

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS.

2003 No. 81.

THE FISH (AQUACULTURE) RULES, 2003.

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STATUTORY INSTRUMENTS

2003 No. 81.

The Fish (Aquaculture) Rules, 2003.

(Under section 43(g) of the Fish Act) Cap 228.

IN EXERCISE of the powers conferred upon the Minister responsible for fisheries by section 43 (g) of the Fish Act, these Rules are made this 19th day of May, 2003.

1. Citation

These Rules may be cited as the Fish (Aquaculture) Rules, 2003.

2. Interpretation

In these Rules, unless the context otherwise requires—

“Act” means the Fish Act;

“antibiotics” means a chemical or biological agent or a combination of both that can destroy or prevent the growth of bacteria and other micro-organism;

“aquaculture” means the rearing of fish under controlled conditions with clear ownership;

“aquaculture chemicals” means chemicals used in aquaculture production either for treatment of disease, enhancing growth, reproduction, treatment of water, aquaculture effluents and control of aquatic weeds;

“aquaculture inspector” means an aquaculture inspector designated under rule 3;

“aquatic system” means a natural, modified or artificial water body, where water body in this context means pond, raceway, water tank, valley tank, valley dam, wetland, river, lake and any other water impoundment;

“authorised officer” has the same meaning as in the Act;

“bait fish” means fish used as an attraction to trap and catch fish and other aquatic animals;

“brood stock” means parent stock of cultured fish used to multiply a particular strain or variety in captivity;

“Chief Fisheries Officer” has the same meaning as in the Act;

“competent agency” means the Department responsible for Fisheries Resources or Aquaculture;

“culturing” means the practice of rearing fish;

“establishment” means a facility on land or water approved for production of fish through aquaculture;

“fish” means any aquatic cold-blooded vertebrate and invertebrate, dead or alive, including their young and eggs;

“fish breeder” means a person or establishment involved in fish breeding;

“fish breeding” means a deliberate practice of producing strains of fish with desirable traits;

“fish seed” means young fish or fertilized eggs used for stocking purposes;

“fry” means larval fish that is newly hatched;

“hatchery” means a facility designed for purposes of hatching and nursing fish;

“hormone” means a substance or product introduced into fish for purposes of influencing its biological process such as growth, reproduction, sensory or other characteristics;

“hybridization” means cross breeding between two strains or species that results into a strain that is intermediate between the two parents.

“intensive production” means the culture of fish using high stocking densities and complete diets;

“Minister” means the Minister responsible for fisheries;

“monoculture” means culturing of a single species in a production system;

“nursery” means a facility in which fry is nursed to fingerling size;

“ornamental fish farming” means the culturing of fish for display and not for food;

“polyculture” means the culturing of two or more species at the same time in the same production system;

“risk assessment” means a systematic study carried out to evaluate the concerns associated with a new technology or aquaculture establishment;

“semi intensive production” means the culture of fish using medium stocking densities which combines use of both natural and artificial feeds but does not include subsistence production systems; and

“transfer of fish” means the deliberate movement of fish from one water body or establishment to another.

3. Aquaculture Inspector

The Chief Fisheries Officer shall designate authorised officers under the Fish Act as Aquaculture Inspectors for the purpose of these Rules.

4. Powers of Aquaculture Inspector

The Aquaculture Inspector shall have all the powers conferred upon an authorised officer under the Act and shall, in addition, have powers to—

(a) (i) enter, inspect and search, at any time, any aquaculture establishment, fry centre, hatchery, nursery, premises or site where aquaculture is practised in order to ensure compliance with these Rules;

(ii) enter, inspect and search any place in which he or she has reasonable ground to believe that evidence of an offence under these Rules may be found;

(iii) take samples of and information relating to fish and other aquatic animals, chemicals, feeds, drugs, hormones, fertilisers and other aquaculture materials and substances found in any aquaculture establishment;

(iv) seize any of the items mentioned in paragraph (iii) that is unfit for aquaculture; and

