

STATUTORY INSTRUMENTS.

2003 No. 35.

THE FISH (BEACH MANAGEMENT) RULES, 2003.

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STATUTORY INSTRUMENTS

2003 No. 35.

The Fish (Beach Management) Rules, 2003

(Under section 43 of the Fish Act).

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

PART I—PRELIMINARY.

1. Citation

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

2. Interpretation

In these Rules, unless the context otherwise requires—

“Act” means the Fish Act;

“assembly” means a formal gathering of all the registered Beach Management Unit members.

“authorised licensing officer” means any officer authorised in writing by the Chief Fisheries Officer to issue licenses under the Fish Act;

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

“beach” means the geographical limit of the area of jurisdiction of the beach management unit where fish is landed together with attendant cluster settlement of riparian communities deriving services from the local fisheries either directly or indirectly within a given Parish;

“Beach Management Unit” means an organization of fishers (boat crew or barias), boat owners, owners, managers, chatterers, fish processors, fish mongers, boat makers, local gear makers or repairers and fishing equipment dealers;

“boat owner” means an individual or entity whose name appears in the current vessel licence;

“chairperson” means an individual democratically elected by the Beach Management Unit for the purpose of leadership in fisheries management of that beach;

“chatterer” means any individual or entity that leases or rents out a vessel for a period of time for a fishing operation;

“Chief Fisheries Officer” means the officer for the time being in charge of the Fisheries Department and as defined in the Fish Act;

“Committee” means members democratically elected by the Beach Management Unit to perform specific tasks;

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

“fisheries” includes the management, catching, processing, and marketing of fish;

“fisheries management” means carrying out the tasks of determining access rights, harvesting regulations, market regulations, monitoring, control and enforcement;

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

“fishing vessel” means any vessel used or intended to be used for the exploitation of living fresh water fisheries resources, including fish transport or collecting vessels and any other vessel directly engaged in fishing operations;

“Local Government” has the same meaning as that provided in the local Government Act 1997 and includes the District Council, the Sub-county Council, the City Council, the City Division Council, the Municipal Council, the Municipal Division Councils and the Town Council;

“manager” means an individual or entity acting on behalf of the owner for the operation of a fishing vessel or a fishing operation;

“owner” means an individual or entity holding shares or interests in a fishing vessel, fishing license or fishing enterprise;

“transshipment” means an act of transferring the catch from one fishing vessel to either another fishing vessel or a vessel used solely for the carriage of cargo.

PART II—BEACH MANAGEMENT UNIT.

3. Establishment of Beach Management Unit.

There shall be a Beach Management Unit at all gazetted fish landing sites.

4. Function of Beach Management Unit

The Beach Management Unit shall be charged with the responsibility of fisheries resource management in partnership with Local government and Central government Department or Institution responsible for Fisheries Regulations and Control.

5. Registration of Beach Management Unit.

(1) Every Beach Management Unit shall apply for registration through local governments (Parish Chief, Sub-county Chief and Chief Administrative Officer) to the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall design an appropriate form for the purpose of application for registration of a Beach Management Unit.

6. Election of Beach Management Committee

(1) Election of a Beach Management Committee shall be by electorate lining behind the candidates nominated for the position having fulfilled requirements as set out in the First Schedule to these Rules.

(2) A person shall qualify for election as a Beach Management Committee member if that person—

(a) is a citizen of Uganda;

(b) is ordinarily a resident of that beach;

(c) is 18 years of age and above;

(d) is a registered Beach Management Unit member in that beach;

(e) is able to read and write.

(3) The Chief Administrative Officer shall be the Returning Officer for the purposes of election of Beach Management Committee and may delegate this responsibility to the Sub-county Chief of the area of the Beach Management Unit operation.

7. Composition of Committee

Each Beach Management Unit shall democratically elect a committee comprising of—

(a) Chairperson;

(b) Secretary;

(c) Treasurer; and

(d) any other office bearers for purposes of day-to-day running of the business of the Beach Management Unit.

PART III—BEACH MANAGEMENT UNIT CHAIRPERSON.

8. Beach Management Unit Committee.

(1) The Beach Management Unit Chairperson upon appointment and having taken an oath before a magistrate or authorised commissioner of oath shall have powers of an authorised officer under the Act and shall in addition have power to—

- (a) issue Fish Movement Permit as set out in Second Schedule to these Rules;
- (b) convene and preside over the committee meetings at least once every month;
- (c) convene and preside over Beach Management Unit assembly at least once every three months;
- (d) account for all assets and liabilities of the Beach Management Unit;
- (e) delegate Authority in writing to any or all of the Beach Management Committee members for the purpose of implementing his or her functions;
- (f) ensure that the Beach Management Unit member and any other boat owner, fisher, owner, manager or chatterer operating on the beach takes all necessary measures or individual action to comply with these Rules;
- (g) ensure collection and recording of information in an indelible manner by the Beach Management Committee.

