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## CHAPTER 279

### THE FISHERIES ACT

An Act to repeal and replace the Fisheries Act, 1970, to make provision for sustainable development, protection, conservation, aquaculture development, regulation and control of fish, fish products, aquatic flora and its products, and for related matters.

[1<sup>st</sup> August, 2005]

[GN. No. 313 of 2005]

Acts Nos.  
22 of 2003  
1 of 2020

#### PART I

#### PRELIMINARY PROVISIONS

Short title and  
application

- 1.-(1) This Act may be cited as the Fisheries Act.  
(2) This Act shall apply to Mainland Tanzania.

Interpretation

2. For the purpose of this Act, unless the context requires otherwise-

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“Act” means the Fisheries Act;

“approval number” means a unique combination of letters and numbers assigned by the Director to a fish processing establishment located on land or a fishing vessel for the purpose of showing that, the establishment or a fishing vessel has been inspected and conforms with the required layout and standards;

“aquaculture” means the practice of breeding and raising aquatic organisms in a controlled aquatic environment until they attain the appropriate size as per need, and includes the raising of marine, brackish or freshwater organisms, either caught from their natural or artificial environment as seed and kept until they reach the desired size;

- “aquatic flora” means aquatic plants and other members of the aquatic plant kingdom including corals, spongers and weeds;
- “aquatic substrate” means any rock, stone, gravel, sand, shell, limestone, dead coral, whether or not removed from its natural location;
- “artisanal fisheries” means categories of fisheries that are of small scale and not commercially orientated, using relatively small amount of capital and in which fishers have usually a traditional involvement with fishing;
- “auditor” means a fish inspector authorised to check on compliance of quality standards regulations issued under this Act;
- “authorised associations” means anybody of persons incorporated or not incorporated and includes a beach management unit declared under this Act;
- “authorised officer” means the Director or any fisheries officer or a member of beach management unit or other person authorised in writing by the Director to exercise any power or to discharge any duty under this Act or any subsidiary legislation made under this Act;
- “batch” means a quantity of fish or fishery products obtained under practically identical circumstances;
- “beach management unit” means a group of devoted stakeholders in a fishing community whose main function is management conservation and protection of fish in their locality in collaboration with the government;
- “beach seine” means a fishing net designed to hang vertically in the water, the ends being drawn together to the beach while the foot rope drags through the fishing ground;
- “biological diversity” means the varieties of forms of life;
- “buffer zone” means beach area measured immediately after the highest water mark and it extends landwards to 260 meters, the first 60 meters can be used on temporary basis while the next 200 meters can be used for different purposes subject to permission granted by the Minister responsible for lands;

“chiller” means a suitable insulated hold or room where fish or fishery product is kept at a temperature between 0°C and 4°C;

“chilling” means the process of cooling fish or a fish product to temperature approaching that of melting ice (0°C);

“chilled product storage hold” means suitable hold or room with a cooling medium in which a product is stored;

“chief fisher” means a person in charge of a fish landing station;

Cap. 357 “citizen” has the meaning ascribed to it by the Citizenship Act;

“closed period” means a period during which, in relation to any specie or kind of fish, or aquatic flora, the fish, or aquatic flora, as the case may be, may not be captured, killed, injured, gathered or collected;

Cap. 113 “coastal zone” means the area from the baseline of territorial sea landward side to 60 meters as prescribed by the Land Act, the land adjacent to natural or man made water bodies or water mark;

“cold store” means an approved premise where fish or fishery product is stored at temperature of - 18°C or lower;

“commercial fisher” means a person who engages in fishing for the purpose of catching fish for sale;

“competent authority” means the Director or any other officer delegated by the Director to perform functions under this Act;

“corrective measure” means an action or activity that can be used to eliminate hazard or reduce their impact or occurrence to acceptable levels;

“control measure” means any action or activity that can be used to eliminate hazard or reduce their impact or occurrence to acceptable levels;

“consignment” means a quantity of fish or fishery products destined for one or more customers within or outside the country and conveyed by any means of transport;

- “controlled area” means an area declared to be a restricted area under this Act;
- “coral” means a living or dead calcareous skeleton secreted by polyploid coelenterates of class Anthrozoa;
- “critical deficiently” means any condition or malpractice observed in the establishment, which can lead to fish becoming unsafe or unwholesome;
- “critical habitat” means a habitat that is essential for maintaining integrity of an ecosystem, species or assemblages of species;
- “critical limit” means a physical value of chemical or biological parameter which separates acceptability from unacceptability;
- “dam” includes any fixed obstruction used for the purpose of retaining or controlling the flow of water;
- “defrosting” means the process of removing frost and ice from freezer and freezer store, refrigerated plate or coils, by the introduction of heat, or brushing and scraping;
- “dehydration” means the loss of moisture from a frozen product through evaporation;
- “Director” means the Director of Fisheries appointed under section 4 of this Act;
- “disinfectant” means a chemical agent that renders an object free from micro-organisms without adversely affecting the object;
- “enforcement officer” means an officer appointed by the Director to perform duties prescribed in Part VIII of this Act;
- “estuary” means an area where river water mixes with sea water or lake water;
- “export” means taking away of fish, fishery products and aquatic flora from the country to any other place outside Mainland Tanzania;
- “explosives” means a dynamite or bomb, or blasting agent, detonators or any material used in the manufacture of explosives;

Cap. 283

“fish” means forms of aquatic or amphibious life including finfish, dolphin, whale, dugong, shell fish, turtles and includes spat, brood, fry, spawn, ova and young of the fish, but does not include any aquatic or amphibious animal which the provisions of the Wildlife Conservation Act apply or young of any animal;

“fish dealer” means a person other than a fisher who sells, barter or offers for sale any fish or fish products, and including a person or body of persons whether incorporated or unincorporated, engaged in the buying, bartering, exposing for sale, preparing, processing, packing or storing, landing or transshipping, any fish or fish products, but does not include a hotel, restaurant, cafeteria or other similar establishment which the Minister may declare not to be a fish dealer for the purpose of this Act;

“fish establishment” means a premise or a vessel where fish or fish products are prepared, processed, frozen, packaged or stored, but does not include auction and wholesale markets in which only display and sale by wholesale takes place;

“fish sanitary certificate” means an official document issued by competent authority for the purpose of attesting the quality of fish and fishery products at the time and site of its departure;

“fish inspector” means an officer designated under section 5(5)(c) of this Act;

“fisher” means an individual who takes part in fishing, conducted from a fishing vessel, a platform whether fixed or floating or from the shore;

“fisheries officer” means an officer appointed under this Act to exercise any of the functions allocated to the officer under this Act;

“fisheries protection vessel” means a vessel not engaged in commercial activities, deployed by the state for the purpose of monitoring, control, surveillance and law enforcement, and is clearly identifiable being a government service;



