surveillance Unit may, after notifying an area local authority, erect a temporary barrier on a road for the purpose of carrying out a search of a vehicle or person

19. Officers of Surveillance Unit to have powers of public prosecutor

In any prosecution for an offence under this Act, an officer of the Surveillance Unit 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

20. Identification of officers of Surveillance Unit

An officer of the Surveillance Unit shall, before exercising any powers under this Part, produce official identification showing him or her to be an officer of the Surveillance Unit

PART III—ROLE OF LOCAL GOVERNMENTS**21. Mandate of Directorate in relation to local governments**

For the purposes of ensuring the implementation of national policies with respect to the fisheries and aquaculture sector and

adherence to performance standards by local governments and in accordance with the Local Governments Act, the Directorate shall be responsible for—

- (a) inspecting monitoring and co-ordinating of Government initiatives and policies in the fisheries and aquaculture subsector as the initiatives and policies apply to local governments,
- (b) co-ordinating and advising persons and organisations in relation to fisheries and aquaculture 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 the local governments carry out the delivery of fisheries and aquaculture services in their respective areas, and to develop their capacity to manage fisheries resources and aquaculture development

22. 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 its jurisdiction under the guidance of the Chief Fisheries Officer,
- (c) coordinate the development of aquaculture within its 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 in accordance with this Act,
- (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 under this Act

23. 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

24. 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,

Act

Fisheries and Aquaculture Act

2022

- (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

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

25. 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

(2) The Directorate shall, in the performance of its functions under subsection (1), consult the relevant Government ministries, departments and agencies, local governments and other relevant stakeholders, as appropriate

26. 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

*Sustainable Fisheries and Aquaculture Management***27. Information and planning**

The Chief Fisheries Officer shall, in consultation with the Minister, issue guidelines and directions 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

28. Trans-boundary fisheries resources

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 fisheries resources

29. 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 resources for each existing and identified potential fisheries public water body and where applicable, develop a species specific plan,

- (b) in collaboration with the Fisheries Research Institute, 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,
- (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, and
- (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

30. Management of fishing capacity

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

31. Landing sites

(1) The Chief Fisheries Officer shall, on the recommendation of local governments and in consultation with relevant 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) Activities at the landing site and on the related land, buildings and facilities shall include the smoking, salting or storage of fish, landing of fish from fishing vessels and the transportation, processing and sale of fish or fish products

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

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

(6) The Chief Fisheries Officer shall issue guidelines for—

- (a) the establishment and management of landing sites, and
- (b) closure of fishing activities at landing sites

PART V—LICENCES AND PERMITS**32. 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 under this Act

33. 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

(3) A licence or permit shall be issued in such form and subject to such conditions as may be prescribed by regulations

(4) Where the Chief Fisheries Officer refuses to issue a licence, he or she shall, within thirty days from the date of the application, inform the applicant, in writing, giving reasons for the refusal

(5) A licence shall be deemed to have been issued where the Chief Fisheries Officer does not—

- (a) issue a licence within the prescribed time, and
- (b) inform the applicant, in writing, of the reasons for the refusal

(6) A person who is aggrieved by the refusal of the Chief Fisheries Officer to issue a licence may appeal to the Minister within fourteen days from the date of communication of the refusal

(7) The Chief Fisheries Officer shall, in determining an application for a licence or permit, have regard to the purposes of this Act

34. Fishing vessel licence

- (1) A vessel shall not be used for fishing unless—
 - (a) the vessel is registered under the Inland Water Transport Act, 2021, 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

35. 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) Notwithstanding subsection (1), a license issued under section 34 shall specify the species, fishing gear, type and size, the number of each target species based on the state of stocks and the number of crew

(3) 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 one thousand currency points or to imprisonment for a term not exceeding one year, or both

36. 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 Inland Water Transport Act, 2021 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 Chief Fisheries Officer may delegate the power to issue a fish transport license under subsection (1) to a District Fisheries Officer

(3) 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 two thousand currency points or to imprisonment for a term not exceeding two years, or both

(4) This section does not apply to the transportation of fish or fish products for subsistence purposes

37. Fishmonger licence

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

(2) The Chief Fisheries Officer may delegate the power to issue a fishmonger licence under subsection (1) to a District Fisheries Officer

(3) A person who trades in fish or fish products without a fishmonger licence commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment not exceeding two years, or both

38. 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 imprisonment not exceeding three years, or both

39. 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 fish movement permit issued by a District Fisheries Officer

(2) A person who, for purposes of trade, moves fish or fish products 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 not exceeding one year, or both

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

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

Special Permits

40. Fishing permit for research purposes

(1) A person shall not undertake fishing for research purposes without a valid 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 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 purposes of this Act

(4) A fishing permit granted under this section—

(a) shall specify the water body or water bodies on which the 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 considers 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, “fishing for research purposes” means fishing for scientific or experimental purposes and includes the collection of fish for museums

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

41. 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) The Chief Fisheries Officer may delegate the power to issue an ornamental fishing permit under subsection (1) to a District Fisheries Officer

(3) 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 five hundred currency points or to imprisonment not exceeding six months, or both

42. 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

43. 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 to imprisonment not exceeding six months, or both

44. 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 water body 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 the water body, does not include the stocking of or transfer of fish to an aquaculture establishment

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

- (a) consult with the Fisheries Research Institute, 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

(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

45. 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 minimise threats to fisheries resources