

Zambia

Fisheries Act, 1974

Chapter 200

Legislation as at 12 September 2007

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Zambia

Fisheries Act, 1974 Chapter 200

Commenced on 8 November 1974

[This is the version of this document from 12 September 2007.]

[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996.]

[Amended by [Fisheries Act \(Amendment\) Act, 2007 \(Act 22 of 2007\)](#) on 12 September 2007]

[Repealed by [Fisheries Act, 2011 \(Act 22 of 2011\)](#) on 18 April 2011]

An Act to provide for the development of commercial fishing in the Republic; to control fishing and provide for the registration of fishermen and their boats; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Fisheries Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**aquaculture**" means the cultivation, propagation or farming of fish, aquatic vegetation, or other living aquatic resources whether from eggs, spawn, spat or seed or by rearing fish lawfully taken from the wild or lawfully imported into the country, or by other similar process;

[definition of "aquaculture" inserted by section 2(b) of [Act 22 of 2007](#)]

"**aquaculture development plan**" means the plan prepared under section twelve J;

[definition of "aquaculture development plan" inserted by section 2(b) of [Act 22 of 2007](#)]

"**aquaculture facility**" means any equipment, construction, enclosure, place or area, whether on land or in water, in which aquaculture is conducted;

[definition of "aquaculture facility" inserted by section 2(b) of [Act 22 of 2007](#)]

"**authorised officer**" means the Director, any officer of the Department of Fisheries duly authorised by the Director and any other person authorised in writing either by name or appointment by the Director;

"**boat**" means any water craft whether powered or unpowered used for or in connection with commercial fishing;

"**commercial fishing**" means fishing which is undertaken in a commercial fishing area as a regular or occasional occupation for the supply of fish to any market or industry;

"**Committee**" means a fisheries management committee constituted under section five D;

[definition of "Committee" inserted by section 2(b) of [Act 22 of 2007](#)]

"**Director**" means the officer for the time being in charge of the Department of Fisheries;

"**Environmental Council of Zambia**" has the meaning assigned to it in the Environmental Protection and Pollution Control Act;

[Cap. 204]

[definition of "Environmental Council of Zambia" inserted by section 2(b) of [Act 22 of 2007](#)]

"**environmental impact assessment**" has the meaning assigned to it in the Environmental Protection and Pollution Control Act or in regulations made thereunder;

[Cap. 204]

[definition of "environmental impact assessment" inserted by section 2(b) of [Act 22 of 2007](#)]

"**fish**" means any vertebrate fish alive or dead and any part thereof whether or not preserved in any form and includes, fin, shell fish, the young and eggs;

[definition of "fish" amended by section 2(a)(i) of [Act 22 of 2007](#)]

"**fisheries management area**" means any fishery waters or part thereof or any geographical area whether or not connected to any fishery water declared to be a fisheries management area under section five A;

[definition of "fisheries management area" inserted by section 2(b) of [Act 22 of 2007](#)]

"**fisheries management plan**" means a plan for the management and development of a fisheries management area prepared pursuant to section five C;

[definition of "fisheries management plan" inserted by section 2(b) of [Act 22 of 2007](#)]

"**fisherman**" means any person who as a regular or occasional occupation, undertakes fishing for the supply of fish to any market or industry, and "occupation of a fisherman" shall be construed accordingly;

"**fishery waters**" means water in any river, stream, watercourse, lake lagoon, swamp, pond, dam or reservoir, whether natural or manmade but does not include water in aquaria or ornamental ponds unconnected with any natural water;

[definition of "fishery waters" inserted by section 2(b) of [Act 22 of 2007](#)]

"**fishing**" includes any act directed at or intended for the harvesting the taking, killing or injuring of any fish;

[definition of "fishing" amended by section 2(a)(ii) of [Act 22 of 2007](#)]

"**Fund**" means the Fisheries Development Fund established by section twelve M;

[definition of "Fund" inserted by section 2(b) of [Act 22 of 2007](#)]

"**honorary fisheries officer**" means any person appointed as such under this Act;

[definition of "honorary fisheries officer" inserted by section 2(b) of [Act 22 of 2007](#)]

"**management plan**" means a fisheries management plan developed under section five C;

[definition of "management plan" inserted by section 2(b) of [Act 22 of 2007](#)]

"**water**" means water in any river, stream, watercourse, lake, lagoon, swamp, pond, dam, reservoir or other place of a similar nature, but does not include water in aquaria or ornamental ponds unconnected with any natural water.

