

**PART II**  
**REGISTRATION, LICENSING OF VESSELS, FISHERS AND FISH DEALERS**

*(a) Registration of fishing vessels*

**3.-** (1) The Director shall, in writing, appoint any person from among the authorized officers to be a licensing officer.

(2) Licensing officer shall keep and maintain a register of all fishing vessels in his area of jurisdiction.

(3) The register referred to under sub-regulation (2) shall be as prescribed in Form 10 set out in the First Schedule.

(4) Notwithstanding sub-regulation (1), every Fisheries Officer in-charge of fisheries sector in the local government authority shall be a Licensing Officer in the respective local government authority.

**4.-** (1) A person who applies for a registration of a fishing vessel shall lodge with the Licensing Officer an application in duplicate, duly completed, in appropriate Form 1 set out in the First Schedule.

(2) The Licensing Officer on receipt of the application shall, inspect the vessel for purposes of verifying its compliance.

(3) The Licensing Officer shall, subject to receiving of appropriate fees as provided in the Second Schedule and other conditions as may be provided, register the vessel and issue a Certificate of Registration of the Fishing Vessel as prescribed in QA/APP/09 set out in the Fifth Schedule.

(4) Notwithstanding sub-regulation (1), every fisher owning a vessel whose overall length is less than 11.0 metres shall lodge his application to the Licensing Officer through a Beach Management Unit, or through a Village Authority.

(5) The Beach Management Unit or Village Authority, shall recommend to the Licensing Officer whether to register a fishing vessel or not.

(6) A fishing vessel of length more than 11 metres shall not be registered for fishing without prior approval in writing by the Director.

**5. -** (1) A person shall not use, employ, cause or permit any person to use any fishing vessel for fishing purposes unless such a vessel has been registered in accordance with these regulations.

(2) A fishing vessel imported into Mainland Tanzania shall not be registered under these regulations, unless it has been issued with a certificate of sea worthiness from the

responsible authority.

**6.-** (1) A person shall not possess, use or cause another person to possess or to use fishing vessel propelled by an engine which has no engine manufacturer's serial number.

(2) A person who counterfeits, alters, obliterates, defaces, or in any way tempers with fishing vessel engine manufacturer's serial number commits an offence under these regulations and upon conviction shall be liable to a fine not less than seven hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year or to both.

**7. -** (1) Any Licensing Officer shall assign to every fishing vessel registered with him an identification mark consisting of letters and a number representing the country code and locality within which it is registered.

(2) The identification mark to be assigned by a Licensing Officer shall conform to lettering, numbering and particulars as provided in the Third Schedule.

(3) A fishing vessel shall be marked permanently and conspicuously by the Licensing Officer at the cost of the owner.

(4) An identification mark and name shall be painted on each side of her bows upon a plain background or distinct contrast thereto, and in dark characters on a light background or light characters on a dark background; and each letter and figure thereof, shall be not less than twenty five centimetres high and the contours not less than four centimetres broad.

(5) An identification mark other than those prescribed under sub-regulation (4) or under any other written law shall be marked on any registered fishing vessel.

**8. -** (1) The transferor shall, on transfer of ownership of any vessel which has been registered pursuant to these regulations, handover the certificate of registration of such vessel to the person acquiring the vessel and within thirty days from the date of transfer, notify the Licensing Officer in writing of the name, the residential address of the transferee and the date of transfer.

(2) Where the person to whom the ownership of any registered vessel is transferred, intends to use it as a fishing vessel, he shall, within thirty days from the date of transfer, forward the certificate of registration of that vessel to the Licensing Officer with whom the vessel is registered, and lodge an application in accordance with Regulation (4).

(3) The Licensing Officer shall, on receipt of the certificate and the application referred to in sub-regulation (2), and prescribed fees set out in the Second Schedule, transfer the registration to the name of the person specified as the transferee, forthwith cancel the original certificate and shall issue a new certificate on which he shall enter the personal particulars required to be shown on the certificate of registration relating to the vessel.

(4) Where the person to whom the ownership of any registered fishing vessel is transferred

does not intend to use it as a fishing vessel, he shall, within thirty days upon such transfer, forward for cancellation the Certificate of Registration relating to such vessel to the Licensing Officer with whom the vessel is registered and shall comply with the provisions of Regulation 9.