(2) No person shall obstruct or refuse to obey orders from a Beach Management Unit Chairperson or other authorised person acting in the exercise of his or her functions or aid any person in obstructing or refusing to comply by any provision of these Rules.

(3) A Beach Management Unit Chairperson or other persons authorised by these Rules shall on demand produce an identity card or Authority Card endorsed by the Chief Fisheries Officer as a means of identification whenever it is necessary to show that he or she is authorised.

(4) The Beach Management Unit Chairperson shall consult and co-operate with local governments, branches and agencies of Government in implementing these Rules.

9. Removal of the Beach Management Unit Chairperson

The Beach Management Unit assembly shall remove the Chairperson if he or she—

- (a) is of unsound mind;
- (b) fails to call a Beach Management Unit assembly for six consecutive months;
- (c) fails to account for finances of the Beach Management Unit; and
- (d) is convicted for criminal offence.

UNIT COMMITTEE.

10. Roles of a Beach Management Unit Committee

There shall be a committee for each Beach Management Unit to perform the following functions—

- (a) maintain and keep in collaboration with central government or local government register of all boat owners and their equipment and Beach Management Unit members operating from the beach as provided in Third Schedule to these Rules;
- (b) participate in selection of boat owners for licensing and vetting of the fishers in collaboration with the local authorities;
- (c) ensure licenses for fishers and vessels operating from the beach are granted for those registered with the Beach Management Unit in cooperation with authorised licensing officers;
- (d) enforce in collaboration with central government or local government safety guidelines for fishing operations provided in Fourth Schedule to these Rules;
- (e) enforce in collaboration with government or local government Fish Quality Assurance and Sanitary Guidelines as provided in Fifth Schedule to these Rules;
- (f) give authority through bylaws for fishers operating from the beach to fish in particular areas, for particular species of fish using recommended and legal fishing gears and methods;
- (g) record, inspect and grant permission to visiting boats with their crew and equipment to land at the beach;
- (h) in consultation with central government and local government establish where necessary prohibited fishing zones in specified areas for specified periods for purposes of fisheries management;
- (i) decide on local markings for identification of fishing gears and outboard engines by licensed fishers;
- (j) make and enforce fisheries bye-laws;
- (k) conduct patrols in the beach and neighbourhood fishing grounds in collaboration with fisheries staff and other government agencies;
- (l) co-ordinate with neighbourhood Beach Management Units to determine areas of jurisdiction for fisheries management;

- (m) ensure fish is landed and generally transacted exclusively by registered fishers, owners, managers and charterers in accordance with these Rules;
- (n) develop local fisheries management and beach development plans in consultation with the Beach Management Unit assembly and advocate for their integration in other local development plans;
- (o) link with National Agricultural Advisory Services and other service providers for capacity building and fisheries advisory services;
- (p) generate funds through fisheries resource user fee or income generating projects for operation of the Beach Management Unit's activities;
- (q) arbitrate in fisheries disputes among Beach Management Unit members;
- (r) keep written record in an indelible manner and make the following information accessible to government agencies—
 - (i) fish catch data by number, weight and value for each species;
 - (ii) fish marketing data as derived from the fish movement permits;
 - (iii) minutes of Beach Management Unit meetings;
 - (iv) financial statements of the Beach Management Unit; and
 - (v) record of assets and liabilities of the Beach Management Unit.

11. Tenure of Office

A member of Beach Management Committee shall be elected to serve for a period of two years and shall be eligible for re-election once only.

12. Removal of Committee Members.

The Beach Management Committee member may be removed on the following grounds—

- (a) is of unsound mind;
- (b) fails to attend six consecutive meetings;
- (c) fails to account for finances of Beach Management Unit;
- (d) is convicted for criminal offence.

PART V—THE ROLE OF THE BEACH MANAGEMENT UNIT ASSEMBLY.

13. The Beach Management Unit Assembly

(1) There shall be a Beach Management Unit Assembly consisting of registered members of the Beach Management Unit.

(2) One third of the registered members shall constitute a quorum of any meeting of the Assembly.

(3) A minimum notice of a week shall be sent to members before the meeting of Beach Management Committee is convened.

14. Roles of Beach Management Unit Assembly

The Beach Management Unit Assembly shall perform the following functions—

- (a) elect and remove the Beach Management Unit Chairperson and the other members of the committee;
- (b) elect representatives to higher Beach Management Unit associations;
- (c) approve the local Beach Management Unit management plans, budgets and by-laws;
- (d) receive, deliberate and approve audited accounts; and
- (e) arbitrate on disputes among the committee members and among themselves.

PART VI—ROLES OF BEACH MANAGEMENT UNIT MEMBERS.

