



## **ZOMBA DISTRICT COUNCIL**

**LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (PARTICIPATORY  
FISHERIES CONSERVATION AND MANAGEMENT) (LAKE CHILWA  
ECOSYSTEM)  
(BYLAWS, 2018)**

**NOVEMBER, 2018**

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (PARTICIPATORY FISHERIES  
CONSERVATION AND MANAGEMENT) (LAKE CHILWA ECOSYSTEM)

(BYLAWS, 2018)

Under s. 103

ARRANGEMENT OF BYLAWS

BYLAW

PART I —PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II — GENERAL PROVISIONS

4. Administration
5. Registrations, licences and Permits
6. Registration of Local Fishing Vessels
7. Local fishing licences
8. Foreign Fishing licences
9. Cooperation by fishing vessels with government authorities.
10. Stowage of gear, identification marks and protection of fixed gear.
11. Conservative measures
12. Aquaculture
13. Landing and Sampling of Fish and Fishing returns
14. Enforcement
15. Offences and Penalties

FIRST SCHEDULE— DESCRIPTION OF AREAS REFERRED TO IN BYLAWS AND  
CONDITIONS OF LICENCES AND PERMITS

SECOND SCHEDULE— APPLICATION FOR REGISTRATION/RENEWAL OF  
REGISTRATION OF A LOCAL REGISTRABLE FISHING VESSEL

THIRD SCHEDULE-----APPLICATION FOR A LOCAL FISHING LICENCE/RENEWAL  
OF A LOCAL FISHING LICENCE

FOURTH SCHEDULE.....REGISTRATION CERTIFICATE IN RESPECT OF A  
LOCAL REGISTRABLE FISHING VESSEL

FIFTH SCHEDULE.....APPLICATION FOR A CHANGE OF NAME OF A REGISTERED FISHING VESSEL

SIXTH SCHEDULE.....APPLICATION TO REPLACE A REGISTRATION CERTIFICATE

SEVENTH SCHEDULE.....COMMERCIAL FISHING LICENCE

EIGHT SCHEDULE.....SPORTS/SUBSITENCE FISHING LICENCE

NINTH SCHEDULE.....CONDITIONS TO ATTACH A SPORT LICENCE IN RESPECT OF TROUT FISHING

TENTH SCHEDULE.....APPLICATION FOR A FOREIGN FISHING LICENCE

ELEVENTH SCHEDULE.....FOREIGN FISHING LICENCE

TWELFTH SCHEDULE.....RESTRICTIONS ON SIZES OF FISHING GEAR AND PROHIBITED FISHING PERIODS AND TIMES

THIRTEENTH SCHEDULE.....APPLICATION FOR A PERMIT TO USE UNDERWATER BREATHING APPARATUS FOR FISHING

FOURTEENTH SCHEDULE.....UNDERWATER BREATHING APPARATUS PERMIT

FIFTEENTH SCHEDULE.....SIZE LIMITS OF FISH

SIXTEENTH SCHEDULE.....AN APPLICATION FOR AN AQUACULTURE PERMIT

SEVENTEENTH SCHEDULE.....AQUACULTURE PERMIT

EIGHTEENTH SCHEDULE.....BOND TO SECURE RELEASE OF A FISHING VESSEL FROM FORFEITURE

NINETEENTH SCHEDULE.....NOTICE OF ALLEGED OFFENCE

TWENTIETH SCHEDULE.....NOTICE REQUIRING PROCEEDINGS TO BE DEALT WITH IN COURT

TWENTY-FIRST SCHEDULE.....NOTICE OF IMPOSITION OF ADMINISTRATIVE PENALTIES

TWENTY-SECOND SCHEDULE.....FEES (ANNUAL FEES FOR REGISTRATION OF COMMERCIAL FISHING NETS)

## GOVERNMENT NOTICE NO...

### LOCAL GOVERNMENT (ZOMBA DISTRICTY COUNCIL) (PARTICIPATORY FISHERIES CONSERVATION AND MANAGEMENT) (LAKE CHILWA ECOSYSTEM) BYLAWS, 2018

#### **LOCAL GOVERNMENT ACT (CAP. 22:01)**

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, Cap. 22:01, the Zomba District Council has made the following Bylaws—

#### **PART I - PRELIMINARY**

Citatio                      **1.**     These Bylaws may be cited as the Local Government (Zomba District Council) (Participatory Fisheries conservation and Management) (Lake Chilwa Ecosystem) Bylaws, 2018

Interpretation

**2.** In these Bylaws unless the context otherwise requires—

“AFA” means an Umbrella Fisheries Association, made up of one senior active member from each LFMA who form a collective committee in a Traditional Authority’s area.

“BVC: Means a Beach Village Committee (BVC) established by the Fisheries Regulations (2000) as the local representative LFMA of a fishing village or landing beach, and can be called a River Village Committee (RVC) if located along a river or wetland.

“Chikwiti/Chibati” or Bunt means the middle part of Chilimira net which is capable of holding fish before hauling into the fishing craft.

“Chilimira net” means partially encircling fishing net used to catch Usipa and Utaka

“Chimbowera” means any construction above the waters of the Lake or part thereof using grass, bamboos, poles or any other material for the purpose of staying on it as a hut.

“Chiwombera” means the catching of fish by beating waters or a fishing craft to scare and drive them into the net

“Council” means Zomba District Council.

“DFA” means District Fisheries Association which is made up of one senior active member from each Area Fisheries Association in the District.

“Fish” means any vertebrate fish or an aquatic crustacean, molluscs or other shellfish or other cold-blooded aquatic animal whether alive or dead, and their young, fry, eggs or spawn and shells and parts thereof but does not include any reptile.

“Fishing” means the catching or taking of fish, and any other activity which can be reasonably be expected to result in the catching or taking of fish or any operation on water in support of or in preparation for any activity described above.

“Fishing craft” means a fishing vessel where vessel shall mean a steamer, motor vessel, launch, boat, canoe, and craft of any description, with or without an engine.

“Fishing license” means a fishing permit issued under this Bylaw and endorsed by the Director of Fisheries.

“Fishing strata” means several fishing areas along the lakeshore designated by the Department of Fisheries (DoF) for administrative purposes.

“FA” means Fisheries Association which is the umbrella organisation of all of the Local Fisheries Management Authority (LFMA) (i.e. BVC, RVC or FCC).

“Fishing waters” means all waters within the Fishing District and defined as an ecosystem (i.e. a water body, river or lake) capable of supporting fish.

“Footrope” means the bottom rope of a net where sinkers (stones) are attached.

“Gill net” means any static or drifting fishing net which is used to catch fish by enmeshing or entangling

“Headline” means the upper rope of a net where floats (Kalanje) are attached.

