

STATUTORY INSTRUMENTS SUPPLEMENT
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S T A T U T O R Y I N S T R U M E N T S

2009 No. 43.

The Fish (Closed Area) Rules, 2009.
(Under Section 35 of the Fish Act.)

Preliminary.

IN EXERCISE of the power conferred upon the minister responsible for fisheries by section 35 of the Fish Act, these rules are made this 2nd day of January, 2009

1. Citation.

These Rules may be cited as the Fish (Closed Area) Rules, 2009.

2. Interpretation.

In these Rules, unless the context otherwise requires—

“Authorized Officer” has the same meaning as in the Act;

“Fish market” means a place where fish is displayed for purposes of sale;

“Fishing ground” means an area which is used for fishing where fishing gear are set for purposes of obtaining fish;

“Fisheries Vessel” means any vessel fishing or transporting fish or fishery products;

“Gazetted landing site” means a designated place by statutory order for purposes of landing fish and transacting fisheries business on the lake shore or island;

“Lacustrine Protected Area” means an area with in and around the lake shores that has been closed by statutory order to fishing activities for a specified period;

“Landing site” means a place where fish is landed from the fishing ground;

“BMU’s” has the same meaning as in the BMU statutory instrument;

“Sport fishing” means fishing with rod and line for pleasure, where any fish caught are not for sale or are returned live.

3. Objective.

The objective of these rules is to—

- (a) enable recovery of over fished stocks;
- (b) enhance conservation of Aquatic biodiversity;
- (c) promote compliance with the law on fishing;
- (d) allow for sport fishing as economic activity;
- (e) guarantee compliance with safety requirements for fish and fishery products.

General

4. Designation of inspectors.

(1) Chief Fisheries Officer shall designate authorized officers as closed area inspectors for the purpose of these rules

(2) The inspectors so designated shall advise the commissioner on—

- (a) level of compliance to fishing laws by BMUs, person or entities engaged in fish or related activities based on established guidelines or procedures;

- (b) areas requiring closure for a period or indefinitely based on the report of inspection;
- (c) areas of Biodiversity concern requiring closure;
- (d) compliance by sport fishers or entities;
- (e) areas subject to closure individually or generally include landing sites, fishing grounds gazetted landing sites, fish markets and fishing vessels.

5. Closure of an area to Fisheries activities.

The Chief Fisheries Officer may either close or ban fisheries activities at any fish landing site, fishing ground, fish market or fisheries vessel for a time period or indefinitely if that area is found to be generally in violation to these rules.

6. A person not to transact any fisheries activities in a closed area.

(1) No person shall transact any fisheries activities or fish for any fish species in any area where fisheries activities have been stopped or closed under these Rules.

(2) A Beach Management Unit (BMU) or Group of persons or person who are found either aiding or abetting the commission of any offence against these rules commits an offence.

7. Reopening of a closed area to the public for fishing activities.

Any fish landing site, fishing ground, fish market or fisheries vessel that has been closed or banned can only be allowed to reopen after providing proof of conformance followed by an inspection and approval by the Chief Fisheries Officer

8. A Person not to transact in fish and fisheries products.

Any person found in Violation of any of the above rules and has been convicted shall be banned from dealing in fish and fishery products for a time not less than three years by the chief fisheries officer.

9. Sport Fishing.

The Chief Fisheries Officer may by statutory order—

- (a) set the minimum length, size, or weight of fish caught for sport to be returned to its natural environment;
- (b) set the maximum amount to be retained by sports for any given day;
- (c) set the amount of permit fees that may be charged in an LPA and notify concerned parties from time to time;
- (d) provide that sport fishing in a LPA is prohibited unless such fee has been paid in full and in advance.

10. Contravention to rules.

Any person, group of persons, BMU or organizations, who contravenes the above rules, commits an offence against the Fish Act.

11. Powers of court.

Court may in addition to the above penalty fine the convicted BMU or a person not less than 150 currency points or imprisonment of six months or both

12. Immunity from civil or criminal liability.

No liability civil or criminal shall attach to the Chief Fisheries Officer or a closed area Inspector so authorized in respect of loss arising from the exercise in good faith in the performance of his or her function under these rules.

HON. FRED MUKISA (MP),
Minister of State for Fisheries,
Ministry of Agriculture, Animal Industry and Fisheries.