(v) destroy or otherwise render harmless any of the items referred to in paragraph(iii) which he or she has reasonable grounds to believe is unfit for aquaculture;

(b) advise the Chief Fisheries Officer on—

(i) the approval of fish breeders;

(ii) the approval of transfer of fish;

(iii) the approval of aquaculture in natural and transboundary aquatic systems;

(iv) the approval of any matter necessary for carrying into effect the provisions and principles of these Rules;

(c) carry out regular inspection and monitoring of the activities of establishments under these Rules; and

(d) prepare a report to be submitted to the Chief Fisheries Officer on respective establishments.

5. Obstruction of Aquaculture Inspector

(1) No person shall obstruct, impede or refuse to allow an Aquaculture Inspector or other authorised officer acting in the exercise of his or her functions under these Rules, or aid any person in obstructing, impeding or refusing to admit an Aquaculture Inspector.

(2) An Aquaculture Inspector in exercising any of the powers conferred on him or her by these Rules, shall, on demand, produce such means of identification as may be necessary to show that he or she is an Aquaculture Inspector for purposes of these Rules.

6. Approval of Aquaculture establishments

(1) The management of an intensive or semi-intensive production type of establishment shall before constructing, reconstructing or adapting, submit to the Chief Fisheries Officer for his or her approval, a plan of the establishment and a list of the activities to be carried out by the establishment.

(2) The Chief Fisheries Officer may approve a plan and activities of an establishment submitted under subrule (1), which meets the requirements given in the Guidelines and Code of Practice of Aquaculture.

(3) The Chief Fisheries Officer may from time to time issue the Guidelines and Code of Practice of Aquaculture.

(4) An establishment, which meets the requirements in the Codes of Practice of Aquaculture, may be issued with an Aquaculture Establishment Certificate as set out in the First Schedule to these Rules.

(5) An establishment that carries out activities other than those for which it is approved, commits an offence.

(6) An establishment seeking to carry out activities other than those for which it is approved shall apply in writing to the Chief Fisheries Officer for approval.

7. Provision of adequate measures for confinement

No person, institution, organization or establishment shall carry out aquaculture without adequate measures to guarantee for confinement of the fish to prevent escape from the establishment.

8. Establishment in a transboundary aquatic system

Where an establishment is to be placed in a transboundary aquatic system, the Chief Fisheries Officer shall be guided by International Codes and Protocols that are recognized by all riparian countries based on the following—

(a) practices not yet scientifically tested and approved shall be subjected to stringent Environment Impact Assessment and precautionary procedures as guided by internationally accepted protocols;

(b) any establishment in a transboundary aquatic system shall be subjected to regular monitoring following internationally accepted guidelines.

9. Refusal to approve an aquaculture establishment

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

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

10. Regular monitoring and inspection of aquaculture establishment

The Chief Fisheries Officer shall ensure regular monitoring and inspection of aquaculture establishments under these Rules.

11. Aquaculture Certificates

(1) No person or establishment shall produce and distribute or sell fish seed to fish farmers without a Fish Seed Production Certificate issued by an Aquaculture Inspector.

(2) A person or establishment intending to carry out fish seed production shall apply to the Chief Fisheries Officer for a certificate in Form A set out in the Second Schedule to these Rules.

(3) A Fish Seed Production Certificate shall be in the format set out in the Third Schedule to these Rules.

(4) A Fish Seed Production Certificate shall be issued on payment of the fee set out in the Twelveth Schedule to these Rules.

12. Withdrawal of Fish Seed Production Certificate

(1) An Aquaculture Inspector may refuse to issue or may withdraw a Fish Seed Production Certificate if the production of fish seed, the hatchery or breeding facilities and the brood stock are not in accordance with the Guidelines and Code of Practices of Aquaculture as established by the Chief Fisheries Officer.

(2) An Aquaculture Inspector may withdraw a Fish Seed Production Certificate if the person, nursery or establishment is not acting in accordance with subrule (1).