“Headline length” means the length of the upper part of any fishing net as mounted or attached to the footrope

“Kauni” means Chilimira or any other net which has been modified for catching fish with the aid of light at night

“Lemu/Mponda” means an active encircling Chambo Seine net (Gill net) which catches fish by the aid of light.

“Local Fisheries Management Authority” (LFMA) means any constitutional structure that is empowered by the Fisheries Regulations 2000 to be the legal body managing a fishery and can be either an umbrella of the LFMA, namely the named Fishing District Fisheries Association (DFA), and applicable to each umbrella Area Fisheries Association (AFA) each of which represents a Traditional Authority's (TA's) area and made up of Beach Village Committees (BVC), River Village Committees (RVC) or Fish Conservation Committees (FCC)

“PFM” means Participatory Fisheries Management as defined in the Fisheries Regulations 2000.

“Signalala” means a person who gives signals to the fishing crew when and where to cast a net (seine net).

## PART II ADMINISTRATION

Establishment  
of LFMA

**3.** (1) Each fishing village, shall, as prescribed in the Regulations, establish its own LFMA under the legal entity of a District Fisheries Association (DFA).

(2) The BVC, RVC or FCC shall be established under each fishing Village Development Committee (VDC) or landing site along the lake shore (or river bank) or wetland representing the fishing community of that village or landing beach or wetland.

Composition  
of the LFMA

**4.** (1) The LFMA shall be composed of 11 people who must be full-time/permanent residents of a village.

(2) At least 4 must be fishers, and the rest should be all those involved in any fishing related activity.

(3) At least 3 members shall be women,

and

(4) At least 2 members of the LFMA must be below the age of 35

(5) The fishing community shall for each LFMA, elect a Chairperson, Vice Chairperson, Secretary, Vice Secretary, Treasurer and 6 committee members.

**Powers of the  
LFMA**

**5.** The LFMA shall have the following powers:

- (1) To collaborate with other LFMA within an ecosystem to form an umbrella District or Area Fisheries Association at either District or TA level or both;
- (2) To formulate ecosystem based Bylaws in order to regulate fishing activities at each fishing area within a shared ecosystem or fishing district, which shall be first approved by the Council.
- (3) To register fishers within the area of jurisdiction who shall also pay a prescribed fee;
- (4) To enforce these bylaws.

**Functions of  
LFMA**

**6.** The LFMA shall undertake the following functions as laid out in the Fisheries Act 1997:

- 1) Provide support to DoF in scrutinising applications in respect of registration of fishing vessels of small-scale fishers and subsistence fisheries.
- 2) Provide support to DoF in scrutinising applications for fishing licenses by small-scale fishers and subsistence fishers.
- 3) Keep records of nets and vessels registered, licenses and local permit issues in respect of the fishing area of jurisdiction.
- 4) Enforce fishing regulations pertaining to (i) fish species, fish sizes, close seasons, fish breeding areas (protected areas), fish sanctuaries (closed areas), (ii) illegal gear mesh size and length, type and stowage thereof and (iii) methods of fishing.
- 5) Enforce conditions specified in licenses and Bylaws.
- 6) Seize fishing vessels or fishing gears which are reasonably believed to have been used in contravention of the bylaw and subject the user to penalties as prescribed in these by laws.

7) Taking a part in the conservation and management of all Natural Resources found in the ecosystem.

8) Undertake the following resource mobilization activities to finance their activities related to fisheries management, as appropriate;

- i. Collecting a share of proceeds from fines
- ii. LFMA membership fee
- iii. Construction and hiring of fish smoking stoves
- iv. Construction and hiring of fish drying racks
- v. Construction and charging usage of sanitation facilities
- vi. Acquisition of BVC boats for hire.

**7.** The Council shall have powers to:

- 1) Include the Fisheries Associations (FAs), together with its LFMA, action plans in the District Development Plans (DDP), and secure resources to technically support the fishing community, to regulate and enforce the law, to control, manage, administer, promote and license any aspects related to sustainability of fisheries resource management, beach and processing hygiene and sanitation.
- 2) Approve and enforce Bylaws formulated by the LFMAs and uphold the Fisheries Regulations on illegal fishing gears and illegal behaviour.
- 3) Promote conservation of endangered fish species and protect breeding areas, nursery areas and river mouths.
- 4) Promote aquaculture in the said villages under jurisdiction.

**8.** The District Fisheries Officer (DFO) shall:

- (1) Support the LFMA when preparing District Fisheries Development Plans within the district environment as a funded action plan within the DDP.
- (2) Issue fishing gear licenses.
- (3) Enforce fisheries and aquaculture regulations.
- (4) Train LFMA.

Role of District  
Council

District Fisheries  
Officer



- (5) Supervise, monitor and evaluate the activities of FAs and LFMA, and ensure that Bylaws are enforced.

Identity Cards  
for Fisheries  
Protection

9. (1) The Director shall cause each fisheries protection officer to be issued with an identity card in a form approved by the Director.

(2) Where a person in possession of an identity card issued to him under sub-bylaw (1) ceases to be a fisheries protection officer, he shall forthwith surrender the identity card to the Director.

- (3) A fisheries protection officer shall, when practicable and if so requested produce his identity card when exercising any powers under sections 30, 31, or 32 of the Act. Cap. 66:05.

PART III

GENERAL PROVISIONS RELATING TO REGISTRATIONS, LICENSES AND PERMITS

Application for  
registration,  
licence or permit

10. (1) An application for registration of a local registrable fishing vessel or a renewal thereof shall be made to the LFMA not less than thirty days before the registration or renewal is required to come into effect or at such later time as the Director shall allow.

(2) An application for a local fishing licence or a renewal thereof shall be made to the LFMA not less than thirty days before the licence or renewal is required to come into effect or at such later time as the LFMA shall allow.

(3) Subject to bylaw 5, an application—

- (a) shall be signed;
- (b) shall contain or be accompanied by all the information, including documents, required under the Act;
- (c) shall contain any other information required by the Director; and
- (d) may be made by the applicant or his duly authorised agent.

(4) An application for registration of a local registrable fishing vessel or a renewal thereof shall be in the form set out in the Second Schedule.

(5) An application for a local fishing licence or a renewal thereof shall be in the form set out in the Third Schedule.

Assistance in  
completing  
applications

**11.** (1) A person who has difficulty with reading or writing or in understanding a form provided for under bylaw 4(1) shall, on request, be entitled to receive assistance from a fisheries officer at LFMA in the completion of such form.

(2) A fisheries officer who gives assistance pursuant to sub-bylaw (1) shall ensure that the applicant to whom he gives such assistance is fully aware of the statements made on his behalf in the application.

(3) Where an application has been completed pursuant to this regulation, the applicant shall sign or place his mark or thumbprint where provision is made for the signature of the applicant and the assisting fisheries officer shall countersign the document and clearly state his name and office and give the date of the counter signature.