15. Roles of Beach Management Unit Members

The Beach Management Unit members shall have the following roles—

- (a) register as a member of the Beach Management Unit;
- (b) participate in a free and fair election of the Beach Management Committee;
- (c) participate in community fisheries self help programmes;
- (d) attend Beach Management Unit meetings;
- (e) abide by the fisheries regulations and laws;
- (f) participate in formulation and abide by the Beach Management Unit by-laws;
- (g) report illegal fishing activities;
- (h) provide data on fish catch and other information; and
- (i) participate in identification of fish breeding areas.

16. Disqualification of a Beach Management Unit Member

A Beach Management Unit member shall be disqualified on the following grounds—

- (a) if he or she is a habitual criminal for fisheries malpractice; or
- (b) is of unsound mind.

17. Precondition to be licensed as fisher or dealer in fish

A person shall not be licensed as fisher or dealer in fish unless that person is a registered member of a Beach Management Unit.

PART VII—ROLE OF THE CHIEF FISHERIES OFFICER.

18. The Role of the Chief Fisheries Officer

The Chief Fisheries Officer may approve the establishment of Beach Management Units.

19. Other functions of the Chief Fisheries Officer

(1) The Chief Fisheries Officer shall carry out the following functions—

- (a) register all Beach Management Units on recommendations of the Local Governments and issue Certificates of Registrations in a form prescribed in the Sixth Schedule to these Rules;
- (b) receive and examine complaints related to these Rules lodged within or outside the Beach Management Unit institutions;
- (c) inquire or cause an inquiry into Beach Management Unit complaints.

(2) The Chief Fisheries Officer shall delegate his or her functions to any person or authority subject to such conditions and limitations as he or she deems fit.

(3) The Chief Fisheries Officer shall consult and co-operate with other arms of government in implementing these Rules.

(4) The Chief Fisheries Officer shall inspect, monitor and evaluate the operations of the Beach Management Units.

(5) The Chief Fisheries Officer shall provide guidelines for the better implementation of these Rules.

PART VIII—FINANCING OF THE BEACH MANAGEMENT UNIT ACTIVITIES.

20. Finances of Beach Management Unit

The Beach Management Unit activities shall be funded through the following sources—

- (a) 25% of the money generated from issuing of the Fish Movement Permits at the fish landing sites as prescribed in Statutory Instrument No. 61 of 2002;
- (b) profit generated from tender holding for those Beach Management Units who may win district fish landing site tenders;
- (c) collection of a number of fish or a set value per boat landing as established through bye-laws vetted by the lower councils as per section 40 (1) of the Local Governments Act, 1997.

PART IX—SUPERVISION OF BEACH MANAGEMENT UNITS.

21. Supervision of Beach Management Unit

The operations of the Beach Management Units shall be monitored and supervised by the Parish or Village Executive Committee as set out in section 50(f) of the Local Governments Act, 1997.

22. Roles of the Chief Administrative Officer

The Chief Administrative Officer shall on behalf of the Chief Fisheries Officer, be responsible for overall supervision and monitoring of the Beach Management Units in his or her area of jurisdiction and make reports to the Chief Fisheries officer.

23. Delegation of Powers by Chief Administrative Officer

The Chief Administrative Officer may delegate any such responsibility to the Sub county Chief as he or she deems fit.

PART X—GENERAL.

24. Association by Beach Management Units

The Beach Management Unit may associate with other Beach Management Units to form higher Beach Management Units for purposes of developing lakewide management plans.

25. Falsification of documents

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

26. 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.

27. Additional Powers of Court

The Court may, in addition to, or in substitution for any penalty that it may impose under these Rules, withdraw any authorisation granted under these Rules.

28. Immunity from civil or criminal liability

No liability, civil or criminal shall attach to the Beach Chairman or Beach committee members so authorised in writing by the Beach Chairman in respect of loss arising from the exercise in good faith in the performance of his or her function under these Rules.

29. Positions are voluntary

Positions in the Beach Management Committee are voluntary without associated financial implications unless provided for by Beach Management Assembly from its financial resources.

SCHEDULES.

FIRST SCHEDULE

Rule 7(1)

ELECTION OF BEACH MANAGEMENT UNIT CHAIRPERSON/COMMITTEE
MEMBER

NOMINATION FORM FOR ELECTIONS

Form 1

We the undersigned, being registered members, nominate the under mentioned person as a candidate for the position of

Candidate's First Name	Other names	Place of Residence	Occupation	Registration Number	Age	Sex
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Name	Place of residence	Beach Management Unit Registration number	Signature
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Proposer _____

Seconder _____

We, the undersigned, being registered members, support the foregoing nomination.

Name	Place of residence	Beach Management Unit Registration number	Signature
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1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ELECTION OF BEACH MANAGEMENT UNIT CHAIRPERSON OR COMMITTEE MEMBER

PROPOSED BEACH MANAGEMENT UNIT CANDIDATE

Form 2

I, consent to my nomination as a candidate for the position of election and my name and place of residence for serving papers are

..... *name in full (Block Capitals)*

Place of Residence

Date Candidate's Signature.....