13. Reasons for refusal to issue a Certificate

Where an Aquaculture Inspector refuses to issue a Fish Seed Production Certificate, he or she shall communicate in writing the reasons for refusal to issue the certificate to the establishment or applicant.

14. Engagement in fish breeding

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

(2) A person or establishment intending to carry out fish breeding shall apply to the Chief Fisheries Officer for a permit using Form B set out in the Fourth Schedule to these Rules.

(3) A Fish breeding permit shall be in the form prescribed in the Fifth Schedule to these Rules.

(4) A Fish breeding permit shall be issued on payment of the fees set out in Twelveth Schedule to these Rules.

15. Reasons for refusal by Chief Fisheries Officer

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

16. Transfer of Fish

(1) No person shall export or import live fish for purposes of aquaculture without a permit issued by the Chief Fisheries Officer.

(2) No person shall import live fish into Uganda for purposes of aquaculture without certificate of import of live fish into Uganda as prescribed in the Sixth Schedule to these Rules.

(3) The fish species that may be exported or imported under subrule (1) are those specified in the Eighth Schedule to these Rules.

(4) A fish transfer permit specified in the Tenth Schedule shall be issued on payment of the fee set out in the Twelveth Schedule to these Rules.

(5) A person or establishment intending to transfer fish within Uganda for aquaculture purposes shall apply to the Chief Fisheries Officer for a permit in the form set out in Form C of the Ninth Schedule to these Rules.

(6) A fish export or import permit specified in the Seventh Schedule shall be issued on payment of fees set out in Twelveth Schedule to these Rules.

(7) The Chief Fisheries Officer may refuse to give permission for transfer of any fish if the fish to be transferred—

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

17. Reasons for refusal to issue a permit

Where the Chief Fisheries Officer refuses to issue a permit for transfer of any organism he or she shall communicate in writing the reasons for refusal.

18. Responsible Aquaculture practices

(1) No person or establishment shall carry out aquaculture production in such a way that—

- (a) degrades the environment without mitigation;
- (b) introduces new species apart from those approved for that area;
- (c) compromises safety of food fish;

(2) Any person who contravenes sub rule (1) commits an offence and is liable on conviction to a fine not exceeding, three thousand shillings or imprisonment not exceeding three months or both.

19. Tampering with aquaculture establishment

(1) No person shall tamper with, or add an item or organism or deleterious substance to an aquaculture establishment without the knowledge and consent of the owner.

(2) Any person who contravenes sub rule (1) commits an offence and is liable on conviction to a fine not exceeding, three thousand shillings or imprisonment not exceeding three months or both.

20. Aquaculture inputs

A person or establishment intending to engage in production for sale and distribution or importation of inputs including fish feeds, aquaculture fertilizers, hormones, antibiotics and others for aquaculture use, shall be required to certify their products with a competent agency.

21. Genetic materials for aquaculture

All new genetic materials intended for aquaculture shall conform to the National Bio-safety Guidelines as set by the Uganda National Council of Science and Technology and shall not be released into aquatic systems, without a permit from the Chief Fisheries Officer.

22. Refusal by the Chief Fisheries Officer to issue Permit

The Chief Fisheries Officer may refuse to issue a permit for import, export production or sale of aquaculture inputs in form of genetic materials and technologies for use in aquaculture if inputs pose an unacceptable risk.

23. Aquaculture research

Any living modified organism that is a product of aquatic research shall be under quarantine and shall only be released from quarantine with the written consent of the Chief Fisheries Officer.

24. Certification or approval of generated product

(1) The Chief Fisheries Officer shall not certify or approve the generated products and technology for aquaculture production purposes, unless a risk assessment has been done and approved by the Uganda National Council of Science and Technology.

(2) Where the Chief Fisheries Officer refuses to certify or approve a product or technology under subrule (1) any product or technology shall be seized and destroyed or otherwise rendered harmless.