- “fishery” means an area, locality, place or stations in or which fishing gear is used, set or placed or located and also the area, tract or stretch of water in or from which fish may be taken by the fishing gear;
- “fishing” means collecting, capturing, gathering, killing, snaring or trapping of fish or aquatic flora;
- “fishing effort” means the level of fishing as may be defined *inter alia* by the number of fishing vessels, number of fishers, amount of fishing gear and the time spent fishing or searching for fish;
- “fishing gear” means any net, line, cork, buoy, basket, trap, hook or other article apparatus, structure construction or installation whatsoever used for the purpose of fishing;
- “fishing ground” means an area or locality in any water body where fishing activity is conducted;
- “fishery product” means anything made, extracted or obtained from fish or aquatic flora;
- “fishing vessel” means vessel, boat, ship or any other navigable craft which is used for fishing or related activities, and includes its equipment;
- “fishing weir” means any erection, structure, construction or obstruction, placed across or in any water temporarily or permanently fixed to or resting on the bed or a bank, which is designed for the purpose of collection, gathering, capturing, killing fish or aquatic flora, and includes stake, net and basket trap;
- “fishnet or net locally known as “Juya la Kojani” or “Kavogo” or any other applicable name” means a net with mesh size below 76 mm (3 inches) which are uniform from wing to code-end and while in use its foot rope drags through the fishing ground while the ends are being drawn together;
- “foreign fishing vessel” means a fishing vessel which is not registered in the United Republic of Tanzania and does not fly the flag of United Republic of Tanzania;
- “fresh product” means a fish product whether whole or prepared, which has not undergone any treatment to

ensure preservation other than chiking and includes fish product packed under vacuum or in a modified atmosphere;

“fresh water sport fish” means any fish exploited for leisure in lakes, dams or rivers and includes the young and the eggs thereof;

“frozen product” means a fish product which has undergone a freezing process to reach a core temperature of 18°C or lower, after temperature stabilisation;

“genetic resource” means genetic material of actual potential value;

“genetically modified resources” means stocks used for the purpose of aquaculture and other culture based fisheries after genetic alteration;

“gill net” means a fishing gear made of thread with standard measurement of 26 meshes deep and ninety meters long used for capturing fin fish by gill operculum;

“Government fishing vessel” means any fishing vessel belonging to or in the services of the United Republic of Tanzania;

“good manufacturing practice” means a combination of manufacturing and quality control procedure aimed at ensuring that, products are consistent manufactured to their specifications;

“hazard” means a biological or chemical agent or physical condition with the potential to cause harm and includes any of the following:

- (a) contamination or re-contamination to unacceptable levels, with a biological, chemical or physical agent or a material, semi finished or unfinished products;
- (b) other undesirable microbial metabolites, generations of chemical, growth or survival of micro-organisms to unacceptable levels in raw materials, semi finished or finished products; and
- (c) production or persistence to unacceptable levels, or toxins or other undesirable microbial metabolites;

“Hazard Analysis and Critical Control Point (HACCP)” means approach used to-

- (a) assess the potential hazards associated with the production, processing, preparation and distribution of fish and the risk and severity of each hazard;
- (b) identify appropriate preventive, control or measures that can be applied to prevent, eliminate or reduce the hazard to acceptable levels;
- (c) provide assurance that the appropriate prevention; control or corrective actions have been applied correctly;

“hygiene” means measures necessary to ensure safety, soundness and wholesomeness of the product at the stages from reception to final delivery;

“import” means the bringing into the country any fish or fishery product and aquatic flora from any place outside Mainland Tanzania;

“immature” in relation to any specie of fish means a fish of that specie which is smaller in size or length than the size or length prescribed in this Act;

“industrial fisheries” means categories of fisheries that are of large scale, commercially oriented and which employ advanced technology;

“interested party” means a group of persons recognised by management authority as having legitimate interest in the resource being managed;

“internal trade” means purchasing or selling of fish or fishery product within the country;

“landing” means the bringing of fish, fishery product or aquatic flora to the harbour, port or beach from within or outside the territorial waters for the first time after being caught;

“length” means in relation to-

- (a) fishing vessel, the overall length of the vessel from forward part of the stern to the side or rim timbers; and

(b) lobster, the distance from the head carapace to the end of the body shell (abdominal length) measured along a line parallel to the centre line of body shell;

“licensing officer” means an officer empowered by the Director to issue licences;

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“local authority” means district authority, or an urban authority as ascribed to it under the Local Government (District) Authorities Act or the Local Government (Urban) Authorities Act;

“major deficiency” means a condition in a product or environment including equipment and materials which if not corrected within reasonable time is likely to cause adverse health conditions to consumers and or the quality of the product;

“management” for the purpose of fish processing establishments, includes any person in charge of an establishment;

“mesh” means the opening or space in a net enclosed by threads of the net or, in the case of a wire net, by the stands of wire;

“minor deficiency” means any observed condition or malpractice, which does not conform to the sanitary requirements, but is neither major nor serious;

“Minister” means the Minister responsible for fisheries;

“mollusc” means a large phylum of invertebrates without segments or limbs, usually having a mantle or folds of skin that secretes a shell; members of the phylum include lamellibranches, gastropods, cephalopods and scaphopods;

“net” means fishing gear made of thread or wire or any other material designed to be used for the purpose of collecting, capturing, gathering, killing fish or aquatic flora;

“owner” as applied to registered fishing vessel or gear, means the registered owner or holder of a fishing licence;

“oyster” means any mollusc of any species of genus *Crassostrea*;

- “poison” means any natural or synthetic chemical used to kill fish;
- “processing” means cleaning, filleting, icing, packing, canning, freezing, smoking, salting, drying or otherwise preparation of fish or fish products for marketing;
- “product of aquatic flora” means anything made out, or composed wholly or partly of any aquatic vegetation;
- “registered tonnage” in relating to a vessel means the tonnage appearing on her certificate of registry;
- “responsible fisheries” means the principles and standards applicable to conservation, management and development of fisheries and it covers the capture, processing and trade of fish and fishery products, fishing operations, aquaculture, fisheries research and integration of fisheries into coastal area management;
- “sea fishery” means fisheries of the waters which are to the seaward of the high water mark;
- “semi-industrial fishing” means the categories of fisheries that are small scale, commercially oriented, using small amount of capital but without traditional involvement;
- “stakeholder” means a person or group of persons or institution whose interests are materially affected, either directly or indirectly, by fishing and fishing related activities subject to this Act;
- “surveillance” means checking and ensuring compliance with control measures imposed under this Act in fishing and related activity;
- “Tanzania fishing vessel or local vessel” means a fishing vessel registered or licenced under this Act which is owned wholly by one or more persons each of whom is a citizen of the United Republic, or by a body corporate or incorporated under and subject to the laws of the United Republic and has its principal place of business in the United Republic also includes a Government fishing vessel;

- “territorial waters” means the waters within the area extending offshore to a distance of twelve nautical miles, measured from the mean low water line along the coast of Mainland Tanzania and the adjacent islands, and includes lakes, rivers, dams and fish ponds excluding private fish ponds;
- “traceability” means the ability to trace the history application or locating of an entity by means of recorded identification;
- “transshipment” means the unloading of fish or fishery products or product of aquatic flora on board of a fishing vessel to another fishing vessel or cargo vessel, either at sea or in port without the produce being recorded by the port state as landed;
- “trout stream” means a stream which contains trout or any other freshwater sparts fish;
- “water pollution” means the introduction by man directly or indirectly of substances or energy into sea water or freshwater including estuaries which results into or is likely to result in deleterious effects as harmful to fish and other living organisms, hazard to human health, hindrance to marine activities, including fishing, impairment of quality for the use of sea or freshwater and reduction of amenities;
- “wholesome fish or fishery product” means fish or fishery product which is not decomposed, tainted or consisting of undesirable foreign materials such as petroleum products, solvent or solid, materials organic or inorganic, and other organisms as parasites, insects per a sample unit.