DECLARATION OF A PERSON SEEKING TO BE NOMINATED AS A CANDIDATE FOR ELECTION AS

I, declare that:

1. I am a citizen of Uganda.
2. I have attained the age of 18 years.
3. I am registered as a member of Beach with registration number.....
4. I can read and write.
5. I am of sound mind.
6. I am not a convicted criminal.

I declare to the best of my knowledge the above information is true and correct on this..... day of 20.....

.....
Candidate's Signature.

SECOND SCHEDULE

Rule 8(1) (a)

(National emblem)

(Serial No.)

DEPARTMENT OF FISHERIES RESOURCES
FISH MOVEMENT PERMIT

(Valid in Uganda only)

Section A

Name

Address.....

The bearer is authorised to move fish and/or fishery products from one part of Uganda to another part as per details below and in accordance with the Fish (Quality Assurance) Rules, (1998)

Fish species (indicate local name)Quantity (kg).....

Form (Fresh/Smoked/Salted/Sun dried)
.....

Details of origin

(i) Lake (ii) Landing site

(iii) Fish market (iv) District

Destination District

Mode of transport Regn. No.

Section B Attestation

I the undersigned official certify that the fish has been inspected and conforms to the provisions of the Fish Act and statutory instruments made under it.

Date of issue Permit validity

Fees paid (Ug. Shs.) (in words)

Issuing Officer..... Title

Signature and official stamp

Original to the owner of the fish
Duplicate to the Commissioner for Fisheries

Triplicate to remain in the book

THIRD SCHEDULE

Rule (10) (a)

ANNUAL REGISTER FORM YEAR

Form 1

..... BEACH MANAGEMENT UNIT District Sub-county

..... Parish

Registration Form for Beach MANAGEMENT UNIT MEMBERS

<i>No.</i>	<i>Name of Member</i>	<i>Nationality</i>	<i>Occupation</i>	<i>Age</i>	<i>Sex</i>
<i>Registration Form for Boat Owners and Fishing Equipment</i>					
<i>No.</i>	<i>Name of Boat Owner</i>	<i>Reg. No. of Boat</i>	<i>Previous landing of operation</i>		
	<i>Type of Boat</i>	<i>Size in Metre</i>	<i>Intended Use (Fishing/</i>		
	<i>transport)</i>	<i>Type of Gear</i>	<i>Number of Gear</i>	<i>Gear sizes</i>	<i>Outboard engines</i>
			<i>Gear Markings</i>	<i>Principal Target Species</i>	<i>Model</i>
		<i>Hp</i>	<i>Serial Number</i>		

FOURTH SCHEDULE

Rule 10(d)

SAFETY GUIDELINES FOR FISHING OPERATIONS

1. The Beach Management Unit shall ensure—
 - (a) Fishers and fish transporters shall at all times use life saving devices such as life jackets and life buoys during fishing operations;
 - (b) The vessels used in fishing and fish transport must be sea-worthy, have a water line clearly marked and shall not be loaded above the water line.

2. Beach Management Unit committee shall ensure the integration of local fishing vessels into search and rescue operations;

FIFTH SCHEDULE

Rule 10(e)

FISH QUALITY ASSURANCE AND SANITARY GUIDELINES FOR THE BEACH

1. Requirements for Handling Fish

- (a) Fishing vessels and fish transport boats shall always be cleaned and well maintained;
- (b) Fish transport boats shall not be used for transport of people and other cargo;
- (c) Fish shall be handled properly to prevent contamination, spoilage and preserve wholesomeness;
- (d) Fish shall not be placed on the bare ground;
- (e) Fresh fish shall be properly iced after catching, transshipment and during transportation in clean containers.

2. Requirements for Fish Landing Sites

- (a) There shall be sufficient toilet facilities for operators at the fish landing site;
- (b) There shall be potable water;
- (c) There shall be suitable and clearly marked areas for waste disposal;
- (d) There shall be suitable unloading, display, and landing facilities for fish which shall be kept clean.

3. All persons at the beach shall use toilets for human waste disposal.

4. Beach Management Unit shall establish and maintain hygienic and sanitary conditions in the beach.

SIXTH SCHEDULE

Rule 19(1)(a)

THE REPUBLIC OF UGANDA

FISH ACT

BEACH MANAGEMENT UNIT CERTIFICATE OF REGISTRATION

This is to certify thatBeach ofParish
.....Sub-countyDistrict is registered this
.....day of, 20.....as a Beach Management Unit (BMU),
Registration No.having fulfilled all the requirements under the Fish Act and the
Fish (Beach Management) Rules, 2003.

.....
Chief Fisheries Officer.

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