[As amended by section 2(a)(i), 2(a)(ii) and 2(b) of [Act 22 of 2007](#)]

Part II – Control of fishing

3. Prohibited methods of fishing

- (1) No person shall, without the written permission of the Director which may be given to any person, class or group of persons, for the purpose of fishing, make, grow, use or have in his possession any poison, poisonous plants, or like injurious substance or make, use or have in his possession any explosive or any electrical fishing device.
- (2) Any person contravening the provisions of this section shall be guilty of an offence.

4. Power to restrict methods of fishing

Where it appears to the Minister that any method of fishing is likely to prove unduly destructive under any circumstances, he may by order in respect of any area for a period to be stated in such order—

- (a) prohibit the use of such method;
- (b) subject the use of such method to such conditions as he may deem fit.

5. Restriction on introduction of fish

- (1) No person shall without the written permission of the Director—
 - (a) introduce or cause to be introduced into any water any fish of a species not native either to the water into which it is introduced or to other waters naturally connected therewith;
 - (b) import into the Republic any live fish.
- (2) Any person contravening the provisions of this section shall be guilty of an offence.

Part IIA – Fisheries management areas

[Part IIA inserted by section 3 of [Act 22 of 2007](#)]

5A. Declaration of fisheries management area

- (1) The Minister may, after consultation with the Minister, responsible for environmental protection and management, national heritage conservation and management and wildlife management and with the Director and the local riparian community, by statutory order, declare any area of water to be fisheries management area for the management and sustainable utilisation of such species of fish as may be specified in the order.
- (2) The Minister, may in like manner, define, alter or extend the boundaries of any such fisheries management area or order any such area to cease to be a fisheries management area.
- (3) Where a fisheries management area is in a Local Forest or National Forest or in a National Park, the exercise or enjoyment of any fishing right or interest in the area shall be consistent with sustainable forest management or wildlife conservation and management, as the case may be.
- (4) In this section—

"Local Forest" has the meaning assigned to it in the Forests Act;
[Cap. 199]

"National Forest" has the meaning assigned to it in the Forests Act; and
[Cap. 199]

"National Park" has the meaning assigned to it in the Zambia Wildlife Act, 1998.

[Act No. 12 of 1998]

[section 5A inserted by section 3 of Act 22 of 2007]

5B. Restriction on fishing in fisheries management area

Except as otherwise provided by this Act, any person who without a licence relevant to such fishing, fishes in any fisheries management area commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

[section 5B inserted by section 3 of Act 22 of 2007]

5C.

- (1) The Director shall, in consultation with a Committee appointed under section *five D*, prepare a fisheries management plan for the conservation and management of fish and the development of the fisheries management area.
- (2) A fisheries management plan shall—
 - (a) identify the fishery to which it relates and state its characteristics and its current state of exploitation;
 - (b) specify the objectives to be achieved in the conservation, management and development of the fisheries management area;
 - (c) specify the strategies to be adopted for effective management and development of the fishery;
 - (d) determine fishing quotas, the amount of fish which may be harvested, and the number of fishing licences which may be issued, in respect of the fishery, in any fishing season;
 - (e) identify any possible adverse effects, that fishing activities in the fishery may cause to the environment and provide solutions for the management of those effects in accordance with the provisions of the Environmental Protection and Pollution Control Act;
- [Cap. 204]
- (f) specify the statistical and other data to be submitted by the Committee to the Director for purposes of monitoring the management and development of the fishery; and
- (g) where necessary, identify and recommend any international co-operation that may be needed to achieve the management and development objectives of the fishery.
- (3) The Director shall, during the preparation of a fisheries management plan, consult as appropriate, with other Government departments and agencies affected by the fisheries management plan.
- (4) Where a fisheries management area includes any waters where any fish endemic in the Republic of Zambia are found, the Director shall, before preparing a fisheries management plan—
 - (a) consult with any government or other relevant authority concerned with general conservation and biodiversity matters; and
 - (b) shall give due regard to any advice given by those authorities in relation to the endemic fish.
- (5) A fisheries management plan shall be reviewed and revised as necessary.
- (6) Each fisheries management plan and any revision thereof shall be submitted to the Minister for approval, and shall only enter into force when such approval is given.