## PART II

### ADMINISTRATION

Responsibilities  
of Minister

**3.** The Minister shall be responsible for policy formulation and ensuring the execution by officials in the ministry functions connected with the implementation of this Act.

Appointment of  
Director and his  
functions

4.-(1) There shall be a Director who shall be an officer in the public service.

(2) The Director shall be a professional officer in fisheries sciences and advisor to the Government in matters related to management of fisheries.

(3) The Director may issue and publish circulars and directives that are in conformity with the provisions of this Act for the purpose of enhancing implementation of this Act.

(4) Where the Director is required or empowered by this Act to make a determination affecting or likely to affect the rights of any person or the opportunity for any person to undertake any activity, shall give that person reasons for the decision.

(5) A person aggrieved by the decision of the Director made in accordance with subsection (4) may, within thirty days, appeal to the Minister.

Registration,  
licensing,  
enforcement  
officers and  
inspectors

5.-(1) There shall be appointed officers to ensure efficient, effective and economical management and supervision of fisheries in accordance with the provisions of this Act.

(2) Officers appointed under this section shall be allocated or delegated functions and located in offices or institutions as the Director consider appropriate for the proper management of fisheries.

(3) There shall be a central registry of fishing vessels registered in accordance with the provisions of this Act.

(4) For the purposes of this section, the Director shall be the Registrar of fishing vessels.

(5) Subject to the provisions of subsection (2), the Director shall appoint the following:

- (a) vessel registration and licensing officers;
- (b) enforcement officers; and
- (c) fish inspectors.

(6) Officers appointed under this section shall carry identification cards and be answerable to the Director.

(7) The Minister may, by notice published in the *Gazette*, designate any person to be an authorised officer for the purpose of any provisions of this Act.

(8) The Director shall, by notice published in the *Gazette*, and subject to qualifications or exceptions as may be prescribed therein, delegate to a public officer, local authority, the exercise or performance of any of the functions conferred or imposed on him by this Act.

(9) This section shall not be taken to prevent any local authority from appointing qualified officers as it considers necessary to enable it to discharge the functions as are vested in it or allocated to it by and under this Act.

(10) A local authority officer appointed to discharge functions under this Act shall have regard to directives and circulars issued by the Director.

(11) Notwithstanding the provisions of subsection (5), the names of officers appointed under this subsection shall be published in the *Gazette*.

Conflict of  
interest

6.-(1) Where a matter concerning fisheries management in which any officer exercising functions under this Act or a member of his immediate family has an interest allocated to, referred to or otherwise comes to that officer for his advice, assistance or decision, that officer shall not exercise any functions under this Act in respect of that matter.

(2) Where the officer referred to in subsection (1) is the Director, he shall declare his interest to the Minister, and where the officer referred to in subsection (1) is an officer appointed under section 5, shall declare his interest to the Director and the Minister or the Director as the case may be shall appoint another officer to exercise functions in respect of that matter.

Information  
to members of  
public

7. The Director and officers appointed under this Act may, where it is appropriate to do so, provide and disseminate information and guidance, in writing by order or notice to members of the public in connection with the implementation of this Act.



Relationship  
between Ministry,  
local authorities  
and fisheries  
management  
authorities  
Act No.  
1 of 2020 s. 21

**8.-(1)** The Director shall use his best endeavors to ensure that, the local government authorities, associations of local authorities and other fisheries management authorities are consulted and kept informed of management of fisheries under this Act and any other written laws related to the management of fisheries.

(2) Where there is any conflict between the local authority management plan and other local authority applicable to a water body, the Director and other relevant officers and members of the local authority shall consult each other and use their best endeavors to reconcile any variances.

(3) Where the Director is of the opinion on the basis of information given to him by any officer exercising functions under this Act or otherwise that, a local authority with the responsibility to exercise functions in accordance with the provisions of this Act, code of conduct for responsible fisheries, aquaculture development, fishing operations, fisheries management, fish utilisation and marketing has mismanaged the functions of this Act, the Director may-

- (a) serve a notice on that local authority requiring it to take the steps specified in that notice within the time specified therein to rectify and improve its fisheries management;
- (b) serve a notice on that local authority requiring it to show cause, within the time specified therein, as to why functions of fisheries management as may be specified should not be taken over by another local authority or by the Director for a period of time as may be specified in the notice;
- (c) in either case referred to in paragraph (a) or (b), upon making a written request to that local authority, appear before a local authority personally or his representative for the purpose of making representation; and
- (d) where in his opinion, the local authority has failed to show cause as required under paragraph (b) above, prepare and submit a report with recommendations

to the Minister on the mismanagement of fisheries functions by a local authority and what action should be taken thereon.

(4) Where the Minister after considering the report from the Director referred to in paragraph (d) of subsection (3) is satisfied that, owing to the mismanagement by any local authority of any of its functions in relation to fisheries, it is in the public interest that, the local authority shall cease to exercise management functions in relations to fisheries, the Minister shall make consultation with the Minister responsible for local authorities in respect of the mismanagement of the fisheries functions.

(5) Subject to subsection (4), the Minister responsible for local government authority shall, where satisfied that, there is mismanagement of the functions related to the fisheries by the local authority, take necessary measures to remedy the mismanagement.

(6) The other local authority or the Director shall exercise any functions in relation to the management of fisheries which is directed to be managed under the provisions of subsection (5) on behalf of and for the benefit of the people within the jurisdiction of the first local authority whose functions have been taken over and the net profits of management, if any, shall, after deduction of the costs of management and development, be deemed to be part of the revenue of the first local authority; which shall likewise bear any losses incurred.

(7) For the purposes of this section, a local authority shall include a village council.