(4) Where an application has been completed pursuant to this regulation, the applicant shall sign a statement to the effect that—

(a) the application was translated for him; and

(b) he understood the effect of the information on the application and the interpretation.

(5) Statements made in an application completed pursuant to this regulation shall, unless the contrary is proved, be statements made by the applicant, for the purposes of the Act.

Types of Licences

**12.** The District Fisheries Officer (DFO) may refuse to issue a license if:

1) The applicant fails to comply with any prescribed conditions.

(2) The applicant has been convicted of an offence under this Bylaw or the Fisheries Regulations for the past one year.

(3) He is satisfied on reasonable ground that the applicant has not registered with the LFMA and approved by the FA.

(4) Granting of such permit or license will lead to over fishing.

Conditions  
applicable to all  
registrations,  
licences and  
permits

13. (1) No registration shall be made or licence or permit granted or any registration, licence or permit renewed under these Regulations unless—

(a) an application has been made in accordance with these Regulations; and

(b) any information requested by the Director/LFMA relevant to the operation of the relevant fishing vessel or to fishing by the applicant has been provided in the manner requested.

(2) The registration of a vessel or the grant of a licence or permit pursuant to these Regulations shall be within the discretion of the Director.

Registration  
certificates and  
licenses and  
permits to be be  
produced for  
inspection

14. The owner named in registration certificate and a licensee shall keep the certificate licence or permit in a legible condition and shall produce it for inspection within a reasonable time of a request from a fisheries protection officer or, if the conditions of a licence or permit so provide, shall produce the licence or permit immediately on such request.

15. (1) Except as provided under sub-bylaw (2), a commercial fishing licence or registration of a local fishing vessel shall not be transferable.

(2) Where the Director is satisfied that the owner of a registered fishing vessel or the licensee of a commercial fishing licence, being an individual, has—

(a) died; or

(b) become incapacitated from carrying on using his vessel or fishing, he shall transfer the registration of the vessel or the fishing licence to the member of the family of the owner of the vessel or the licensee either notified in the application under bylaw 4 and endorsed on the registration certificate or the fishing licence or named, in the case of paragraph (a), by the surviving spouse or, in the case of paragraph (b), by the owner of the vessel or the holder of the licence.

(3) "A member of the family" for the purposes of this regulation means a spouse, child or spouse of a child of the

owner of the vessel or licensee or next of kin identified in accordance with the customs of the community of the owner of the registered vessel or licensee.

#### PART IV REGISTRATION OF LOCAL FISHING VESSELS

**16.** A local fishing vessel that is used for commercial fishing or is intended to be used for such fishing shall be a registrable vessel.

**17.** (1) No local fishing vessel shall be registered or have its registration renewed unless—

(a) in circumstances where the Inland Waters Shipping Act requires that the vessel be issued with a certificate of survey, an appropriate certificate has been issued; and Cap. 71:01

(b) the Director is satisfied that the vessel is a local fishing vessel as defined in section 2 of the Fisheries Conservation and Management Act. Cap. 66:05

(2) For the purpose of deciding whether a vessel is a local fishing vessel as defined in the Fisheries Conservation and Management Act— Cap. 66:05

(a) a person shall be considered to be ordinarily resident if he has resided in Malawi for a period of not less than eighteen months during the period of two years preceding the application for registration and the Director is satisfied that he is likely to continue to reside in Malawi; and

(b) a company or any other incorporated body shall be considered to be controlled by one or more persons if, in the opinion of the Director, not less than seventy-five per cent of the votes are controlled by that person or persons at meetings of the company or incorporated body.

**18.**(1) The Director/LFMA on receipt of an application for registration of a local fishing vessel and on being satisfied that the Act has been complied with and having decided in his discretion to register such vessel shall enter in the register kept for that purpose—

(a) the name, if any, of the vessel;

- (b) the number assigned to the vessel pursuant to sub-by-law(3);
- (c) the name and address of the owner;
- (d) the name and address of a person nominated by the applicant as the successor of the applicant to registration for the purposes of regulation 18; and
- (e) such other particulars as the form of application shall require to be given for the purpose of registration.

(2) Notwithstanding sub-by-law (1), no entry in the register of fishing vessels shall confer, take away or in any way affect any title to or any interest in the fishing vessel.

(3) The Director shall, when he registers a vessel, assign to it a registered number which shall be recorded in the register and shall issue to the owner of the vessel a certificate of registration of the vessel.

(4) The number referred to in sub-by-law (3) shall be placed on the vessel in such place and in such manner as the Director shall notify the owner of the vessel.

(5) A registration of a fishing vessel shall be subject to such conditions as may be endorsed on the register and the registration certificate.

(6) There shall be issued in respect of a fishing vessel entered in a register under sub-by-law (1) a registration certificate which shall be in the form set out in the Forth Schedule.

**19.** (1) After the registration of a local fishing vessel, no change of the name, if any, of the registered fishing vessel shall be made without the authority in writing of the Director given after application by the owner and upon the Director being satisfied that the application is made on reasonable grounds.

(2) An application for change of name of a vessel under sub-by-law (1) shall be in a form set out in the Fifth Schedule.

Change of name of a  
local fishing vessel

**20.** (1) Where any registered fishing vessel is chartered, leased or demised to any person, the person recorded in the register as the owner of the vessel shall within seven days of such charter, lease, or demise notify the Director in writing of the name and address of the person to whom the vessel has been chartered, leased or demised

Notification of charter,  
lease or demise, loss or  
irreparable damage to a  
registered local fishing  
vessel

and shall deposit a copy of the charter, lease or demise document and the registration certificate with the Director/LFMA.

(2) The owner of a registered fishing vessel shall inform the Director of the loss or destruction of or irreparable damage to a registered fishing vessel within seven days of such loss, destruction or damage.

(3) Upon notification under sub-bylaw (1), the Director/LFMA shall enter in the Register the name and address of the person to whom the vessel has been chartered, leased or demised.

(4) If the registration of the registered fishing vessel has not been revoked under regulation 16, the owner shall within seven days of the expiry or termination of the charter, lease or demise referred to in sub-bylaw (1) notify the Director/LFMA in writing of such expiry or termination.

**21.** (1) Subject to sub-bylaw (2) and bylaw 10, the registration of a registered fishing vessel shall terminate on the death of the person registered as the owner of the vessel or on the liquidation of a corporate body registered as the owner.

(2) The Director may revoke the registration of any registered fishing vessel where he is satisfied that—

(a) the registration was granted in error or based on misleading information;

(b) the vessel has ceased to be a local fishing vessel; or

(c) the vessel has been lost, destroyed or damaged beyond repair.

**22.** Within thirty days of any change of address or change on any other matter or particular contained in the form of application for registration or renewal of registration of a local fishing vessel and entered in the register under regulation 11(1), the registered owner shall give notification in writing thereof to the Director.