**9.** - The owner of the vessel shall, where any circumstances other than a change of ownership occurs in relation to any registered fishing vessel, which affects the accuracy of any particulars entered in respect of that vessel in the register, within thirty days inform the Licensing Officer with whom it has been registered and the Licensing Officer shall without fee, cause the register to be amended accordingly.

**10.** - (1) The Director shall establish a Central Registry of fishing vessels.

(2) Every Licensing Officer shall avail without delay to the Central Registry a copy of every entry made in his register and shall, upon application being made to him by any other licensing officer under these Regulations or by any public officer, provide without fees a copy of the entries in his register relating to any specified fishing vessel.

(3) Any member of the public may, on showing reasonable cause, and on payment of an appropriate fee as set out in the Second Schedule to these Regulations, access and obtain a copy of entries from the central registry.

(4) The Licensing Officer at the Central Registry shall file and keep all copies of such entries furnished in pursuance of these regulations, and shall on request, by any other officer, supply such particulars in relation thereto as may be required.

(5) Any cause or matter relating to fishing vessel, licence or permit produced by the Licensing Officer at the Central Registry or other officer acting on his direction shall be *prima facie* evidence of any matter, fact of thing stated or appearing thereon.

*(b) Licensing of fishing vessels, fishers and fish dealers*

**11.** - (1) A person who intends to apply for a fishing vessel licence shall make sure that the fishing vessel has a valid certificate of sea worthiness issued by Competent Authority responsible for shipping.

(2) A fishing vessel with an overall length of above eleven meters or twenty Gross Tonnage shall be licensed after a written approval of the Director.

(3) A person shall not use for fishing or cause another person to use a fishing trawler in the territorial waters and inner seas of the Indian Ocean the overall length of which is below eleven meters or above twenty five meters or below twenty Gross Tonnage or above one hundred fifty Gross Tonnage and with the main engine brake horsepower above five

hundred.

- (4) Application for a fishing vessel licence shall be made in duplicate in Form 2(a) set out in the First Schedule.
- (5) The Licensing Officer shall, for purposes of ascertaining whether or not a vessel complies with the provisions of the Act or of these Regulations, conduct inspection of the vessel before issuing a fishing vessel licence.
- (6) The inspection report of a fishing vessel shall be submitted in writing as prescribed in Form 2(b) and 2(c) set out in the First Schedule.
- (7) The Licensing Officer shall, upon receiving an appropriate fee as prescribed in the Second Schedule, issue a Fishing Vessel Licence as prescribed in QA/APP/10 set out in the Fifth Schedule.
- (8) A person shall not use for fishing purposes any vessel of a class not specified in the Second Schedule, unless such person has a valid licence in respect of such vessel issued in accordance with the Act and these Regulations.
- (9) A person shall not employ, cause or permit any other person to use a fishing vessel, in contravention of sub-regulation (4) and (5).

**12.-** (1) A fishing vessel licensed under these Regulations shall not proceed on a fishing voyage unless it has-

- (a) sufficient quantity of food and number of utensils for holding water and food;
  - (b) serviceable horn or trumpet;
  - (c) at least two life rings, one life jacket or any other approved life saving equipment for each crew; and
  - (d) fire extinguishing devices, for purpose of compliance to any other written law.
- (2) A Licensing Officer shall, where any vessel is detained under sub-regulation (1), before releasing such vessel, require the owner or the master to rectify any observed defects.

*(c) Licensing of fishers and fish dealers*

**13. -** (1) A person shall not-

- (a) engage in fishing;
  - (b) collect, possess, transport or hold fish or fishery products for trading purposes;
- unless he is the holder of a valid licence allowing him to engage in such activity.