### PART III

## DEVELOPMENT OF THE FISHING INDUSTRY

Development and sustainable use of aquatic resources

**9.-(1)** The Director shall, in co-operation with other appropriate agencies and divisions or departments of the Government, promote, encourage and support initiatives leading to the development and sustainable use of the fish stock and aquatic resources through the measures as-

- (a) provision of investment guidelines in the fisheries sector;
- (b) facilitation of development and maintenance of fisheries and related infrastructure;
- (c) provisions of the establishment of a code of practice for aquaculture development and fish processing;
- (d) facilitating artisanal fishing, semi-intensive aquaculture with simple technologies and low capital investment including pre-evaluation of the effects of aquaculture on genetic diversity and ecosystem integrity, based on the best available scientific information and through development of short, medium and long term fisheries scientific research plans;
- (e) promotion of sound utilisation of the ecological capacity of water based areas, as a means of generating income and food;
- (f) encouraging the involvement of stakeholders in the planning, development and management of fishery resources;
- (g) improving fisheries statistical data collection and processing through assessment of the adequacy of the existing data collection;
- (h) facilitating the availability accessibility exchange of fisheries information and storage;
- (i) facilitating initiatives geared towards availability of fisheries inputs;
- (j) pursuing continuation and introduction of fisheries integrated programme of effective management of coastal zone to meet the ecological and social economic needs of the present and future generation; and
- (k) strengthening of regional and international collaboration in the sustainable utilisation, management and conservation of resources in shared water bodies by-
  - (i) supporting responsible fishery practices within the country;
  - (ii) cooperating in the promotion of suitable fisheries practices;

- (iii) ensuring responsible choice of species, sites and management of fisheries which could affect trans-boundary aquatic ecosystems;
- (iv) consulting with neighbouring states before introducing non-indigenous species into trans-boundary aquatic ecosystems;
- (v) establishing database and information networks to collect and disseminate data related to fisheries activities to facilitate cooperation on planning for fisheries development at national, sub-regional, regional and global level;
- (vi) monitoring the impact of inputs used in fisheries; and
- (vii) discouraging the pollution of aquatic environment.

(2) The Director shall, based on the best scientific evidence available, adopt appropriate measures to maintain or restore stocks at levels capable of producing maximum sustainable yield pursuant to relevant environmental and economic factors including-

- (a) avoidance of excessive fishing capacity and over-exploitation of the stocks in order to maintain an economically available fishery;
- (b) promotion of responsible fisheries and the economic conditions under which fishing industries operate;
- (c) taking into account the interest of local fishers as those engaged in artisanal fisheries;
- (d) conservation and protection of biodiversity of aquatic habitats, ecosystems and endangered species;
- (e) restoration and recovery of depleted stocks;
- (f) assessment of adverse environmental impacts and remedial measures on the resource; and
- (g) minimisation of pollution, waste, discards, catch by lost or abandoned gear, catch of non target fish or species and impacts on associated or dependent species through the development and use of selective, environmentally safe and cost effective fishing gear and techniques.

## PART IV

### AQUACULTURE DEVELOPMENT

Regulation of  
aquaculture  
practices

**10.** The Director in collaboration with other Government organs, agencies and institutions shall regulate aquaculture practices.

Aquaculture not  
to impair other  
activities

**11.**—(1) The Director shall, in collaboration with local authorities and other relevant bodies, ensure that-

- (a) aquaculture development is ecologically sustainable and allows 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 ground are not affected by aquaculture development; and
- (c) local community has access to fishing grounds.

(2) A person or group of persons who deprive a local community the access to fishing grounds without good cause, commits an offence.

Register of aqua  
farmers

**12.** The Director shall maintain a register of aqua farmers in the country.

Control of genetic  
and species  
diversity

**13.** A person shall not move or cause movement of eggs, fingerling, seed, exotic adult fish, genetically modified species from one water body to another without a written permit from the Director.

Use of genetic  
resources

**14.** The Director shall cause documentation of wild and genetically modified species to establish a bench mark for assessing impact of aquaculture.

Monitoring and  
control of disease  
in fish

**15.**—(1) Local authorities shall monitor the performance of aquaculture practices within areas which form part of their jurisdiction.

(2) Where in the opinion of any local authority, any fish or fish products in any waters are infected with any epidemic

disease, the Director shall, where he is satisfied with the opinion of the local authority, give notice in writing to the owner of the waters therein, requiring the destruction of fish or fish products in the said waters or the taking of other measures as the local authority may specify in the notice.

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

Protection of  
trans- boundary  
ecosystems

**16.** Subject to the existing regional and sub-regional synergies, the Director shall initiate dialogue with riparian states to ensure that, governments and aqua farmers are obliged to protect trans-boundary aquatic ecosystems from-

- (a) escapees of cultured species into shared water bodies; and
- (b) effluents that might affect trans-boundary aquatic ecosystems.

## PART V

### MANAGEMENT AND CONTROL OF THE FISHING INDUSTRY

Management and  
control measures

**17.** The Minister shall, by notice published in the *Gazette*, impose conditions that are necessary for the proper management of fisheries which are-

- (a) restricting the entry of foreign fishing vessels in territorial waters;
- (b) requiring fishing vessels to be registered;
- (c) requiring fishing vessels to be licensed;
- (d) requiring fishers to be licensed;

- (e) restricting the number, size, and age of fishing vessels in any fishery;
- (f) prohibiting the use of certain types of fishing vessels and gears;
- (g) imposing closed season for designated areas, species of fish and methods of fishing;
- (h) prohibiting fishing in designated areas;
- (i) limiting the amount, size, age and other characteristics and monitoring species composition of fish that may be caught, landed or traded;
- (j) regulating the landing of fish and providing for management of fish landing stations;
- (k) controlling the importation of fish and fishery products or the introduction of exotic species;
- (l) monitoring the capacity of fishing fleets to avoid excessive fishing pressure;
- (m) establishing a mechanism that will reduce excessive fishing capacity to levels commensurate with the sustainable use of fisheries resources;
- (n) examining the performance of the existing fishing gear, methods and substituting for them those which are consistent with responsible fishing;
- (o) regulating fishing in a way as to avoid the risk of conflict among fishers using different vessels, gear and fishing methods;
- (p) ensuring that, traditional practices which are consistent with responsible fisheries, needs and interests of indigenous people and local fishing communities which are highly dependent of fisheries resources for their livelihood are given due regard;
- (q) establishing effective mechanism for fisheries monitoring, surveillance control and enforcement, to ensure compliance with conservation and management measure as well as those adopted by regional or sub regional organisations or arrangements;

- (r) conducting joint surveillance, and enforcement in collaboration with other related agencies and fisher communities to ensure effective implementation of this Act;
- (s) facilitating the formation of community management units and authorised associations for the purpose of protecting and conserving fishery resources;
- (t) requiring sport fishers to be licensed; and
- (u) regulate transshipment of fish or fish products to ensure compliance with conservation and fishery management measures.

Beach  
management  
units

**18.**—(1) The Director may enter into a management agreement with beach management units of the whole or part of or some specific fishery matter or activity within any water body or with any one or more local authorities having jurisdiction within the vicinity of any water body and deriving the whole or a part of their livelihood from that water body.

(2) A management agreement shall include the following:

- (a) statement of objectives of the agreement;
- (b) description of the area covered by the agreement;
- (c) description of the management activities to be undertaken;
- (d) rules governing the use of and access to other fishers;
- (e) duration of the agreement;
- (f) provision for revision of the agreement; and
- (g) provision for settlement of disagreement.

Prohibition of  
foreign fishing in  
territorial water

**19.** A foreign fishing vessel shall not be licensed to fish in the territorial waters.

Licensing of  
foreigners

**20.**—(1) Notwithstanding the provisions of section 19, the Director or any authorised officer shall, for purposes of scientific research, complementary's educational and food supply with the consent in writing of the Minister, grant a fishing licence, as the case may be, to any person who is not a citizen of the United Republic, or in the case of a body



corporate, to anybody corporate which is not incorporated by or under any written law.