**23.** (1) No person, other than the Director/LFMA, shall alter, make illegible or deface a registration certificate or a replacement registration certificate.

Termination and  
revocation of  
registration of a local  
fishing vessel

Notification of  
change of address  
and other matters

No alterations  
to registration  
certificates and  
replacements

(2) Where a registration certificate is lost, destroyed or so damaged as to make it illegible, the owner of the certificate shall apply to the Director for a replacement certificate.

(3) An application for a replacement certificate under sub-bylaw (2) shall be in a form set out in the Sixth Schedule.

## PART V LOCAL FISHING LICENCES

### **24.**Categories of local fishing licences

There shall be the following local fishing licences—

- (a) commercial fishing licence;
- (b) sport fishing licence; and
- (c) subsistence fishing licence.

**25.**(1) A commercial fishing licence shall authorise the person named therein to undertake commercial fishing personally.

(2) A commercial fishing licence shall be in the form set out in the Seventh Schedule.

(3) There shall be the following sub-categories of commercial fishing licence—

- (a) small-scale commercial fishing licence; and
- (b) live fish collection commercial fishing licence.

(4) A small-scale commercial fishing licence shall be required by a commercial fisherman who intends to use a fishing vessel powered by an engine or engines with a total capacity of less than 20 horsepower or intends to use a fishing vessel with no engine power and a person to whom such a licence is granted shall be a small-scale fisherman for the purposes of the Act.

(5) A person who intends to fish for live fish for sale or for the purposes of aquaculture shall require a live fish collection commercial fishing licence.

(6) Notwithstanding regulation 4 (1), an application for a licence under sub-bylaw (5) shall be made not less than sixty days before the licence is required.

**26.** No commercial fishing licence shall be granted or renewed unless—

Specific conditions on  
issue or reward of  
commercial fishing  
licence

- (a) any vessel intended for use by the applicant has been registered under bylaw 11;
- (b) the Director is satisfied that the applicant is a commercial fisherman; and
- (c) the Director is satisfied that the applicant, being a natural person, is ordinarily resident or, being a body established or incorporated under the laws of Malawi is controlled by one or more persons ordinarily resident within Malawi within the meaning of bylaw 10 (2).

**27.** (1) Every commercial fishing licence shall, unless therein otherwise provided, expire one year next following the date of its being issued.

Period of validity  
of commercial  
fishing licence  
and conditions

(2) A commercial fishing licence shall stipulate—

- (a) the fishing gear that may be used by the licensee;
- (b) the number of units of fishing gear that the licensee may use at any one time whether in one area or a number of areas; and
- (c) the number of fishing vessels that may be used by the licensee.

(3) A commercial fishing licence shall be subject to further conditions relating to quantities of species of fish that may be caught, by-catches, fishing gears and fishing methods, areas of fishing, times of fishing and such other conditions as may be attached to or endorsed on the licence.

**28.** (1) A person who fishes for sport or subsistence shall require a licence to fish if that person fishes—

Sports or  
subsistence  
fishing licence

- (a) for a species of fish declared under these Regulations, or by the Director by notice published in the Gazette, to be a controlled species of fish; or
- (b) using fishing gear declared by the Director by notice published in the Gazette to be controlled fishing gear.



(2) An applicant for a sport fishing licence need not be a resident of Malawi but he shall specify any vessel not registered or based in Malawi intended for use under the authority of the licence.

(3) A person who fishes for subsistence fishes in order to provide, without payment therefor, food for himself and persons dependent on him including members of his community.

(4) No sport or subsistence fishing licence shall be granted or renewed unless the Director is satisfied that the applicant is not intending to engage in commercial fishing under the licence.

(5) No subsistence fishing licence shall be granted or renewed unless the Director is satisfied that the applicant is ordinarily resident in Malawi within the meaning of regulation 10 (2).

(6) Bylaw 20 shall apply to sport and subsistence licences except that shorter licence periods may be applied to fishing for specific species of fish.

(7) Sport and subsistence fishing licences shall not be transferable.

(8) A sport and subsistence fishing licence shall be in the form set out in the Eighth Schedule.

**29.** (1) Rainbow trout is declared to be a controlled species of fish for the purposes of these Regulations.

(2) The conditions contained in the Ninth Schedule shall apply to sport licences in respect of trout fishing.

Trout fishing

## PART VI FOREIGN FISHING LICENCES

**30.** Foreign fishing licences shall be limited to commercial licences of which there shall be the following-

(a) Small-scale foreign fishing licence.

Categories of  
foreign fishing  
licences

31. (1) An application for a foreign fishing licence shall be made to the Director in respect of a specified foreign fishing vessel in the form set out in the Tenth Schedule not less than sixty days before the licence is required to come into effect.

(2) An application under sub-bylaw (1) may be limited to persons using vessels registered in or coming from a flag state which has

on for a foreign fishing licence

been accorded fishing rights under an agreement between the Government and the government of that state or a competent regional organisation in accordance with section 52 of the Act.

(3) An application under sub-bylaw (1)—

- (a) shall be signed;
- (b) shall contain or be accompanied by all the information, including documents, required under the Act;
- (c) shall contain any other information required by the Director; and
- (d) may be made by applicant or his duly authorised agent.

(4) The Director may, if he considers that an application made under this regulation contains false or misleading information, refuse to grant a licence to the applicant.

(5) A foreign fishing licence shall be in the form set out in the Eleventh Schedule.

on-transferability of  
foreign fishing licence  
and conditions

**32.** Subject to Bylaw 27, a foreign fishing licence granted in respect of a foreign fishing vessel shall not be transferable and shall be subject to conditions relating to the quantities of species of fish that may be caught, by-catches, fishing gears and fishing methods, areas of fishing, times of fishing and such other matters as the Director shall consider appropriate and as may be attached to or endorsed on the licence.

Period of validity of  
foreign fishing licence

**33.** Every foreign fishing licence shall, unless therein otherwise provided, expire one year next following the date of its being issued.

Exchange of foreign  
fishing licences

**34.** A licence of a foreign fishing licence may, at the discretion of the Director/LMA, surrender a foreign fishing licence in exchange for another fishing licence specifying another foreign fishing vessel of no greater size and of similar characteristics to those of the vessel specified in the original licence valid for the balance of the period for which the licence being surrendered is valid.

## PART VII

### COOPERATION BY FISHING VESSELS WITH GOVERNMENT AUTHORITIES

Assistance to and provision of accommodation and facilities for observers

**35.**(1) The master of a fishing vessel shall, when in the fishing waters and when requested to do so by the Director, permit and assist observers to board and remain on board the vessel for the purpose of recording scientific data and other observations and permit them to retain and remove any samples and records that they may have been taken.