- (2) A person who intends to engage in any of the activities referred to under sub-regulations (1) and (3) shall-
  - (a) make an application in the prescribed Forms 3(a), 3(b) and 3(c) set out in the First Schedule;
  - (b) in case of an applicant for industrial fishing, enclose a valid Certificate of Sea worthiness, monthly production data, export performance report, main engine specifications as per manufacturer's Certificate, Valid work permits for foreign personnel, names of share holders, Company Directors and their addresses.
- (3) A person shall not engage in exporting fish or fishery products unless he is the holder of valid licence issued by the Director allowing him to engage in such activity.
- (4) Any person who contravenes sub-regulation (1) and (3) commits an offence and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than one year or to both.
- (5) A non citizen who contravenes sub-regulation (2) commits an offence and upon conviction shall be liable to a fine of not less than three million shillings or to imprisonment for a term of not less than three years or to both.
- (6) Any person shall not fish in a controlled area, fish breeding areas and critical habitats unless authorized in writing by the Director.
- (7) A person shall not employ or permit any person to engage in fishing, collecting, storing or export of any type of fish or fishery product in contravention of sub regulations (1), (2) and (3).
- (8) For the purpose of determining export royalty, fish and fishery products for export shall be graded using the scheme prescribed in Form 24 set out in the First Schedule.
- (9) A person other than a licensed fisher or fish dealer shall not possess, store fish or fishery products specified in the Fourth without a Certificate of Ownership prescribed in QA/APP/07 set out in the Fifth Schedule.
- (10) A licence for carrying out an activity under sub-regulations (1), (2) and (3) shall be as prescribed in QA/APP/11 set out in the Fifth Schedule.
- (11) A person shall not kill, fish, possess, store, export or deal in parts, products or derivatives of any species listed as endangered in any International Convention to which the United Republic of Tanzania is a party.
- (12) A person shall not fish, collect or possess, store or deal in sea cucumber (beche-der-mer) or shell meat unless he is in possession of a special licence issued to him by the Director under Regulation 21.

(13) Any fishing licence issued by a local government authority shall be valid within the jurisdiction of that authority.

(14) A non citizen or fish establishment owner shall not carry out collection of fish or fishery products of any kind within Mainland Tanzania.

(15) An application for fishing or dealing in fish or fishery products or license for export shall be lodged through the local government authority with jurisdiction over the fishery resource using prescribed Form 3a or 3c.

(16) An application for with industrial prawn fishing shall be lodged to the Director by using prescribed Form 3b accompanied with an official covering letter.

(17) An application for renewal of export licence shall be enclosed with export performance report as set out in Form 3(d) of the First Schedule.

(18) A non-citizen shall, on applying for fishing or dealing or export of fishery products, attach Certificate of Incentives issued by the Authority responsible for investments, a proof on the value of physical investment relevant to fisheries activities, Certificate of Incorporation, Articles of Associations, Feasibility Study, Project Write Up, Work Permit, environmental impact assessment report issued by the Competent Authority responsible for environment.

(19) A person shall not import, export, transport, sell or expose for sale, receive, acquire or purchase interstate or foreign commerce any fish or fishery product taken, processed, transported or sold in violation of ratified conventions.

(20) Any person who intends to engage in the activity under this regulation shall pay a prescribed fee as set out in the Second Schedule.

**14.-** A person shall not by way of trade, or otherwise deal in fish or fishery products unless a valid licence is issued to him under Business Licensing Act, or is exempted from such a licence in respect of his trade in fish or fishery products under these regulations.

**15.-** Every Licensing Officer shall keep and maintain a register of all fishing vessels licensed within his area of jurisdiction.

**16.-** The Director may, refuse to issue a licence or suspend any licence issued under these regulations for such a period as he may specify, whereas the Licensing Officer shall report his intention to suspend a licence to the Director, who may confirm, vary or reverse the intention of the other Licensing Officer.

**17.-** The Director may cancel or revoke a licence or permit issued or granted under these Regulations on either of the following grounds-

- (a) that the holder has been convicted of an offence against the Act or any Regulations made there under or has violated or failed to comply with any of the conditions or restrictions imposed on the licence or permit;
- (b) that the holder has been convicted of an offence involving dishonesty or fraud;
- (c) that the level of exploitation of any fishery is detrimental to the resource;
- (d) A licence has been issued contrary to these regulations.

**18.-** (1) Every license issued under these Regulation other than:

- (a) a sport fishing license issued under sub-regulation (3);
- (b) special licence issued by the Director, under Regulation 21; and
- (c) a trawling license for prawns;

shall remain in force until the 31<sup>st</sup> December of the year of issue.