25. Aquaculture record keeping

(1) A person or establishment involved in aquaculture production shall keep records and regularly compile data in a format set out in the Eleventh Schedule to these Rules.

(2) The compiled data shall be submitted by management of the establishment to the Chief Fisheries Officer every end of fiscal year.

(3) The Chief Fisheries Officer will revoke approval of any establishment under Rule 6 for which the management fails to keep and avail accurate aquaculture production records.

26. Marketing Aquaculture Fish

(1) Restrictions relating to the size of fish for marketing prescribed by the relevant law shall not apply to the marketing of fish reared through aquaculture.

(2) Differentiation of aquaculture products will be by way of the fish transfer permit issued in accordance with the Tenth Schedule to these Rules, and by other related instruments for fish movement and transfers under the Act.

27. Aquaculture Harvesting Gears

(1) Harvesting gears used in aquaculture shall not be used for capture of fisheries or in open waters.

(2) A person who uses harvesting gears in contravention of subrule (1) commits an offence and is liable on conviction to a fine not exceeding three thousand shillings or imprisonment not exceeding six months or both.

28. Falsification of documents, etc

No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, certificate or other document made or issued under these Rules.

29. Offences for failure to comply with these Rules

Every person who, for the time being, is in charge or control or is a manager of persons, establishments or institutions engaged in aquaculture, and who fails to take reasonable steps to ensure compliance with these Rules, by any person under his or her charge, control or management commits an offence.

30. General penalty

A person who contravenes these Rules is liable, on conviction, to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding three months, or both.

31. Additional powers of court

(1) The court may, in addition to, or in substitution for any penalty that it may impose under these Rules, withdraw any approval, permit or certificate granted under these Rules.

(2) The court may on application of the prosecution, order the closure of any aquaculture establishments, that has contravened any of these Rules.

32. Immunity from civil or criminal liability

No liability, civil or criminal shall attach to the Chief Fisheries Officer, or Aquaculture Inspector in respect of loss arising from the exercise in good faith by the Chief Fisheries Officer or Aquaculture Inspector in the performance of his or her functions under these Rules.

FIRST SCHEDULE

Rule 6 (3)

THE REPUBLIC OF UGANDA

AQUACULTURE ESTABLISHMENT CERTIFICATE

This is to certify that meets the required conditions to practice aquaculture as a (nursery, grow out, fry producer, breeder, bait, ornamental), in..... District,.....Sub county from(date).

The Establishment is required to comply with the Fish (Aquaculture) Rules 2003, and is permitted to practice (semi-intensive or intensive culture).

Fee paid (Shs).....

.....
Chief Fisheries Officer *Date*

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

SECOND SCHEDULE

Rule 11 (2)

THE REPUBLIC OF UGANDA

APPLICATION FOR FISH SEED PRODUCTION CERTIFICATE

Name of Establishment
Size of Establishment (No. of ponds, hatcheries)
Year of incorporation
District
Sub-county
Parish

Types of species

Capacity (number per annum)

Fish seed production facility (ponds, tanks or others specify)

.....

Names of applicant

Signature

Date

(For official use only)

Inspection results

Inspector recommendation

Names and Signature of Inspector

Date

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

THIRD SCHEDULE

Rule 11 (3)

THE REPUBLIC OF UGANDA

FISH SEED PRODUCTION CERTIFICATE

This is to certify that of District
..... Sub-county meets the requirements for the
production, marketing and distribution of fish species
(type, quantity/numbers), for a period of one year.

Fees paid (Shs).....

Chief Fisheries Officer

Date

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

FOURTH SCHEDULE

THE REPUBLIC OF UGANDA

APPLICATION FOR A FISH BREEDING PERMIT

Rule 14(2)
FORM B

Name of Establishment.....

Year of Incorporation

District

Sub-county

Parish

Type of species.....

Source of species

Characteristics of intended breed (fast growing, disease resistant, bright colours, taste and others specify).....