[section 5C inserted by section 3 of Act 22 of 2007]

5D. Fisheries management committee

- (1) The Minister shall by *Gazette* notice appoint a committee for each fisheries management area declared under section five A:

Provided that where the fisheries management area is in a game management area, the Minister shall appoint the committee in consultation with the community resource board for the area.;

- (2) A committee appointed under subsection (1) shall comprise—
- (a) six representatives from the local riparian fishing community who shall be elected by the local community;
 - (b) one representative of the local authority in the fisheries management area;
 - (c) one representative of the chief:
Provided that where a fisheries management area covers two or more chiefdoms, each chief shall nominate a representative to the committee;
 - (d) one representative of a non-government organization operating in the fisheries management area;
 - (e) one representative from the fishing industry;
 - (f) one representative from the aquaculture industry; and
 - (g) two other persons:

Provided that the Minister may reject a nomination of any member and request the nominating institution or organization to provide another nomination.

- (3) The Minister shall appoint the Chairperson and Vice-Chairperson from among the members appointed under subsection (2).
- (4) Subject to the other provisions of this Act, a member of a committee shall hold office for a period of three years and may be re-appointed for one further period of three years.
- (5) The office of a member shall become vacant—
- (a) if without reasonable excuse that member is absent from three consecutive meetings of the committee of which the member has had notice;
 - (b) upon the member's death;
 - (c) if the member is adjudged bankrupt;
 - (d) if the member becomes mentally or physically incapable of performing the duties of a member of the committee;
 - (e) if the member is convicted of an offence under this Act; or
 - (f) if the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more without the option of a fine.
- (6) The Minister shall, on such terms and conditions as the Minister may determine, appoint an officer of the Department of Fisheries to be a Secretary to a committee.
- (7) The Minister may dissolve a committee constituted under subsection (1) if satisfied that the committee—
- (a) has mismanaged the natural resources in the fisheries management area; or
 - (b) has engaged in activities which are inconsistent with their functions.
- (8) In this section—

"community resource board" has the meaning assigned to it in the Zambia Wildlife Act; and

[Act No. 12 of 1998]

"game management area" has the meaning assigned to it in the Zambia Wildlife Act.

[Act No. 12 of 1998]

[section 5D inserted by section 3 of Act 22 of 2007]

5E. Proceedings of committee

- (1) Subject to the other provisions of this Act, a committee may regulate its own procedure.
- (2) A committee shall meet for the transaction of business at such places and at such times as the Chairperson may determine:

Provided that the first meeting of a committee shall be called by notice given and at a place determined by the Director.
- (3) Upon giving notice of not less than fourteen days, a meeting of a committee may be called by the chairperson and shall be called if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.
- (4) The quorum at any meeting of a committee shall be seven members.
- (5) There shall preside at any meeting of a committee—
 - (a) the chairperson; or
 - (b) in the absence of the chairperson, the vice-chairperson; or
 - (c) in the absence of the chairperson and the vice-chairperson, such member as the members present may elect from amongst their number for the purpose of that meeting.
- (6) A decision of a committee on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.
- (7) A committee may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the committee but such person shall have no vote.
- (8) The validity of any proceedings, act or decision of a committee shall not be affected by any vacancy in the membership of the committee or by any defect in the appointment of any member or by reason than any person not entitled so to do, took part in the proceedings.
- (9) A committee shall cause minutes to be kept of the proceedings of every meeting of the committee.

[section 5E inserted by section 3 of Act 22 of 2007]

5F. Functions of fisheries management committee

- (1) The functions of a committee are to promote and develop an integrated approach to the management and sustainable utilisation of natural and fisheries resources in a fisheries management area under its jurisdiction.
- (2) Without prejudice to the generality of subsection (1), a committee shall have power to—
 - (a) negotiate in conjunction with the Director, co-management agreements with industrial fishing companies operating in the fisheries management area under its jurisdiction;

- (b) manage the fisheries resources under its jurisdiction, within fishing quotas specified by the fisheries management plan;
 - (c) in consultation with the Director, develop and implement management plans which reconcile the various uses of water in the fisheries management area under the committee's jurisdiction;
 - (d) cooperate with the Department of Fisheries in the management of the fisheries management area under its jurisdiction;
 - (e) facilitate the involvement of non governmental organisations providing support to fisheries management and conservation efforts in the fisheries management area under its jurisdiction;
 - (f) recommend to the Director measures, plans and programmes required for fisheries development in the fisheries management area under its jurisdiction;
 - (g) monitor the development of aquaculture in the fisheries management area under its jurisdiction;
 - (h) submit to the Director, on a regular basis, reports on the status of the fisheries management area under its jurisdiction; and
 - (i) perform such other functions as the Minister may direct.
- (3) A committee shall prepare and implement the fisheries management plan referred to in section *five D* in accordance with such regulations as the Minister may, by statutory instrument, prescribe.