(2) When an observer is on board a fishing vessel and he remains on board for a period of more than four hours, the master of the vessel shall, if the vessel has the requisite facilities, provide the observer with suitable food and accommodation at no cost to the observer or to the Government.

(3) The master of a fishing vessel shall, if the vessel has the requisite facilities, provide suitable food and accommodation to any fisheries protection officer forced by circumstances to stay on his vessel for a period of more than four hours.

(4) The master shall—

(a) if his vessel has such equipment, at the request of a fisheries protection officer or observer allow him to send or receive messages by means of the communications equipment of his vessel;

(b) at the request of a fisheries protection officer or an observer proceed to the nearest and most convenient place for the purpose of embarking or disembarking the officer or observer; and

(c) provide all other reasonable protection assistance within his power to enable a fisheries protection officer or observer to carry out his duties and functions.

(5) No person shall forcibly remove, assault, oppose, impede, intimidate or interfere with a fisheries protection officer or observer when on board a fishing vessel.

Licence to be carried on foreign vessel and to be available for inspection

**36.** The master of a licensed foreign fishing vessel shall, when in the fishing waters, carry and make available for inspection by any fisheries protection officer the licence to fish specifying that fishing vessel.

Compliance with  
instructions from  
patrol vessels

**37.**(1) The master of a fishing vessel within the fishing waters shall comply with any instruction or order given from a Government patrol vessel.

(2) A fishing vessel intended for inspection shall be informed of the intention by a Government patrol vessel normally by voice communication or, where such voice communication is not practicable, by a series of flashing white lights directed towards the vessel whereupon the master of the fishing vessel shall stop carrying out his present activity and cause his vessel to follow the patrol vessel or allow boarding, as the case may be.

## PART VII

### STOWAGE OF GEAR, IDENTIFICATION MARKS AND PROTECTION OF FIXED GEAR

Requirements to  
display identification  
markings, lights and  
shapes

**40.** (1) Each registered local fishing vessel and each licensed foreign fishing vessel shall at all times when in the fishing waters display identification markings in accordance with the conditions of registration or of the licence, as the case may be.

(2) Every vessel engaged in fishing in the fishing waters shall display such lights and shapes for the activity in which the vessel is engaged as are stipulated in notices issued by the Director and published in the Gazette.

(3) In the fishing waters, all fishing gear which is not physically attached to a fishing vessel shall be marked permanently with the identification markings of the vessel to which it belongs or if it does not so belong the fishing licence number of the owner of the gear and its position shall be reported by the person using it to the Director.

(4) All static fishing gear, including fixed long lines, left unattended in the fishing waters shall be adequately marked by buoys, lights or other effective devices so as to indicate its presence by day or night in accordance with notices issued by the Director and published in the Gazette.

(5) Fishing vessels engaged in line shooting or trawling, including pair trawling, shall display or use such shapes, signals or markers as

shall be stipulated in notices issued by the Director and published in the Gazette.

#### Protection of Gear

**41.** (1) The master of any vessel in the fishing waters shall take all reasonable measures to avoid causing damage to static fishing gear marked in accordance with regulation 31, pot marks, floating gear and traditional fishing devices.

(2) In the event that a vessel becomes entangled with or damages any of the gear referred to in sub-bylaw (1), the master shall—

- (a) attempt to restore the gear;
- (b) where practicable, return the gear to the water and log its position; and
- (c) make a full report of the incident and steps taken by him in accordance with paragraphs (a) and (b) to a fisheries officer at the earlier opportunity.

#### PART IX

**42.** (1) No trawl net or other net along a lake bed shall be carried or used for fishing in the areas set out in the First Column of Part 1 of the Twelfth Schedule unless—

- (a) the meshes forming the cod end of the net have the size; and
- (b) the net mouth size has the maximum circumference, set out in the Second and Third Columns of Part 1 of the Ninth Schedule.

(2) No beach seine net shall be carried or used for fishing in the areas set out in the First Column of Part 2 of the Twelfth Schedule unless—

- (a) the meshes forming the cod end of the net have the minimum size;
- (b) the headline does not exceed the length; and
- (c) the net does not exceed the depth, set out in the Second, Third and Fourth columns of Part 2 of the Twelfth Schedule.

#### Restrictions on net mesh, mouth sizes, headline lengths, depths and fishing times

(3) No gill net shall be carried or used for fishing in the areas set out in the First Column of Part 3 of the Twelfth Schedule unless—

(a) the meshes forming the cod end of the net have the minimum size; and

(b) the net does not exceed the depth, set out in the Second and Third Columns of Part 3 of the Twelfth Schedule. No use of poison in any fishing areas such as dams, streams, lagoons, rivers and Lakes within Lake Chilwa Basin.

15. No person shall be allowed to fish any undersized type of fish unless as specified in Regulations.

16. No person shall be allowed to transfer Namasupuni (Water Hyacinth).

17. No person shall be allowed to transport fish outside Fishing District without a prescribed fee as per District Council schedule below (**District Fee**).

Fish Quantity (Kgs)	Fish Processing Method	District Fee (MK)
20 kgs and part there of	Fresh	100
20 kgs and part there of	Sun dried, smoked, fried and para-boiled	200

18. No person shall be allowed to fish in any prescribed fish nursery or breeding sites, sanctuaries, protected areas or bays and river mouths in the district.

19. No person shall be allowed to possess or have control over fish which are undersized (below minimum take able sizes) at the Market or anywhere in the district.

20. No person shall catch or be in possession of fish below the following prescribed minimum off-take size of fish:

- i. All species of Chambo: 150 mm (6 inches)
- ii. All other species of the genera *Tilapia*/*Oreochromis*: 100 mm (4 inches).

**43.** To allow fish to breed, the LFMA may declare that during such period and within such area of the fishing waters as may be specified below as a closed season for such area, gear and such species of fish as shall be specified notwithstanding the possession of any licenses or permits for the catching of such species, and the LFMA hereby adopt a closed season for seine nets as follows:

**Lake Chilwa:** From 1<sup>st</sup> December to 28<sup>th</sup> February of every year except for a leap year which ends on 29<sup>th</sup> February. The Closed season may be extended from time to time in order to provide a conducive environment for the fish to breed and grow as the Lake is often times prone to dryness due to climate change and variability.

**44.** The following rules shall apply to the measurement of the meshes of nets—

- (a) the net shall be wet when measured unless made from man-made fibre;
- (b) the opening of the mesh shall be measured by means of a graduated flat wedged gauge 2 millimetres thick and having a taper of 2 centimetres in 8 centimetres inserted into the mesh and, in cases of doubt, a weight of not more than 1 kilogram shall be attached to the gauge; and
- (c) the mesh size shall be taken as the average of the measurements of any twenty consecutive meshes along the longitudinal axis of the upper side of the net starting from ten meshes from the after end and clear of the selvages, strengthening ropes and lacings.