(2) In case of a fishing vessel flying a foreign flag, a vessel shall not change her foreign flag unless the registrar of ships has consulted the Director on the same.

Certificate of registry

**21.** Where the Director has reason to believe that, a fishing vessel is of mechanical or physical dimensions, which are contrary to regulations made under this Act, he shall seek opinion from the registrar of ships or any other institutions with similar functions.

Prohibition of certain activities without licence

**22.-(1)** A person shall not engage in-

- (a) fishing;
- (b) collecting, gathering, processing or manufacturing fish products or products of aquatic flora;
- (c) selling or marketing of fish, fish products, aquatic flora or products of aquatic flora; or
- (d) importing or exporting of fish, fish products, aquatic flora or products of aquatic flora,

unless is granted by the Director or any other authorised officer a licence in respect of the activity.

(2) Notwithstanding the provisions of subsection (1), a licence or permit or permission shall not be required for fishing by means of any of the following methods:

- (a) fishing for prawns using cloth - “KUTANDA UDUVI”;
- (b) using rod and line or handline from the beach without using a fishing vessel whether for sport fishing, domestic consumption or sale, except in a declared trout stream or spawning ground; and
- (c) small cast nets.

(3) For the purposes of this section, licences for internal fish trade shall be issued by the relevant authorities in charge of internal trade.

(4) The Minister may, by a notice published in a *Gazette*, restrict fish establishment owners from carrying out fishing in specified water bodies.

(5) The Minister may, upon the recommendations of the Director, by order in the *Gazette*, restrict or prohibit fishing of any fish species or any kind of fish or dealing in fish products, aquatic flora or products of aquatic flora.

Conservation  
of fisheries  
resources

**23.**—(1) The Minister shall, after consultation with competent persons within the public and private sectors knowledgeable on environment issues, by order in the *Gazette*, declare the conservation of any critical habitat or endangered species.

(2) An order referred to in subsection (1), may contain exceptions and exemptions from its provisions in respect of persons and an area as the Minister may provide in the order.

(3) Where any critical habitat or endangered species referred to in the order made under subsection (1) ceases to be critical habitat or endangered species, the provisions of the order shall cease to apply.

(4) Subject to any exception or exemption provided for in the order, a person, shall not fish, take or offer for sale any fishery product from any conserved area without licence or lawful authority.

## PART VI

### FISH QUALITY, MANAGEMENT AND STANDARDS

Conditions  
for quality  
management

**24.** The Minister shall, by notice published in the *Gazette*, impose conditions that are necessary for ensuring the right of consumers to safe, wholesome and unadulterated fish and fishery products by-

- (a) prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing stations;
- (b) prescribing conditions under which dealers of fish and fishery products shall abide to;

- (c) requiring management of fish processing establishments to prepare and implement quality management programmes and own checks;
- (d) monitoring quality management programmes and application of Hazard Analysis and Critical Control Point (HACCP);
- (e) performing microbiological, chemical and physical analyses to fish and fishery products before they are released for human consumption;
- (f) certifying on the quality of fish and fishery products through issuance of a sanitary certificate before they are placed on the market;
- (g) prohibiting the sale of certain types of fish and fishery products;
- (h) establishing a tractability system of fish and fishery products at any stage to the source; and
- (i) prescribing the manner in which fish and fishery products placed on the market shall be labelled.

Competent  
authority

**25.**—(1) The Director shall be the competent authority in matters pertaining to fish and fishery products.

(2) The Director shall prescribe standards for hygienic and quality placement in a market, set and adopt minimum standards for safety and quality assurance and ensure that, the standards are applied throughout the fishing industry.

(3) The Director shall specify hygienic conditions for-

- (a) fish and fishery products parasites;
- (b) staff working in fish processing establishments;
- (c) thawing fishery products;
- (d) freezing of products;
- (e) fresh products; and
- (f) processed products including smoked, salted, dried fish and other fishery products.

Prevention of  
commercial fraud

**26.** The Director shall establish and maintain effective systems to detect and prevent commercial fraud by requiring a batch

and fish or fishery products placed on the market to have a sanitary mark showing-

- (a) common name and scientific name of fish specie;
- (b) grade;
- (c) exact weight;
- (d) name, postal and physical address of processor;
- (e) date and place of manufacture;
- (f) the expiry date; and
- (g) origin of the product.

Fish marketing

**27.** The Director shall, in collaboration with other relevant government agencies and the private sector, ensure hygienic fish marketing and distribution.

## PART VII FINANCIAL PROVISIONS

Power to charge fees

**28.**-(1) The Minister shall, by notice published in the *Gazette*, prescribe fees for fishing vessel registration, various licences, services, permits and export royalties.

(2) In determining the levels of export royalty for a particular fish and fishery product, regard shall be paid to-

- (a) the weight of the products; and
- (b) other factors as may be prescribed.

(3) The Minister may by notice published in the *Gazette*, exempt certain fish and fishery products from being charged export royalty.

Fisheries  
Development  
Fund

**29.**-(1) There is hereby established in the office of the Director, a Fund to be known as the Fisheries Development Fund.

(2) The resources of the Fund shall consist of-

- (a) any sum as may be appropriated by the Parliament;
- (b) any sum or property which may, in any manner, become payable into the Fund;

- (c) any income generated by any project financed by the Fund, due allowance being made for any necessary expenses which must be met by any project;
  - (d) grants, donations, bequests or sum contributed by any private individuals, corporate bodies, foundations and international organisations, within or outside the country; and
  - (e) any funds legally acquired from various sources.
- (3) There shall be a Committee of Fisheries Development Fund appointed by the Minister, which shall be responsible for the management of the Fund.

Purpose of Fund

**30.** The objects and purposes of the Fund are to-

- (a) promote awareness of the importance of protection development and sustainable use of fisheries resources through public education and training;
- (b) promote and assist in the development of community management units by giving grants and assisting groups of persons wishing to form fisheries conservation and protection groups;
- (c) promote and develop research in fisheries;
- (d) enable Mainland Tanzania to benefit from international initiatives and international funds directed towards conservation and protection of biological diversity and promotion of sustainable development of fishery resources;
- (e) assist group of persons and individuals to participate in any public debates and discussions on fisheries such as the making of environmental impact assessment;
- (f) assist groups of persons and individuals to ensure compliance with this Act;
- (g) support fisheries protection activities;
- (h) promote fishery products in the external market, compliance with international standards and improvement of quality for local market;

- (i) enable Mainland Tanzania to pay her membership fee and various contributions to relevant international fisheries organisations;
- (j) promote aquaculture activities and restocking of natural water bodies;
- (k) facilitate fisheries data collection; and
- (l) promote other activities of a like nature to those set out in this section as will advance the purposes of this Act.

## PART VIII

### ENFORCEMENT

Surveillance unit **31.**—(1) The Minister shall, after consultation with the Minister responsible for Home Affairs, establish a Surveillance Unit.

(2) The Unit shall consist of number of persons as the Minister may determine based on advise of the Director.