[section 5F inserted by section 3 of [Act 22 of 2007](#)]

5G. Financial provisions

- (1) A committee shall establish a fund to enhance the economic and social well being of the local riparian community within a fisheries management area.
- (2) There shall be paid into the fund of a committee referred to in subsection (1)—
 - (a) such moneys from the revenues payable in respect of fishing and aquaculture licences issued under this Act and services rendered from the use of fisheries resources within a fisheries management area as the Minister may, after consultation with the Minister responsible for finance by regulations prescribe; and
 - (b) such moneys as the committee may, with the approval of the Minister, accept by way of grants and donations from any source within or outside Zambia.
- (3) A committee shall cause to be kept proper books of accounts and other records relating to its accounts.
- (4) The accounts referred to in subsection (3) shall be open for inspection by the Director or any member of the local riparian community concerned.
- (5) The financial year of a committee shall be a period of twelve months ending on 31st December.
- (6) A committee shall, not later than ninety days after the end of the financial year submit to the Minister—
 - (a) an audited balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) a report concerning its activities during the financial year.

- (7) Any person who misuses any money belonging to a committee shall—
- (a) be liable to a surcharge; and
 - (b) be guilty of an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding twelve months or to both.

[section 5G inserted by section 3 of Act 22 of 2007]

5H. Duty of fisheries management committee to submit report and minutes

A committee shall submit—

- (a) to the Director minutes of each meeting of the committee; and
- (b) to the Minister an annual report of its activities;

within two weeks after such minutes or report are adopted by the committee.

[section 5H inserted by section 3 of Act 22 of 2007]

Part III – Special fishing areas and licences

6. Prescribed areas

- (1) The Minister may, for the purposes of recreational, subsistence, or research fishing, by statutory order declare any area of water to be a prescribed area and shall in such order specify for which of the foregoing purposes the area is so declared.
- (2) The Minister may, in respect of any prescribed area designated as such under the provisions of subsection (1), regulate the method of fishing to be used therein and may prohibit the use of nets.

7. Special fishing licences

- (1) Notwithstanding the provisions of this Act, it shall be lawful for the Minister, upon such conditions as he may deem fit, and upon payment of such fee as may be prescribed, to grant to any person or persons collectively a licence to be known as a Special Fishing Licence which shall authorise the holder thereof to fish in any specified area or specified waters for any of the following purposes:
 - (a) scientific research or the collection of specimens for aquaria, museums and similar institutions;
 - (b) collecting live fish for stocking specified waters;
 - (c) the supply of food in cases of emergency if no other adequate food supply is available;
 - (d) experiment subject to the direction of the Director.
- (2) A Special Fishing Licence may in the discretion of the Minister authorise the holder to fish by any means or method of fishing, whether otherwise prohibited or not, subject, however, to such conditions as the Minister may deem fit to impose.

Part IV – Commercial fishing

8. Declaration of commercial fishing area

- (1) The Minister may, by statutory order, declare any area of water to be a commercial fishing area.

- (2) The Minister may, in respect of any commercial fishing area declared as such under the provisions of subsection (1), make regulations—
- (a) prohibiting, restricting or regulating fishing;
 - (b) controlling the methods of fishing;
 - (c) prescribing that during any period of the year it shall be an offence to fish whether generally or for any particular species of fish;
 - (d) prescribing the licences which must be held by any person fishing in a commercial fishing area;
 - (e) prescribing the records to be kept and the information to be provided by any person fishing in a commercial fishing area:

Provided that nothing contained in any such regulations shall apply to or in any way affect any person who is not registered with the Director in accordance with the provisions of section nine.

9. Registration of fishermen

The Minister may, by statutory instrument, provide that any person who so desires may register with the Director as a fisherman.

10. Registration of boats

- (1) The Minister may, by statutory order, require that every boat used by a fisherman for the purpose of commercial fishing shall be registered with the Director in such manner and on payment of such fee as the Minister may prescribe.
- (2) Any fisherman who fails to register a boat used by him for the purpose of commercial fishing shall be guilty of an offence.

11. Boat identification marks

- (1) Every boat registered under the provisions of this Act shall be allocated a number or identification mark corresponding to the number or identification mark entered in the register.
- (2) The number or identification mark of a boat shall be clearly painted on the hull of such boat in such manner as the Minister may prescribe.

