

GOVERNMENT NOTICE No. 109 published on 17,9,82

THE FISHERIES ACT, 1970

(No. 6 OF 1970)

REGULATIONS

*Made under section 7 (g) (k) and (o)*

THE FISHERIES (EXPLOSIVES, POISONS AND WATER POLLUTION)  
REGULATIONS, 1982

1. These Regulations may be cited as the Fisheries (Explosives, Poisons and Water Pollution) Regulations, 1982, and shall be deemed to have come into operation on first day of September, 1982.

Short title  
and  
commence-  
ment

2. Regulations 26, 27 and 28 under the Fisheries (General) Regulations, 1973 are hereby cancelled.

G.N. 57

3. In these Regulations unless the context otherwise requires:—  
“dynamited fish” means fish with the following characteristics; that is to say limp body which when pressed leaves depressed marks, ruptured blood vessels in the gills and eyes and disintegrated elementary canal; and evidence on “dynamited fish” when given by an officer in the Fisheries Division of a rank not less than Fisheries Assistant, Grade II, shall be accepted by any court of law as true evidence without further doubts;

Interpre-  
tation

“explosive” means a dynamite;

*Fisheries (Explosives, Poison and Water Pollution)*

\*N. No. 109 (contd.)

"poison" means natural or synthetic chemicals used for fishing purposes;

"water pollution" means man-made or man-induced alteration of chemical, physical, biological or radiological integrity of water.

offences  
and  
penalties  
imposed  
against  
users of  
explosives

4.—(1) (a) Any person who possess, uses explosives or electrical devices for the purpose of fishing shall be guilty of an offence and liable to a fine of not less than ten thousand shillings but not exceeding fifteen thousand shillings or imprisonment for a term not less than three years but not exceeding four years or both such fine and imprisonment in the case of the first offence and a fine not less than twenty thousand shillings or imprisonment for a term not less than five years or to both such fine and imprisonment for the second or subsequent offences.

(b) A court convicting a person of the offence under these Regulations shall order forfeiture to the United Republic, of fish product, aquatic flora, product of a aquatic flora, vessel or other article or thing.

(2) Any person who explodes, cuts through, breaks down or destroys a coral reef using explosives or electrical devices shall be guilty of an offence and liable on conviction to a fine of twenty thousand shillings or imprisonment for a term of five years or to both such a fine and imprisonment.

(3) (a) Any fisherman or fish dealer who possesses a dynamited fish either at sea, on land, landing stations or beaches shall be guilty of an offence and liable on conviction to a fine of not less than ten thousand shillings but not exceeding fifteen thousand shillings or imprisonment for a term not less than three years or to both such fine and imprisonment in the case of the first offence, and fine not less than twenty thousand shillings or imprisonment for a term not less than five years or for both such fine and imprisonment for the second or subsequent offences.

(b) A court convicting a person of the offence under this Regulation shall order forfeiture to the United Republic of such fish, fish product, aquatic flora, vehicle, vessels or other article or thing.

offences  
and  
penalties  
imposed  
against  
users of  
poisons

5. Any person who possesses or uses poison in the fishing activities shall be guilty of an offence and shall be liable on conviction to a fine not less than five thousand shillings or to imprisonment for a period of not less than nine months or to both such fine and imprisonment.

offences  
and  
penalties  
imposed  
against  
pollution

6.—(1) No person shall cause or knowingly permit to flow or pass into water any solid, liquid or gaseous matter to a concentration which shall be injurious to any aquatic flora or fauna.

(2) The Director of Fisheries shall maintain and establish a system of consultation and co-operation with appropriate officials of Ministry of Industries or any person or body of persons established by or

*Kanuni za Uvuvi wa Baruti, Sumu na Uchafuzi wa Maji*

*G.N. No. 103 (cont'd.)*

under any written law for the purpose of requiring any person or body persons who contravenes the provisions of this Regulation to clean the polluted water within a reasonable period at his own expenses.

Dar es Salaam,  
....., 1982

A. H. MWINYI,  
*Minister for Natural Resources and Tourism*