Function of Unit **32.**—(1) The function of the Unit shall be the protection of fish and its environment, fishery products and aquatic flora against unlawful dealers and generally the enforcement of the provisions of this Act.

(2) The Minister may, after consultation with the Minister responsible for Home Affairs and Minister responsible for Defence, by regulations published in the *Gazette*, provide for-

- (a) the organisation and deployment of the Unit, the conditions and terms of service and the various grades, ranks and appointments of officers;
- (b) the duties to be performed by members of the Unit, and their guidance in the discharge of those duties;
- (c) the regulation of matters relating to discipline in the Unit;
- (d) the description and issue of arms, ammunition accoutrements, uniforms and other necessary supplies to members of the Unit; and

- (e) matters relating generally to the good order and administration of the Unit.

Powers of Unit

**33.** The officers of the Unit shall have powers to-

- (a) cause the master, skipper or boatman of a fishing vessel or any other suspicious vessel to stop;
- (b) require the master, skipper or boatman to stop fishing and take fishing gear of a fishing vessel back on board;
- (c) require the master, skipper or boatman to facilitate the boarding of a fishing vessel by appropriate means;
- (d) go on board of a fishing vessel or any other suspicious vessel and exercise powers of an authorised officer;
- (e) require the master, skipper or crew to produce any certificate of registration, record of fish caught and other documents relating to the fishing vessel or any person on board as appropriate;
- (f) examine and take copies of any document mentioned in paragraph (e);
- (g) require the master, skipper or boatman to give any explanation concerning the vessel, fish, fishing gear, equipment and crew or any person on board of the fishing vessel and any documents mentioned in paragraph (e); and
- (h) require a fishing vessel to come to port or to a landing station.

Power to  
prosecute

**34.** For the purpose of enforcing the provisions of this Act and any subsidiary legislation made under this Act, an authorised officer may, subject to the direction of the Director of Public Prosecutions, conduct any prosecution for any offence under this Act or regulations made under this Act and for that purpose have the powers conferred upon a Public Prosecutor by the Criminal Procedure Act.

Cap. 20

Certificate of  
evidence

**35.-(1)** An authorised officer shall record “certificate of evidence” describing the scene and other particulars of the crimes as evidence.

(2) Use of computer or electronic or stored information may be produced as evidence in a court of law.

Power of search  
and seizure

**36.** An authorised officer may with or without warrant as it may be appropriate-

- (a) board and search any vessel, vehicle or any part thereof;
- (b) enter any premise, building or any other place;
- (c) seize, remove and retain any fish, aquatic flora, fish products, product of aquatic flora, fishing gear or any other article or thing, whether found on board of any vessel or vehicle or in any building, place or premises and in respect of which appears to him that, an offence under this Act or any subsidiary legislation made under this Act has been committed, or which appears to him to constitute evidence of any offence having been committed; and
- (d) arrest any person whom he reasonably suspects of having committed an offence under this Act or any subsidiary legislation made under this Act or of being about to commit any offence.

Seizure of  
things used for  
commission of  
offence

**37.** Whatever it is lawful under this Act for the Director or an authorised officer or a police officer to seize and retain any fish, fish product, aquatic flora or product of aquatic flora or other article or thing, it shall be lawful-

- (a) to seize and retain-
  - (i) a receptacle other than a vessel or vehicle, in which fish product, aquatic flora, product of aquatic flora or other article or thing is committed;
  - (ii) a machinery including propellant machinery of a vessel or vehicle, implement, utensil, material or substance used for the commission of any offence under this Act or under any subsidiary legislation made hereunder; and
  - (iii) a book of account or other document which appears to him to contain evidence that, an offence



- has been or is about to be committed under this Act or any subsidiary legislation made hereunder;
- (b) to direct any vessel or vehicle in which any fish, fish product, aquatic flora or product of aquatic flora or other article or thing is seized in accordance with the provisions of section 40 or of paragraph (a) of this section, to proceed to the port or place in the country as may be convenient for unloading from the vessel or vehicle fish, fish product, aquatic flora or product of aquatic flora or other article or thing seized thereon, and may then detain the vessel or vehicle for a time as may reasonably be required to effect the unloading; and
  - (c) things seized shall be recorded in the seizure form filed in triplicate, the first copy shall be served upon the suspect, the second copy to be produced in court as evidence and the third copy shall be filed for office reference.

Forfeiture of things used for commission of offence

**38.**—(1) Where a Magistrate is satisfied that, an offence under this Act or subsidiary legislation made under this Act has been committed in respect of any fish, fish product, aquatic flora, or any other article or thing seized under the provisions of section 36 of this Act, whether or not a person has been convicted in respect of the offence, the Magistrate may order the fish, fish product or aquatic flora, product of aquatic flora or any other article or thing, to be forfeited to the Government.

(2) Notwithstanding anything contained in subsection (1), where any fish, fish product, aquatic flora or product of aquatic flora is seized under section 36 of this Act, the authorised officer may, where he is satisfied that, the fish, fish product, aquatic flora or product of aquatic flora is of a perishable nature, cause the same to be sold or otherwise disposed of prior to application being made for its forfeiture under subsection (1).

(3) Where any fish, fish product, aquatic flora or product of aquatic flora is sold pursuant to the provisions of subsection

(2), an application for the disposal of the proceeds of the sale shall be made to a magistrate, and upon such application being made, where the magistrate is satisfied that, an offence -

- (a) has been committed in respect of the article to which the proceeds related, whether or not a person has been convicted of an offence or;
- (b) has not been committed in respect of the article to which the proceeds relates, whether or not a person has been convicted of the offence,

he may order the proceeds to be paid to the offender, and on an application made by any person claiming to be the owner of the article or thing and upon being satisfied as to the validity of the claim-

- (i) order proceeds to be paid to the claimant; or
- (ii) where no claim is made or the magistrate is not satisfied as to the validity of the claim, order the proceeds to be paid into the Fisheries Development Fund.

Forfeiture upon  
conviction

**39.**-(1) Where upon conviction for an offence under this Act or any subsidiary legislation made under this Act, the court is satisfied that, a vessel or vehicle was used in the commission of the offence, the court may order the vessel or vehicle to be forfeited to the Government.

(2) An order made under subsection (1) shall not be made where the owner of the vessel or vehicle satisfied the court that, the vessel or vehicle was used without his knowledge or consent.

Power to  
compound  
offences  
Act No.  
1 of 2020 s. 22

**40.**-(1) The Director or any authorised officer may, where he is satisfied that, a person has committed any of the offence listed in the Schedule or in the regulations made under this Act and where the person admits the commission of the offence and agrees in writing to its being dealt with under this section-

- (a) compound the offence by accepting a sum of money not exceeding one half of the amount of the fine to

which a person would otherwise have been liable to pay if he had been convicted of the offence; and

- (b) order the release of a vessel or anything, seized in connection with the offence on payment of a sum of money not exceeding the value of the vessel or where the value of a thing is small, a person be liable to pay a fine of not less than one million shillings, provided that, any gear shall not be released.

(2) Where proceedings are brought against a person for an offence under this Act, it shall be a good defence where the person proves that, the offence has been compounded under this section.