12. Fishing Development Committee

- (1) For the better co-ordination and improvement of commercial fishing in any commercial fishing area, the Minister may in respect of such area appoint a committee to be known as the Fishing Development Committee which shall submit its reports to the Minister.
- (2) The members of any Fishing Development Committee shall be appointed by the Minister under such terms and conditions and for such periods as the Minister may prescribe.

Part IVA – Aquaculture

[Part IVA inserted by section 4 of [Act 22 of 2007](#)]

12A. Prohibition of engaging in aquaculture without licence

- (1) Subject to section *twenty-three*, a person shall not engage in aquaculture except in accordance with this Act and under the authority of a licence issued under this Act.

- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

[section 12A inserted by section 4 of [Act 22 of 2007](#)]

12B. Application for licence

- (1) An application for a licence to engage in aquaculture shall be made to the Director or such other officer designated for that purpose by the Minister, in the prescribed form and shall be accompanied by a prescribed fee, an environmental impact assessment report prepared pursuant to section *twelve E* and such other documents as may be prescribed by the Minister by regulations made under section *twelve L*.
- (2) The Director shall, within sixty days of receiving an application for a licence under subsection (1), issue a licence, subject to any condition specified under section *twelve D*.
- (3) Subject to section *twelve D*, a licence issued under this section shall be valid for such period as may be specified therein and may be renewed for a like period if the applicant has been complying with the provisions of this Act and the conditions of the previous licence and on payment of the fee prescribed by the Minister by regulations made under section *twelve L*.
- (4) Where the Director is not satisfied with an application under this Part, the Director shall within sixty days of receiving the application refuse to issue the licence to the applicant and shall notify the applicant stating the reasons for so refusing.
- (5) An applicant for a licence who is aggrieved by a decision of a Director not to grant the licence under subsection (4) may appeal to the Minister, subject to a further appeal to the High Court within thirty days of receiving the notification.

[section 12B inserted by section 4 of [Act 22 of 2007](#)]

12C. Restriction of transfer of licence

An aquaculture licence shall—

- (a) not be transferred without the prior written approval of the Director:
Provided that the Director may authorise the transfer of a licence on such conditions as the Director may determine; and
- (b) confer on the licence holder exclusive rights to harvest the products of the aquaculture facility named in the licence within the area specified in the licence.

[section 12C inserted by section 4 of [Act 22 of 2007](#)]

12D. Conditions of aquaculture licence

An aquaculture licence may contain conditions—

- (a) relating to the sitting, design, equipment and materials to be used in the construction of the aquaculture facility;
- (b) relating to the control of the species of aquatic life that may be introduced into any such facility;
- (c) intended to promote sanitary conditions in the handling of fish and in the preparation and processing of fisheries and aquaculture products;
- (d) to prevent the escape of fish from an aquaculture facility;
- (e) to prevent and control the spread of diseases of fish;

- (f) to regulate the marketing of fish and fisheries products of an aquaculture facility;
- (g) stipulating measures to be taken to minimise the escape of waste products and the pollution of the water in, or the land surrounding, an aquaculture facility;
- (h) regulating the disposal of dead fish or waste from an aquaculture facility operated by the licensee including consents and notifications required in respect thereof;
- (i) respecting the control and monitoring of water quality in the aquaculture facility;
- (j) prohibiting or controlling the use of any chemical or pharmaceutical preparation, drug or antibiotic, in an aquaculture facility; or
- (k) prescribed by regulations under section *twelve L*.

[section 12D inserted by section 4 of Act 22 of 2007]

12E. Requirement to conduct environmental impact assessment

A person intending to engage in aquaculture shall conduct an environmental impact assessment in accordance with the provisions of the Environmental Protection and Pollution Control Act, and prepare a report thereon for the purposes of this Act.

[Cap. 204]

[section 12E inserted by section 4 of Act 22 of 2007]

12F. Inspection of proposed site for aquaculture

An authorised officer may inspect any site proposed for the establishment of an aquaculture facility to determine the suitability or otherwise of such site for use as an aquaculture facility upon payment of such inspection fee as the Minister may, by regulations, prescribe.

[section 12F inserted by section 4 of Act 22 of 2007]

12G. Prohibition of interfering with aquaculture facility

- (1) A person shall not—
 - (a) interfere with or harvest the products of an aquaculture facility without the authority of the licensee;
 - (b) place any object in the water, or promote or undertake any activity in a manner so as to obstruct an aquaculture operation being carried out by another person;
 - (c) destroy, damage, displace or alter the position of any equipment lawfully deployed in connection with an aquaculture facility; or
 - (d) without lawful excuse cause the release of any product of an aquaculture facility.
- (2) Any person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

[section 12G inserted by section 4 of Act 22 of 2007]

12H. Restriction on use of chemicals etc. in aquaculture

- (1) A person shall not use any drug, chemical or substance for the treatment of fish diseases or for the enhancement of fish growth in an aquaculture facility except a drug, chemical or substance approved by the Director for such purpose in consultation with the Environmental Council of Zambia.