Purpose of new breed (food, ornamental, research, bait and others specify)

What facilities are in place

Any previous experience in breeding

.....
Signature of Applicant (s) Date

Fee (Shs).....

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

FIFTH SCHEDULE

Rule 14 (3)

THE REPUBLIC OF UGANDA

FISH BREEDING PERMIT

This is to permitof
.....District.....Sub county to use
.....species in breeding.

This permit is issued after obtaining adequate guarantees that intended breeds will meet the requirements of the Code and Practices of fish breeding, and mitigation measures will be made to address the serious negative impacts of the products.

Issued this day ofat.....

Fees (Shs)

.....
Chief Fisheries Officer

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

SIXTH SCHEDULE

Rule 16(2)

Ministry of Agriculture, Animal Industry and Fisheries
Department of Fisheries Resources

Certificate for the import of
Live Fish into Uganda

IMPORTANT

- Before you complete the form please read the Notes for Guidance overleaf.
- The fish covered by this certificate must NOT be released into the natural aquatic environment in Uganda.

THE REPUBLIC OF UGANDA

THIS CERTIFICATE MUST ACCOMPANY THE CONSIGNMENT

Please complete this in BLOCK LETTERS

1. Country of Dispatch
2. Name and full address of supplier
3. Nature of consignment

| | | | |
|---|------------|---------------------|------------|
| • Fish | Eggs | Gametes | |
| • Tropical | Cold water | Marine | Freshwater |
| Total number of boxes comprising consignment | | Date of Dispatch | |

Scientific name
(Genus and species)

Common name

Total number

4. Name and full address of consignee

I, the undersigned certify that the animals forming the present consignment are not known to have originated from a source infected by infectious haematopoietic necrosis (IHN), viral haemorrhage septicemia (VHS) or Spring Viraemia of Car. (SVC).
Done at _____ on _____

Name of official service
Signature

Stamp of official Service
Function of signing officer

Name in BLOCK LETTERS

NOTES FOR GUIDANCE

1. This certificate is to be completed for all consignment of ornamental fish, their eggs or gametes imported into Uganda from outside the East African Community (EAC). It must not be used for any other purpose.
2. The Certificate is to be completed in English and must accompany the consignment to which it relates.
3. On arrival in Uganda the certificate must be presented to the authorities responsible for operating the border Inspection post for the port of entry. A minimum of one clear working day's notice of the date and time of arrival must be given to those authorities.

4. Importation must take place within 10 days of the certificate being signed. Consignments of ornamental fish imported without complete or proper certification may be forbidden entry to Uganda.
5. Additional copies of this form may be obtained from—

Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)
 Lugard Avenue
 Entebbe
 P.O. Box 102
 Tel: 320004

Department of Fisheries Resources
 Plot 29, Lugard Avenue
 Entebbe
 P.O. Box 4
 Tel. 322026
 Email: fishery@imul.com

SEVENTH SCHEDULE

Rule 16(6)

THE REPUBLIC OF UGANDA

FISH IMPORT/EXPORT PERMIT

This is to permit.....ofDistrict,
Sub County to export/import fish
 species.....from (country of origin)..... to
 (destination)..... in quantities of (numbers or kilos).

Fees Paid (Shs).....

.....
Chief Fisheries Officer

Date.....

Original: Applicant
 Duplicate: District Fisheries Officer
 Triplicate: Department of Fisheries Resources

EIGHTH SCHEDULE

Rule 16(3)

