

Act 5

Fish (Amendment) Act

2011

THE FISH (AMENDMENT) ACT, 2011

An Act to amend the Fish Act Cap. 197 to provide for the retention by the Department of Fisheries Resources, of fees received from the issue of licences and permits under the Act; to require the Chief Fisheries Officer to establish and maintain a register of all persons issued with licences under the Act; to require a certificate of vessel ownership and a fishing vessel identification plate to be displayed on every licensed fishing vessel; and for related matters.

DATE OF ASSENT: 17th February, 2011.

Date of Commencement: 18th March, 2011.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Fish Act, Cap. 197

The Fish Act, in this Act referred to as the principal Act is amended in section 2 by inserting immediately after paragraph (h) the following new paragraph—

“(ha) “currency point” means the value of a currency point specified in Schedule 1.”

2. Amendment of Section 13

Section 13 of the principal Act is amended in subsection (4), by deleting the words “and the decision of the Minister shall be final.”

3. Amendment of the principal Act to convert shillings into currency points

The principal Act is amended as follows—

- (a) in section 13(5) by substituting for the words “one thousand shillings” for the words “twelve currency points”;
- (b) in section 16(3) by substituting for the words “one thousand shillings” for the words “twelve currency points”;
- (c) in section 17(3) by substituting for the words “one thousand shillings” for the words “twelve currency points”;
- (d) in section 18 by substituting for the words “one thousand shillings” for the words “twelve currency points”;
- (e) in section 21(2) by substituting for the words “one thousand shillings” for the words “twelve currency points”;
- (f) in section 22 by substituting for the words “ten thousand shillings” for the words “forty eighty currency points”;
- (g) in section 33 by substituting for the words “ten thousand shillings” for the words “forty eighty currency points”.

4. Insertion of new sections.

The principal Act is amended by inserting immediately after section 22 the following new sections—

“22A. Retention of fees

(1) Any fees received by the Chief Fisheries Officer or an authorised licensing officer from the issue of licences and permits and other fisheries activities under this Act shall be retained by the Department Of Fisheries Resources in a Fund established for the purpose, in accordance with the Public finance and Accountability Act, 2003 for purposes of defraying the expenses of that department and for the effective development and management of the fisheries sector.

(2) For avoidance of any doubt, the Accounting Officer of the Fund established under subsection (1) shall be the Accounting Officer of the Ministry responsible for fisheries.

22B. Register of persons issued with licences

(1) The Chief Fisheries Officer shall establish and maintain a registry of all persons issued with licences under this Act.

(2) The Chief Fisheries Officer shall, by notice in the *Gazette*, appoint a place at which the register is to be located and shall state the hours when the register is to be open for inspection by the public.

22C. Certificate of vessel ownership

(1) A person issued with a fishing vessel licence under this Act shall, together with the licence, be issued with—

- (a) a certificate of vessel ownership relating to that vessel; and
- (b) a fishing vessel identification plate.

(2) The fishing vessel identification plate issued under subsection (1) shall be displayed on the licensed vessel at all times.”

5. Insertion of Schedule to the principal Act

The principal Act is amended by inserting the following schedule—

“SCHEDULE 1

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.”