- (2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

[section 12H inserted by section 4 of [Act 22 of 2007](#)]

12I. Cancellation and suspension of licence

- (1) The Director may cancel or suspend an aquaculture licence where the Director is satisfied that—
 - (a) it is necessary to do so in order to give effect to this Part or any programme specified in a fisheries management plan; or
 - (b) the licence holder has contravened any provision of regulations made under this Act or any condition of the licence:

Provided that the Director shall before suspending or cancelling a licence under this section notify the licence holder of the intention to suspend or cancel the licence giving reasons for such intention and inviting the licence holder to make representations to the Director, if the licence holder so wishes, within such period as is specified in the notice.

- (2) Where a licence is suspended or cancelled on the grounds specified in paragraph (a) of subsection (1), the fees or such proportion of the fees paid for the licence representing the unexpired period of that licence shall be reimbursed to the licence holder within sixty days of such suspension or cancellation.

[section 12I inserted by section 4 of [Act 22 of 2007](#)]

12J. Appeal against suspension or cancellation of licence

Any licence holder who is aggrieved by a decision of the Director to suspend or cancel the licence under paragraph (b) of subsection (1) of section *twelve I* may appeal to the Minister, subject to a further appeal to the High Court within thirty days of receiving notification of the suspension or cancellation of the licence.

[section 12J inserted by section 4 of [Act 22 of 2007](#)]

12K. Aquaculture Development Plan

- (1) The Director shall, in consultation with a Committee and the Environmental Council of Zambia, prepare an Aquaculture Development Plan for the sustainable development of aquaculture in Zambia for the approval of the Minister.
- (2) The Aquaculture Development Plan shall be for a period of three years and shall be designed to promote the sustainable development of aquaculture in accordance with sound principles of fisheries management.
- (3) The Aquaculture Development Plan shall include—
 - (a) a statement of the objectives of the plan and a strategy for achieving those objectives;
 - (b) performance indicators to monitor the extent to which the objectives of the plan are being attained;
 - (c) an evaluation of the implementation of the aquaculture plan that preceded it;
 - (d) a description or identification of any area of water which is suitable for aquaculture and the type of aquaculture for which the area is suitable;
 - (e) describe suitable methods for undertaking any type of aquaculture;
 - (f) identify suitable or unsuitable species of fish for aquaculture; and

- (g) include any other matter concerning aquaculture which the Director considers appropriate.
- (4) The first Aquaculture Development Plan shall be prepared and submitted to the Minister for approval within three months from the date on which this Act comes into operation.

[section 12K inserted by section 4 of [Act 22 of 2007](#)]

12L. Aquaculture regulations

The Minister may, by regulations—

- (a) prescribe the forms to be used for an application for an aquaculture licence under this Part;
- (b) prescribe the fees to be paid by an applicant for a licence under this Part;
- (c) provide for the control, management and improvement of any aquaculture facility;
- (d) prescribe matters to be considered in determining whether or not to grant, refuse or renew an aquaculture licence;
- (e) prescribe the duration and other conditions of an aquaculture licence; and
- (f) make or give any direction generally for the better carrying out of the purposes of this Part.

[section 12L inserted by section 4 of [Act 22 of 2007](#)]

Part IVB – The Fisheries and Aquaculture Development Fund

[Part IVB inserted by section 4 of [Act 22 of 2007](#)]

12M. Establishment of Fisheries Development Fund

- (1) There is hereby established a Fisheries and Aquaculture Development Fund.
- (2) The Fund shall consist of—
 - (a) such monies as may be appropriated by Parliament for the purposes of the Fund;
 - (b) fifty *per centum* of the monies collected from fishing and aquaculture licences and other fees payable under this Act; and
 - (c) such moneys as may accrue to or vest in the Fund.

[section 12M inserted by section 4 of [Act 22 of 2007](#)]

12N. Administration of Fund

The Fund shall be vested in the Minister responsible for finance and shall be managed and administered by the Minister responsible for fisheries.