A: LIST OF LIVE FISH WHICH CAN BE EXPORTED
FROM UGANDA

| NAME | SEX | |
|--|-------------|---------------|
| | <i>Male</i> | <i>Female</i> |
| 1. <i>Lates niloticus</i> (Nile perch) | 3 | x |
| 2. <i>Clarias gariepinus</i> (African Catfish) | 3 | 3 |
| 3. <i>Oreochromis niloticus</i> (Nile tilapia) | 3 | 3 |
| 4. Haplochromis spp | 3 | x |
| 5. Bagrus spp | 3 | 3 |
| 6. Afromastacembelus spp | 3 | x |
| 7. Malapterus electricus | 3 | 3 |
| 8. Alestes spp | 3 | 3 |
| 9. Protopterus aethiopicus | 3 | x |
| 10. Syndontis spp | 3 | x |
| 11. Barbus spp | 3 | x |
| 12. Distichodus spp | 3 | x |
| 13. Hydrocynus spp | 3 | x |
| 14. Cithrinus spp | 3 | x |
| 15. Polypterus spp | 3 | x |
| 16. Bryocinus spp | 3 | x |
| 17. Rastrineobola spp | 3 | 3 |
| 18. Clariallabes spp | 3 | x |
| 19. Ornamental spp | 3 | x |
| 20. Schilbe | 3 | x |
| 21. Caridina | 3 | 3 |

B: LIST OF LIVE FISH WHICH CAN BE IMPORTED
INTO UGANDA

| NAME | SEX | |
|--------------------------------|-------------|---------------|
| | <i>Male</i> | <i>Female</i> |
| 1. Saline ornamental fish | 3 | 3 |
| 2. Fresh water ornamental fish | 3 | 3 |
| 3. Common carp | 3 | 3 |
| 4. Black bass | 3 | 3 |
| 5. Rainbow trout | 3 | 3 |
| 6. Anguila spp | 3 | 3 |
| 7. Prawns | 3 | 3 |
| 8. Pangasianodon gigas | 3 | 3 |

NINTH SCHEDULE

THE REPUBLIC OF UGANDA

Rule 16 (5)

APPLICATION FOR FISH TRANSFER IN UGANDA

Name

Establishment

District

Sub-county

Species to be transferred

Numbers of species

Origin of species (lake, valley dam, ponds, or other)

Final destination

Purpose for which fish is transferred

.....

Evidence of adherence to all the quarantines

.....

Fees paid (Shs)

.....
Signature of Applicant

Date.....

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

TENTH SCHEDULE

Rule 16 (4)

THE REPUBLIC OF UGANDA

FISH TRANSFER PERMIT

This is to permitofDistrict,
Sub-county to transfer fish of species
from to in quantities
 of.....(kilos/numbers)

Fees paid (Shs)

.....
Chief Fisheries Officer

Date

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Department of Fisheries Resources

ELEVENTH SCHEDULE

Rule 25(1)

THE REPUBLIC OF UGANDA

ANNUAL AQUACULTURE FARM DATA FORM

Name of EstablishmentDate:/...../.....
Day Month Year

Year of Establishment

If individual: Male/Female.....

If Group: Number of males/Number of females.....

Location: Village.....

Sub-county

District

Type of Enterprise: Fry Producer/Nursery/Grow out/Breeder/Bait/ Ornamental

Cultured Species

Source

Type of confinement: (Ponds, Cages, Tanks, Raceways, Others specify)
.....

Number

Size (M2/M3).....

Number stocked

Number and species stocked: Monoculture

Polyculture

Annual production (Kgs).....

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Department of Fisheries Resources

TWELVETH SCHEDULE

Rules 11(4),14(4),16(4) (6)

THE REPUBLIC OF UGANDA

FEES CHARGED ON CERTIFICATE AND PERMITS FOR AQUACULTURE

Fees (U.Shs)

| | | |
|--|-----------|-------------------------------------|
| (1) Fish Seed Production Certificate | 50,000/= | |
| (2) Fish Breeding Permit | 100,000/= | |
| (3) Fish Transfer permit in Uganda 10kg | 10/= | per kg for equal or greater than |
| (4) Live Fish Export Permit | 20,000/= | |
| (5) Live Fish Import Permit | 20,000/= | |
| (6) Aquaculture Establishment Approval Permit | 20,000/= | |
| (7) Application Form | 1,000/= | |

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Department of Fisheries Resources

Dr. W. KISAMBA MUGERWA,
Minister of Agriculture, Animal Industry and Fisheries.