- (4) No beach seine net may be used at any time on Lake Chilwa.
- (5) The fishing gear set out in Part 5 of the Twelfth Schedule shall not be used for fishing in corresponding entries in the Areas Column.
- (6) No Kandwindwi fishing gear to be used on Lake Chilwa.
- (7) No trawl nets to be used on Lake Chilwa.
- (8) Ngongongo, Gill nets of less than 50 mm/2 inches should not be used on Lake Chilwa.
- (9) No beaches seine nets with or without mosquito net to be used as part of the net.
- (10) Any form of Mosquito net is prohibited from being used as fishing gear on Lake Chilwa.
- (11) Wogo beach seine is prohibited on Lake Chilwa
- (12) All types of Monofilament nets shall not be used on Lake Chilwa.
- (13) Fish traps aligned or covered with netting like mosquito net shall not be used on Lake Chilwa.
- (14) Cast net (Chavi) shall not be used on the Lake.
- (15) Mthetsa Njala shall not be used on the Lake.
- (16) Kauni fishing gear for Chambo fish shall not be used on the Lake

Prohibited Fishing  
Practices

**48.(1)** The following fishing practices are prohibited on Lake Chilwa:

- 1. Fishing with mosquito nets ever (including as part of any fishing net).
- 2. Beach seining for any type of fish species



3. Fishing with an unauthorised net during closed season
4. Trawl Fishing.
5. Use of chemical, poison or electric fishing in the lagoons, lake and rivers as a means to catch, stun or kill fish.
6. Light fishing.
7. Fishing with traps, reed weirs or gillnets across rivers and in river mouths.
8. Fishing in known Fish breeding areas, fish nurseries and declared "no take fishing zones", lagoons or fish sanctuaries or protected areas.
9. Being in possession of gill net below 2 inch mesh size **whether being used or not** will be confiscated and destroyed
10. Cutting aquatic vegetation to create fishing grounds or scare fish into fishing nets
11. Fishing without a Government License or Local Fishing Permit
12. Accepting or indulging in acts of bribes or corruption.
13. Children under **18 years** will not be allowed in the fishing industry
14. Enticing a child under the age **18 years** to go out fishing.
15. Transferring Water Hyacinth(Namasupuni) from and to any water body
16. Constructing and staying on floating island (Chimbowera)

**49.** (1) No person shall without a permit in writing granted by the Director/LFMA and subject to such conditions as may be specified in such permit use in the fishing waters an aqualung or other underwater breathing apparatus when fishing with a spear, spear gun, harpoon or net commercially or for sport purposes.

(2) An application for a permit referred to in sub-bylaw (1) shall be in the form set out in the Thirteenth Schedule and the permit shall be in the form set out in the Fourteenth Schedule.

Control of use of  
underwater breathing  
apparatus for fishing

Size limits of fish

**50.** No person shall kill, take, sell or offer or expose for sale any fish listed in the First Column of the Fifteenth Schedule of less than the lengths set out in the second column measured, in each case, from the point of the snout to the end of the tail fin when the fish is laid out.

Close of season

**51.** (1) The Director may, by notice published in the Gazette, declare that during such period and within such area of the fishing waters as may be specified in the notice, fishing for such species of fish as shall be specified in the notice shall be unlawful notwithstanding the issue of any licences or permits for the catching of such species of fish.

(2) No person shall fish for rainbow trout between the 1st May and the 31st August in any year.

## PART X

### AQUACULTURE

Requirement for  
aquaculture permit  
and application

**52.** (1) Any person who operates an aquaculture establishment and—

(a) the establishment occupies an area of not less than four hectares; or

(b) fish bred, reared or kept at the establishment are intended for export, shall require an aquaculture permit.

(2) An application for an aquaculture permit shall be made not less than sixty days before the licence is required to come into effect unless the Director shall allow a lesser period.

(3) An application for an aquaculture permit shall be in the form set out in the Sixteenth Schedule and an aquaculture permit shall be in the form set out in the Seventeenth Schedule.

Specific condition on  
issue or renewal of  
aquaculture permit

**53.** No aquaculture permit shall be issued or renewed unless the Director is satisfied that the aquaculture establishment satisfies or will satisfy, when established, the conditions applicable to it that the Director proposes to attach to the grant of the permit in accordance with section 19.

Period of validity of  
aquaculture  
permits

**54.** Every aquaculture permit issued under this Part shall, unless earlier cancelled by the Director or under any other written law, be valid for such period being not less than five years as shall be stipulated in the permit.

Conditions of validity  
of aquaculture permits

**55.** Every permit issued under this Part shall be subject to the following conditions—

(a) the aquaculture establishment shall be so operated as to minimise the risk of the development of diseases in the fish stocks of the establishment and the spread of such diseases and in particular shall be maintained and operated in accordance with such code of practice for the maintenance and operation of aquaculture establishments as the Director may publish from time to time in the Gazette;

(b) fish harvested from the establishment shall be handled in a sanitary manner and shall be transported in containers approved by the Director;

(c) notification shall be given to the Director of any diseases affecting the stock of the aquaculture establishment as the Director shall declare by notice given, from time to time, in the Gazette to be a notifiable disease,

(d) accurate records shall be maintained relating to the operations of the establishment which shall be open to inspection by the Director;

(e) returns concerning the operation of the establishment shall be made to the Director as he shall from time to time require;

(f) the applicant shall insure with an insurer approved by the Director against loss to the applicant occasioned by measures taken in accordance with regulation 42 and shall maintain such insurance; and

(g) such other conditions as may be attached or endorsed on the permit.

Compensation for  
destruction of  
stock

**56.** (1) The holder of an aquaculture permit shall take such measures as shall be advised to him by the Director for the prevention of the spread of disease to or from the stock of his establishment.

(2) Measures taken under sub-bylaw (1) may include the destruction and disposal of the stock or part of the stock of the aquaculture establishment by the permit holder under the supervision of the Director or, with the assent of the permit holder to such destruction and disposal, by the Director.

Compensation for  
destruction of stock

**57.** Where the stock or part of the stock of an aquaculture establishment has been destroyed pursuant to regulation 42 and the Director is satisfied that the stock was not diseased, the Government may pay the permit holder compensation for the stock so destroyed in an amount decided by the Government in its absolute discretion.