(3) Where a person is aggrieved by an order made under subsection (2), he may within thirty days of an order being made, appeal against the order to the High Court and the provision of the Criminal Procedure Act in relation to appeals shall apply *mutatis mutandis* to an appeal as if it were an appeal against sentence passed by a District Court in exercise of its own original jurisdiction.

(4) An authorised officer who compounds an offence shall submit to the Director a list of compounded offences.

(5) The Director shall, in every three months and in a form as the Director of Public Prosecutions may direct, submit to the Director of Public Prosecutions a return of compounded offences.

(6) This section shall apply to any offence under this Act, or under any regulation made under this Act other than an offence which a minimum sentence of fine or imprisonment is prescribed.

## PART IX

### OFFENCES AND PENALTIES

Obstruction of  
officers

**41.** A person who willfully obstructs, hinders assaults or resists the Director, an authorised officer or a police officer in the exercise of his powers under this Act or under any subsidiary

legislation made under this Act, commits an offence and on conviction shall be liable to imprisonment for a term not exceeding six years.

Indemnity

**42.** A matter or thing done by the Director or any other authorised officer exercising or purporting to exercise any function under this Act or under any subsidiary legislation made hereunder shall not subject any person as aforesaid to any action, liability, claim or demand whatsoever if *bona fide* in executing or purported execution of his functions under any of the provisions of this Act or subsidiary legislation.

Penalty for possessing or using explosives

**43.-(1)** A person, who uses explosives to kill fish or, destroys aquatic flora, commits an offence and on conviction shall be liable to imprisonment for a term of not less than five years and not exceeding ten years.

(2) Where a person, without lawful excuse, who the burden of proof shall be on him is found in possession of explosive within or in the vicinity of any water body, commits an offence, and on conviction, shall be liable to imprisonment for a term of not less than one year and not exceeding five years.

Penalty for using poison

**44.** A person found in possession of poison within the vicinity of any water body containing fish, commits an offence and on conviction, shall be liable to imprisonment for a term of not less than seven years.

Penalty for using foreign fishing vessel without licence

**45.-(1)** A person who uses a foreign fishing vessel in territorial water without a valid license or permit, commits an offence and on conviction, shall be liable to a fine of not less than four hundred thousand United States dollars or imprisonment for a term of not less than five years.

(2) In addition to a penalty imposed in connection with an offence committed under subsection (1), the court shall order forfeiture of vessel and fishing gear to the Government.

Penalty for  
violating fish  
quality standards

**46.** A person who does not comply with the fish quality and standards regulations made under this Act, commits an offence and on conviction, shall be liable to-

- (a) for supplies of fish establishment for export market, to a fine of not less than one million shillings or imprisonment for a term of not less than one year for first offence and for subsequent offence, a fine of not less than three million shillings or imprisonment for a term of not less than three years;
- (b) for internal market, to a fine of not less than fifty thousand shillings for first offence or imprisonment for a term of not less than one month and for subsequent offence to a fine of not less than one hundred thousand shillings, and not more than three hundred thousand shillings or imprisonment for a term not less than three years; or
- (c) for an exporter, in case of a first offence, to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding three years, and for subsequent offences, to a fine of not less than fifteen million shillings but not exceeding thirty million shillings or imprisonment for a term of not less than three years but not exceeding five years, and in addition, the court shall order revocation of export licence or imprisonment for a term of not less than one year or more than two years.

Penalty for other  
offences  
Act No.  
1 of 2020 s. 23

**47.** A person who contravenes the provisions of this Act to which a specific penalty is not provided on conviction, shall be liable-

- (a) in the case of offences involving unlawful fishing or fish trading or facilitating unlawful fishing or fish trading, to a fine of not less than ten million shillings but not exceeding fifty million shillings; and

(b) in the case of offences other than offences under paragraph (a), to a fine of not less than two hundred thousand shillings but not exceeding ten million shillings,

or to imprisonment for a term of not less than two years but not exceeding ten years.

Abandoned  
vessel, gear, fish  
or fish products

**48.**—(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 shall apply to court for an order to dispose of the gear vessel, fish or fishery product.

(2) Where a fishing vessel or fishing gear or fishery product is abandoned, and the authorised officer believes that, a person is liable to be investigated, searched or arrested in connection with a commission of an offence under the Act, or has absconded to any place within or outside the United Republic, or has concealed himself so that, he cannot be searched, arrested or otherwise investigated, the authorised officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspect.

(3) Where upon completion of measures taken pursuant to subsection (1), it is found that, an offence has been committed, the authorised officer shall, by notice published in the *Gazette*, notify the public his intention to apply to a court of law for an order in relation to the property or goods involved in the commission of a crime.

(4) Upon expiry of twenty one days from the date of publication of notice under subsection (3), the authorised officer may make an application in accordance with subsection (3).

(5) Upon receipt of an application made pursuant to subsection (2), the court shall make an order as it shall deem proper or just.

Rewards                    **49.** The Director may authorise the payment of rewards to persons giving genuine and authentic information regarding offences leading to conviction of an offender and regulate the amount and payment of the rewards.

Protection of  
informers                **50.** An authorised officer shall have the duty to protect any person who gives useful information as provided for under section 49.

## PART X GENERAL PROVISIONS

Sovereignty  
over biological  
resources  
Cap. 2                    **51.**—(1) The biological resources and their intangible products whether naturally occurring or naturalised within fisheries including genetic resources belonging to the Government in accordance with Article 27 of the Constitution, shall be conserved and utilised for the people of this country in accordance with the provisions of this Act and any other written law on biological resources.

(2) The transfer of any biological resources and their derivative products intangible components from fisheries shall not operate so as to extinguish the sovereignty of Tanzania over those resources.

(3) Notwithstanding the provisions of subsection (2), the Director in collaboration with agencies responsible for scientific research shall keep record on performance of genetic resource exported outside the country.

(4) Without prejudice to the provisions of subsection (1), the right to determine and regulate access to genetic resources is vested in the Government and may be exercised by the competent authority in consultation with relevant organisations in accordance with the provisions of this Act or any other written law on biological resources.

Environmental  
Impact  
Assessment            **52.** A person shall not undertake any development activities in this Act, without undertaking Environmental Impact

Assessment in accordance with any other written laws of Tanzania.

Research priority  
areas and  
facilitation

**53.**—(1) The Director shall, in collaboration with research institutions and other stakeholders, outline areas that require research.

(2) A person intending to undertake any research in fisheries prior to obtaining any permit from any other person(s) or organisation shall be required to obtain a research clearance from the Director.

(3) An application for a research permit to which this section applies, shall be accompanied by a copy of the research proposal and include—

- (a) the name, qualifications and designation of the person applying for the clearance;
- (b) the names, qualifications and designation of any person whom it is proposed will assist or work with the person applying for the clearance;
- (c) the name, function and address of the institution or organisation, if any, with which the person applying for the clearance is connected, either directly or indirectly and where a different institution or organisation is funding in whole or in part the research, the name, address and function of that funding institution or organisation;
- (d) the purpose of the research and the use of which it shall be put, including any proposal for the publication of the results of the research and any proposed commercial exploitation of the research; and
- (e) any other matters as may be prescribed.