[section 12N inserted by section 4 of [Act 22 of 2007](#)]

12O. Application of money of Fund

The Ministers referred to in section *twelve N* shall apply the moneys of the Fund for the purposes of developing the fisheries and aquaculture sector and facilitating a community based approach to fisheries management and development.

[section 12O inserted by section 4 of [Act 22 of 2007](#)]

12P. Statement of income and expenditure

The Ministers referred to in section *twelve N* shall cause an annual statement of income and expenditure to be prepared and laid before the National Assembly.

[section 12P inserted by section 4 of Act 22 of 2007]

Part V – Offences and penalties**13. Powers of search, seizure and arrest**

- (1) If any officer has reasonable grounds for believing that any person has committed an offence against this Act, he may—
 - (a) require any such person to produce for his inspection any fish or any vehicle, bicycle or boat, or any net, trap, line or any poison or explosive or any other appliance, device, material or thing whatsoever in relation to or in connection with which an offence appears to such officer to have been committed or any licence or other document issued to him or required to be kept by him under the provisions of this Act;
 - (b) enter and search any land, building, tent, vehicle or boat occupied by or under the control of such person and open and search any baggage or anything in his possession and require him to show any traps, weirs, stakes, banks, obstructions, fences or other immovable contrivances:

Provided that no house or other dwelling shall be entered without a warrant;
 - (c) seize any fish or any net, trap, line or any poison or explosive or any other appliance, device or material in relation to or in connection with which an offence appears to him to have been committed, whether or not it is in the possession of any person;
 - (d) without warrant arrest and detain any person appearing to him to have committed an offence unless he is satisfied that such person will appear and answer any charge which may be preferred against him.
- (2) Any person detained or any thing seized under the foregoing provisions shall forthwith be taken before a court to be dealt with according to law and, where it is not practicable to remove from its location any apparently unlawful means of fishing, such means of fishing may forthwith be rendered inoperative.
- (3) Any person who without reasonable excuse, the burden of proof whereof shall lie on such person, fails to produce or show anything which under the powers conferred by this section he is required to produce or show shall be guilty of an offence against this Act:

Provided that where such person is on demand being made to him unable to produce any licence, permit or document issued under the provisions of this Act, he shall not be guilty of an offence under this subsection if he produces such licence, permit or document within a reasonable time, not exceeding twenty-one days, to an officer or employee of the rural council for the area, and explains to such officer or employee that such licence, permit or document is produced in compliance with the demand of an officer and names the place where such demand was made.

- (4) It shall be lawful for any officer to stop and detain any person whom he sees doing an act for which a licence or permit is required under the provisions of this Act for the purpose of requiring such person to produce his licence or permit, and if such person fails to produce his licence or permit, he may be arrested without a warrant unless he furnishes his name and address and otherwise satisfies the officer that he will duly answer any summons or other proceedings which may be taken against him.

- (5) The Government shall not be responsible for any loss or damage which may occur to any property during an act of seizure or whilst such property is detained under this section, and no officer shall be responsible for any such loss or damage unless he shall have caused the same negligently, maliciously or fraudulently.
- (6) For the purposes of this section, "officer" means any authorised officer and any police officer.

14. Penalties

Any person who is guilty of an offence under the provisions of this Act shall, unless some other penalty is specifically provided therefor, be liable to a fine not exceeding four thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

15. Forfeitures

- (1) Where any person is convicted of an offence against this Act or where no person has within three months of the seizure of anything mentioned in subsection (1) (c) of section thirteen appeared to answer a charge, the court may order that any fish, or any net, trap, line or any poison or explosive or any other appliance, device or other thing in relation to or in connection with which an offence has been committed shall be forfeited to and become the property of the Government, and such property shall thereafter be destroyed or otherwise disposed of in accordance with any general or special instruction which the Director may issue in that behalf.
- (2) A court may order any person who unlawfully makes, uses or has in his possession any weir, bank, or other device or obstruction whatever used for the purpose of fishing which it is impracticable to move, to destroy and obliterated it, or order that it shall be otherwise destroyed and obliterated and in such case any expenditure incurred shall be recoverable from the offender.

16. Cancellation of licences by court order

Where any person is convicted of an offence against this Act, the court may order that any licence or permit held by such person under the provisions of this Act be cancelled and that such person shall not be issued with any further licence or permit for such period not exceeding six months as it may deem fit.

17. Conduct of prosecution

The Director or any authorised officer may, subject to the directions of the Director of Public Prosecutions, conduct a prosecution for an offence against this Act and shall for that purpose have the powers of a public prosecutor appointed under any written law for the time being in force.