### **FISH FARMING BYLAWS**

1. The council shall make provision for the establishment of a fish farmers association.
2. The Association Committee in consultation with the members shall enact such By-laws, rules or regulations as may be necessary for the management of the Zomba Fish Farmers Association and these By-laws, rules or regulations may be amended or repealed from time to time.
3. The Association Committee may appoint such persons as may be capable of enforcing such By-laws, rules and regulations.
4. Any person aggrieved by the decision of the Association Committee may appeal against such decision to the Traditional Authority who shall be competent to allow or dismiss such appeal.
5. Everyone found stealing fish and other things belonging to a fish pond shall be taken to the Chiefs where a Fine will be given according to the nature of the stolen item ranging from K5000.00 to K15000.00 if he/she fails to pay the fine; might be taken to police.
6. No-one should be found spoiling/destroying the environment
- 6.1 No-one should found cultivating along the river banks within the distance of 10 metres .He/She will be taken to the chiefs where will be fined accordingly and the crops will be destroyed.
- 6.2 No-one should be found cutting done trees from the intake of ponds water, if found shall be fined K2000.00 per tree cut or taken to the court through the department of Forestry policy.
- 6.3 No-one should dup the waste around the fish ponds or intake of water source of the pond, if found they shall be taken to the Chief and given a fine according to the Environmental policy.

- 6.4 Exotic species is restricted prohibited in fish farming to conserve native biodiversity, if found the fine of K20, 000.00 will be given and all the stocked exotic species will be confiscated.
- 6.5 When constructing a fish pond(s) the extension worker/ZAFFA will be informed for the social and Environmental screening, if a farmer fails to comply will be fined by the District DESC/ZAFFA according to the area constructed.
- 6.6 No- one will be allowed to sale the fish below the Association price.

## **THE ZOMBA FISH FARMERS ASSOCIATION**

### **1 ESTABLISHMENT**

There is hereby established an Association to be known as the **ZOMBA FISH FARMERS ASSOCIATION**.

### **2 NAME OF ASSOCIATION**

The Association shall be known as the **ZOMBA FISH FARMERS ASSOCIATION** (hereinafter in the Constitution called the Association)

### **3 ADDRESS FOR SERVICE**

Zomba Fish Farmers Association,  
C/O P.O.Box 206,  
Zomba  
Malawi.

### **4 DEFINITIONS**

In this Constitution, unless otherwise stated, or the context otherwise requires:

- (a) "Area" shall mean the geographical area covered by the Traditional Authority (T/A) for the Fish Farmer Committees forming the Association.
- (b) "Patron" shall be a figure of influence and authority in the community who supports the Area Fish Farmers committees.
- (c) "Traditional Authority" shall include Paramount Chief, Senior chief, Traditional Authority and Sub-Traditional Authority.
- (d)

### **5 JUSTIFICATION, RATIONALE AND LEGAL FOUNDATION**

The overall goal of the Fish Farming Policy (2016) is to increase and sustain fish production from small holder and large fish farming operation in-order to improve fish supply in Malawi. The guiding objectives of the Fish Farming Policy (2016) include:

- (a) Appropriate regulatory measures for sustainable aquaculture development are put in place.

- (b) Small-scale aquaculture production is promoted as business.
- (c) Investment in aquaculture development from both government and the private sector is increased.

The formation and registration of the Zomba Fish Farmers Association as a legal entity is thus fully compatible with the National Fisheries and Aquaculture Policy (2016).

## **6 LOCATION**

The area of the Zomba Fish Farmers Association comprises of all the Traditional Authorities in Zomba District where fish farming is practiced.

## **7 VISION AND OBJECTIVES**

The Vision for the Association shall stand as **"Home farmed fish for everyone"**

The objectives of the Association are:

- 7.1 Reduction of poverty by promoting fish farming thereby increasing the contribution of food security and household income.
- 7.2 Promote a viable network with the Department of Fisheries and non-government organizations involved in fish farming.

## **8 MEMBERSHIP**

8.1 A person shall be qualify to be a member of the Zomba Fish Farmers Association provided they

fulfill the following criteria:

- (a) He/She has a fish pond
- (b) He/She pays a non-refundable membership of K500.00 and registration fee of K300.00
- (c) He/She must be a member of a Fish Farmer Club and affiliated to the Area Fish Farmers Committee provided they are willing to accept the constitution.

8.2 All members must be registered according to the Fish Farmer Clubs and the register must be up-dated immediately before the Zomba Fish Farmers Association Annual General Meeting.

## **9 RIGHTS OF MEMBER**

- 9.1 To elect office bearers of the Fish Farmer Clubs, Area fish farmers committees and the District fish farmers association.

- 9.2 Every member of the Association shall have the right to attend and vote at the Annual General Meetings (AGM or any Special General Meetings).

## **10 THE ASSOCIATION, AREA FISH FARMERS ASSOCIATION, FISH FARMERS CLUB.**

- 10.1 There shall be 10 office bearers in the Association, Area Fish Farmers and Fish clubs, Who shall be elected accordance with this constitution.

- 10.2 There shall be the following offices on the committees:

Chairperson and vice  
Secretary and vice  
Treasure and Vice  
Committee members.

### **10.3 Tenure**

- (1) Member shall serve on the association, Area Fish Farmers Committee and Fish Farmer Clubs for a term of 3 years consecutive years unless removed there from in accordance with this constitution.
- (2) A member may be re-elected and serve for an unlimited number of terms.

### **10.4 Election of the Association, Area Fish Farmers Committees and Fish Farmer Clubs.**

#### **1 Eligibility for election**

A person shall not qualify to be elected as an Association, Area Fish Farmers Committees and Fish Farmer Club member unless he or she:

- (a) Is a member of Association in accordance with this constitution.
- (b) Has a support of 2 registered members for nomination.

#### **2 Procedure of election**

The registered members for the Association shall elect 10 Association, Area Fisheries Committees and Fish Farmers Clubs members by secret ballot under the supervision of the fisheries officer, or his/her delegated representative.

### **10.5 Appointment of Office Bearers**

- 1 The registered members of the Association shall elect the office bearers in the same manner for the Association, Area Fisheries Committees and Fish Farmers Clubs members by secret ballot.

- 2 The Office bearers of the Association Committee shall be appointed by the members of the Association, Area Fish Farmers Committees and Fish Farmer Clubs at the first meeting of the Association.
- 3 The Office bears shall serve for the three (3 ) years on their appointment as members of the Association, Area Fish Farmers Committees and Fish Farmer Clubs.
- 4 A vacancy created in any office in the Association, Area Fish Farmers Committees and Fish Farmer Clubs due or expulsion, resignation or death of any office bearer on the committee shall be filled by an election by the members of the Association.

#### **10.6 Expulsion from the Committee**

- 1 Any member may be expelled from the committee by a majority vote of the Association at Annual General Meeting or an election by the members of Association.
- 2 A member who fails to attend three(3) successive meeting of the Association , Area Fish Farmers Committees and Fish Farmer Clubs without a valid reason shall automatically be expelled from the Committee. It should be the chairperson's duty to warn a member of the Committee accordingly after two (2) successive absences.
- 3 Any member who is convicted of a criminal offence shall be expelled from the committee.
- 4 The Association committee may refer disciplinary problems to the Traditional Authority, Fisheries Officer and the District Commissioner.