- (2) Every renewal of fishing licence referred to under sub-regulation (1) shall be done between 1<sup>st</sup> January and 30<sup>th</sup> March of every year, and a penalty of fifty percent of the value of the licence fee shall be imposed on any licence issued thereafter.
- (3) A sport fishing licence may be issued for a fortnight, one month or one year, and such licence shall, unless previously cancelled continue to be valid-
  - (a) in case of a fortnight licence, for a period of fourteen days from the date of issue;
  - (b) in the case of a monthly licence, for a period of thirty days from the date of issue; and
  - (c) in the case of a yearly licence, for a period of one year from the date of issue.
- (4) A licence issued under these Regulations shall not in any circumstances be transferred.

**19. -** (1) The Director shall attach to any licence issued under these regulations, any conditions, which in his opinion are necessary or expedient for the carrying into effect the objectives and purposes of the Act, provided that the conditions are not inconsistent with the provision of the Act or regulations made there under.

- (2) Without prejudice the provisions of sub-regulation (1), the Director shall impose conditions as to-
  - (a) the methods used in fishing and disposal of fish or particular species of fish and the use of any equipment, appliance, instrument, fishing gear, damming or any other means;

- (b) closed periods for fishing, restrict fishing time, specify fishing zones for any fishery;
- (c) number of fishers; number, size and type of fishing vessels to be engaged in fishing;
- (d) type and size of fishing gear or pieces of equipment appliance or instrument to be deployed for any purpose in relation to fishing;
- (e) the minimum length or size of any species of fish which may be captured or killed;
- (f) require any licensee to submit to the Director or any licensing officer samples of fishery products for laboratory analysis before being marketed;
- (g) the manner in which any fish or species of fish or any fishery products shall be graded, cured, processed, preserved, marked or marketed;
- (h) the preparation, purchase, sale or disposal of fish or fishery products including fish processing by-products; and
- (i) the layout and construction of fish establishment.

(3) Any person who contravenes terms or conditions imposed to the licence commits an offence.

**20. - (1)** The Director in consultation with stakeholders shall, based on scientific evidence, determine the duration of prawn fishing season or any other fishery.

- (2) Any fisher or a fishing company licensed to deploy a trawler for fishing prawns or fin fish shall commence fishing operations at 0600 hours and may engage in fishing until 1800 hours local time after which the trawler shall remain anchored until the next 0600 hours dawn.
- (3) A prawn trawler shall not operate within two nautical miles from the lowest water mark in the inner waters of the Indian Ocean.

**21.- (1)** Notwithstanding the provisions of these Regulations, the Director may grant to any person without fees, a special licence which shall entitle the holder to engage in fishing and do such other things as may be specified therein for-

- (a) scientific research and museums;
- (b) export of fish or fishery products not exceeding seven kilogram weight; and
- (c) educational purposes.

(2) A special licence may authorize fishing in any waters and fishing of any kind of species of fish provided that a special licence issued for the supply of food shall not authorize the



fishing of any kind of fish declared to be protected under the Act, these Regulations or fishing in any Marine Reserves, Parks or Sanctuary.

(3) The Director shall determine the duration of any special licence to be issued.

**22.-** (1) The Licensing Officer may, where any person to whom a licence had been issued to under these Regulations satisfies him that such licence or any copy of it has been lost, destroyed or defaced, and upon presentation of a police lost report and on payment of a fee of thirty percent of the value of the licence, issue to such person a duplicate licence including any particulars endorsed or entered upon the licence and the duplicate licence issued shall have the same effect as the original.

(2) Any licence which has been altered without lawful authority or has become defaced or mutilated shall not be deemed to be a valid licence for the purposes of these Regulations.

**23.-** (1) Any person aggrieved by-

(a) the suspension or revocation of a licence, permit or authority by the Director;

(b) any condition or restriction attached or imposed on a licence;  
may, within thirty days of communication in writing to him of such refusal, suspension, revocation, condition or restriction, appeal in writing to the Minister.

(2) The appellant shall-

(a) prepare the petition in duplicate;

(b) adequately describe the matter to which the appeal relates;

(c) set forth concisely the grounds of objection;

(d) sign the petition; and

(e) serve the copy to the Director whose decision is being challenged.

(3) The Director shall, on receipt of the copy referred to in paragraph (e) of sub-regulation (2) without delay, forward to the Minister a written statement setting out such particulars relating to the subject matter of the appeal together with his own comments as in his opinion are useful towards a just determination of appeal.

(4) The decision of the Minister on appeal shall be in writing and shall be communicated to the appellant.