18. Unlawful possession of fish

Any person who without reasonable excuse has in his possession or deals in any fish which has been taken contrary to the provisions of this Act shall be guilty of an offence.

Part VI – General

19. Trespass upon private property

Nothing contained in this Act shall affect the liability in trespass of any person who enters upon the lands of another for the purpose of fishing without the permission of the owner or occupier thereof previously had and obtained.

20. Cancellation, suspension or variation of licences and permits by Minister

- (1) The Minister may in his discretion vary, suspend or cancel any licence or permit issued under this Act.
- (2) The Director or any licensing officer may refuse to issue a licence, and may vary, suspend or cancel any licence issued under this Act other than a licence issued by the Minister and, in any case in which he shall have done so, he shall forthwith report the fact to the Minister.
- (3) Where any licence has been refused, cancelled or suspended under this section, the person aggrieved may appeal in writing to the Minister whose decision thereon shall be final.
- (4) Where a licence has been cancelled under this section, the Minister may, if he considers fit, direct that the whole or part of any fee paid therefor shall be refunded.
- (5) Any authorised officer may—
 - (a) state to a licensing officer an objection in writing to the issue of any licence in which case the licensing officer shall, in accordance with the provisions of subsection (2), refuse to issue the licence;
 - (b) exercise the powers of cancellation and suspension conferred by subsection (2).

21. Regulations

- (1) The Minister may, by statutory instrument, make regulations for the better carrying into effect of this Act.
- (2) In particular and without prejudice to the generality of the foregoing, such regulations may be made—
 - (a) prescribing anything which by this Act may or is to be prescribed;
 - (b) requiring the registration of fishermen and boats used for commercial fishing;
 - (c) prescribing the procedure to be followed and the records to be kept by a Fishing Development Committee;
 - (d) regulating the methods of fishing in any prescribed area;
 - (e) providing for the control, management and improvement of any commercial fishing area;
 - (f) regulating the methods of curing, preserving, processing, or storing fish at any commercial fishing area;
 - (g) prescribing the fees to be paid for anything to be done under this Act;
 - (h) regulating the trade in and the sale and export of fish;
 - (i) prescribing the forms to be used for any application, permit, licence, or other document issued or kept under the provisions of this Act;
 - (j) providing for the keeping of records of fish taken under licence or removed within the Republic or exported;
 - (k) regulating and controlling fish culture and fish farming;
 - (l) regulating and controlling aquaculture, sport fishing and fishing for ornamental purposes;

[paragraph (l) inserted by section 4(a) of [Act 22 of 2007](#)]

- (m) placing limits on the amounts of fish to be caught or the number of licences, permits or other authorisations to be issued in respect of a fish management area;

[paragraph (m) inserted by section 4(a) of [Act 22 of 2007](#)]

- (n) providing for the keeping of records or requiring the provision of statistical and other information relating to a fishery by a Committee or any person authorised to carry on any activity under this Act;

[paragraph (n) inserted by section 4(a) of [Act 22 of 2007](#)]

- (o) establishing and regulating community based on other decentralised fisheries management and any aspect of their operation including financial management and the granting or delegation of power to any person, class or group of persons to enforce or implement regulations relating to fisheries conservation and management; and

[paragraph (o) inserted by section 4(a) of [Act 22 of 2007](#)]

- (p) providing for the control, development and management of any fisheries management area including the development, establishment and implementation of integrated community projects among communities within fishery management areas;

[paragraph (p) inserted by section 4(a) of [Act 22 of 2007](#)]

- (l) making or giving any order or direction generally, for the better carrying out of the purposes of this Act.

[Please note: numbering as in original.]

- (3) Any such regulations may provide that any person who contravenes or fails to comply with such regulations shall be guilty of an offence against this Act, and may further provide that, unless some other penalty is in such regulations specifically provided therefor, such person shall be liable to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

[As amended by Act [No. 13 of 1994](#) and by section 4(a) of [Act 22 of 2007](#)]

22. Powers of authorised officers to take statistics

An authorised officer may for the purpose of obtaining fish statistics weigh, measure and check any fish, and any person in charge of fish shall on demand being made to him produce such fish to the authorised officer for that purpose.

23. Exemption from provisions

The Minister may, in his discretion, exempt any person or persons from all or any of the provisions of this Act, either generally or in respect of any particular area or waters.

24. Delegation of powers by Director

The Director may, with the prior approval of the Minister, delegate to any suitably qualified person the powers conferred upon him by this Act.