(4) In determining whether to grant or refuse to grant a research clearance, the Director shall have regard to—

- (a) general policies concerning research adopted by any national bodies charged with a duty to promote and regulate research;



- (b) the extent to which the proposed research is likely to contribute to the furtherance of the objectives of fisheries as set out in Part III of this Act;
- (c) the proposal or lack of them that, the research plan contains for providing feedback from the research and disseminating the results of the research within the country;
- (d) the extent to which the research plan complies with any international agreements relating to research on fisheries of the nature proposed in the application; and
- (e) other matters as appear to be relevant or as may be prescribed.

(5) In granting a research clearance, the Director may attach conditions to the clearance as are calculated to ensure that, the matters referred to in subsection (3) are observed and furthered by the research and in particular, the conditions may regulate and control the manner in which any specimen of flora or fauna are taken from a fisheries reserve or are exported from Tanzania in the course of or at the conclusion of the permitted research.

(6) A person who has been granted a research clearance shall, at his own expense deposit one copy of any publication of any sort with any research section, whether produced by the person granted the research permit alone or as a joint author with other persons during the course of the research in each library in the country as shall be specified in the research permit or as may be prescribed.

(7) Where the Director is satisfied after due inquiry or as a result of information given to him by a reliable source that, any research is being conducted otherwise than in accordance with the terms of a research clearance, he shall forthwith withdraw the said research permit and issue a direction in writing to the person to whom the research clearance was granted to cease activities connected with or arising out of the research.

(8) A person from whom a research clearance has been withdrawn under subsection (6), may appeal to the Minister.

Call for research  
information

**54.** The Director may call for any research information obtained to be disseminated to the public.

Call for  
information from  
licencee

**55.** The Director may, for the purpose connected with the implementation of this Act, by notice sent in writing, or delivered by registered post, require any person holding a license under this Act to send or deliver to the Director within thirty days from the date on which the notice was sent or delivered, documents and information that is required.

Exemptions

**56.** Notwithstanding anything contained in this Act, the Minister may grant an exemption to any person or organisation from any of the provisions of this Act or of any subsidiary legislation not inconsistent with the provisions of this Act in order to entitle the holder to engage in fishing and to do other things as may be specified in the order for any of the following purposes:

- (a) scientific research and display museums, zoo or similar establishments;
- (b) educational and cultural activities;
- (c) supply of food in case of emergency where no other adequate food supply is available; and
- (d) compliment.

Regulations

**57.**—(1) The Minister may make regulations for the better carrying out of the objects and purposes of this Act and, make provisions which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing, regulating or controlling the capture, collection, gathering, processing, storage or marketing of fish, fish products, aquatic flora or products of aquatic flora.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) providing for the issuance, suspension and cancellation of licences or authorities granted or given under this Act or any subsidiary legislation made under this Act;
- (b) prescribing the terms and conditions upon which any licence or authority may be granted or issued;
- (c) prescribing the forms of application for licences and responsible authorities;
- (d) prescribing fees for licences and authorities;
- (e) requiring any category of fishing vessels to be registered;
- (f) providing for and regulating the description, specifications and form of nets to be used in fishing and the size of the meshes;
- (g) prohibiting or regulating the use of any description of fishing gear;
- (h) prohibiting, restricting or regulating the importation into Mainland Tanzania any live fish other than fish indigenous to Mainland Tanzania;
- (i) prohibiting or regulating the exportation of fish, aquatic flora or any fish product or product of aquatic flora;
- (j) prohibiting or restricting the use of explosives for the purpose of fishing;
- (k) prohibiting or restricting the use of any poisonous chemical or toxic substance for the purpose of fishing;
- (l) prohibiting or restricting the capturing, collection, removal or destruction of any variety of fish, aquatic flora, product or product of aquatic flora;
- (m) providing for the protection of critical habitats;
- (n) preventing the obstruction and pollution of territorial waters;
- (o) controlling the import and export of fish, aquatic flora, fish products or products of aquatic flora;
- (p) determining and imposing closed periods;
- (q) limiting or controlling the number and size of fishing vessels;
- (r) regulating the marketing of fish, aquatic flora, fishery products or products of aquatic flora;

- (s) prohibiting, regulating or controlling the activities of foreign fishing vessels within territorial waters;
- (t) regulating the processing of fish, fish products or aquatic flora or products of aquatic flora;
- (u) prescribing conditions under which a processor of fish, fish products or products of aquatic flora shall comply;
- (v) prescribing specifications to which any factory building or other premises used for the purpose of fish processing, storage or sale of any fish, fish product, aquatic flora or product of aquatic flora shall conform;
- (w) controlling and regulating importation, manufacturing and construction of fishing gears;
- (x) regulating the structure, functions and powers of authorised associations;
- (y) regulating the remunerations and fringe benefits for the Unit;
- (z) providing for and regulating the conditions under which industrial fishing shall be undertaken;
- (aa) providing for and regulating the manner in which aquaculture shall be undertaken;
- (bb) providing for the issuance of identification cards and conditions under which they shall be used;
- (cc) providing for protection of biodiversity of aquatic habitats, ecosystems and endangered species;
- (dd) regulating artisanal fisheries;
- (ee) providing for the restoration and recovery of depleted stocks;
- (ff) providing for and regulating the manner in which genetic resources shall be managed;
- (gg) providing for marking of fishing gears;
- (hh) providing for recovery of lost and abandoned fishing gears;
- (ii) regulating the use of fish aggregating devices; and
- (jj) providing for data collection and reporting.

Act to prevail  
over by-laws

**58.** Where any provision of any by-law made by a local authority is inconsistent with any provision of this Act or any

subsidiary legislation made under this Act, the provision of this Act or, as the case may be, of the subsidiary legislation, shall be construed so as to revoke, to the extent of the inconsistency, the provision of the by-law.

Repeals  
Act No.  
6 of 1970.

**59.**—(1) [Repeals the Fisheries Act.]

(2) Notwithstanding the repeal of the Act—

- (a) licences and permits granted under the provisions of the Fisheries Act, shall be deemed to have been made under this Fisheries Act;
- (b) regulations made under the Fisheries Act, shall be deemed to have been made under this Act and remain in force and have effect until repealed, replaced or amended under and in accordance with the provisions of this Act; and
- (c) lawful orders, notices, by laws or anything given or made by an authorised officer authorised to give or make lawful orders, notices and by-laws under the Fisheries Act, shall be deemed to have been made under this Act, and remain in force and effective until amended or withdrawn under this Act.

## SCHEDULE

*(Made under section 40(1))*

### LIST OF OFFENCES THAT MAY BE COMPOUNDED

1. Artisanal fishers fishing without licence.
2. Collecting fish or fishery products without valid licence.
3. Artisanal fishers fishing using unregistered vessel.
4. Permitting others to use unregistered vessel for fishing.
5. Possession of sea shells, shell products, aquarium fish for trade or for public display and commercial purposes without valid document.