#### **10.7 Resignation from the Association, Area Fish Farmers Committees and Fish Farmer Club**

A member may resign from the Association, Area Fish Farmers Committees and Fish Farmer Clubs provided that he or she shall not be entitled to do so without giving one month's notice verbally to all the members of the Committee and in writing to the Chairman of the committee of his or her intended resignation.

#### **10.8 Filling vacancy on the Association, Area Fish Farmers Committees and Fish Farmer Club**

A vacancy shall be filled following the procedure for elections Section 6.4 and the Committee member shall serve for the remainder of that vacancy.

#### **10.9 Duties of Chairperson/Vice-Chairperson**

1. The Chairperson represents the Association, Area Fish Farmers Committees and Fish Farmer Club to higher authority and the general public, especially at official events within or outside the area.



2. The Chairperson unites and leads the members of the Association.
3. The Chairperson is responsible for settling disputes among members of the Association.
4. The chairperson is responsible for ensuring that the conduct of meeting proceeds smoothly and confirms to the constitution.
5. The chairperson is responsible for calling meetings of the Association, Area Fish Farmers Committees and Fish Farmer Clubs.
6. The chairperson is responsible for delegating or assigning the works of the Association to members of the Association.
7. The Chairperson is responsible for informing the members of Association on all matters relating to fish farming. In particular the chairperson will present an annual report on the Association at the Annual General Meeting and answer any question raised by the members of the Association.
8. The chairperson is responsible for maintaining discipline among the members of the Association, or ad-hoc Fish Farmers Clubs or individual specialists.
9. The Chairperson has the ultimate responsibility for ensuring that offences against the Association by law are penalized, and if necessary refer offenders to higher authority.

#### **10.10 Duties of Secretary/vice secretary**

1. Take minutes of all the meetings of the Association, Area Fish Farmers Committees and Fish Farmer Clubs.
2. Read the minutes of the previous meetings to remind members on what was agreed upon at the previous meeting.
3. Write letters to the invitation to meetings and draw up the agenda.
4. Keeps the records of the Association, Area Fish Farmers Committees and Fish Farmer Clubs. This includes maintaining the register of the Association members.
5. Maintain the register of all farmers operate within the Association, Area Fish Farmers Committees and Fish Farmer Clubs irrespective of whether they are members of the Association or not.

#### **10.11 Duties of Treasure/vice Treasure**

1. Inform the members of the Association, Area Fish Farmers Committees and Fish Farmer Clubs of the financial position. This includes presenting a financial report to the Association members at the Annual General Meeting on the income and expenditure of the Association, Area Fish Farmers Committees and Fish Farmer Clubs.
2. Custodian of the Banks transaction documents and all the clubs materials/equipment.
3. Collecting cash from farmers and deposit it.

#### **10.12 Duties of Committee Members**

1. It is the responsible of all committee members to promote the objectives of the Association.
2. Committee members should be loyal to the Association members.
3. Committee members should support the chairperson, especially in giving good advice.
4. Committee members should advise the chairperson the views of the Association members and the entire community, which they should entirely solicit.
5. Take a leading role when it comes to all matters relating to fish farming.
6. Committee members should assist in resolving disputes within the membership of the Association.
7. It is the duty of all committees' members to attend meeting of Association, Area Fish Farming Committee and Fish Farmers Club to which they belong.

#### **12. EFFECTIVE DATE**

This Constitution/By -Laws will enter into force upon the approval of the Full council.

#### **13. LAW APPLICABLE**

The performance of the Association and interpretation of its terms shall be governed by the laws of Malaw

PART XI  
LANDING AND SAMPLING OF FISH AND FISHING RETURNS

Landing and sampling  
of fish

Fishing information and  
fishing returns

**58.** (1) Fish caught by licensees shall be landed at such places as the Director/LFMA shall stipulate by notice in the Gazette.

(2) A licensee shall permit a fisheries officer to remove a reasonable quantity of fish landed at a place stipulated under subsection (1) for purposes of research.

**59.** (1) Both large-scale and small-scale commercial fishermen shall furnish any fisheries officer, when so requested by the officer, with details concerning catches made by them including the areas in which and times when such fish have been caught.

(2) The giving of information pursuant to sub-bylaw (1) shall not relieve a large-scale commercial fisherman from a requirement to keep records or make returns in accordance with the conditions of his licence.

PART XII  
ENFORCEMENT

Inspection and  
seizure of fish

**60.** Inspection and seizure of fish

(1) A fisheries protection officer/LFMA may inspect—

- (a) any store holding fish;
- (b) any fish when landed in accordance with bylaw 44;
- (c) any fish prior to export, whether in store, on land or on board ship; and
- (d) any imported fish when landed or, prior to landing, on board ship.

(2) A fisheries protection officer may, on an inspection under sub-bylaw (1), seize fish which in his opinion—

- (a) does not conform with these regulations; or
- (b) is not fit for human consumption.

(3) Fish seized under sub-bylaw (2) shall be dealt with in accordance with the Act and, in the case of fish referred to in paragraph (b), a report shall be made by the fisheries protection officer without delay to the health authorities.

**61.** For the purpose of section 38 (2) of the Act, every bond shall be in the form set out in the Eighteenth Schedule.

- 62.** For the purpose of section 50 of the Act—
- (a) a notice under subsection (1) of the section shall be in the form set out in the Nineteenth Schedule;
  - (b) a notice under subsection (3) of the section shall be in the form set out in the Twentieth Schedule;
  - (c) a notice under subsection (7) of the section shall be in the form set out in the Twenty-First Schedule.

### PART XIII

OFFENCES	FINES AND PENALTIES
1. Found with or using a Nkacha	<p><b>The LFMA, with support from the TAs, their Area and District Fisheries Association and District Council, will impose these suggested fines:</b></p> <p>1 (a) MK40, 000.00. Failing to pay, will be handed over to Court</p> <p>(b) Net will be confiscated and destroyed (burned)</p>
2. Found with or using Mosquito net for fishing.	<p>2. (a) MK40,000.00</p> <p>(b) Net will be confiscated and destroyed (burned)</p>
3. Found with or using Ngongongo (Gill nets less than 2inches)	<p>3.(a) MK30,000.00</p> <p>(b) Net will be confiscated and burned</p> <p>(c) Failing to pay will be handed over to Court.</p>

4. Fish trap aligned with a mosquito net or any other netting material	4.(a) MK 30,000.00 (b) Fish trap will be removed and destroyed (burned).
5. Found with or using a Monofilament Gill Net	5.(a) MK 30, 000.00 (b) Net will be confiscated and destroyed (Burned)
6. Blocking a river with an intention of fishing downstream.	6.(a) MK 40, 000,00 (b) Net and instruments will be confiscated and destroyed (burned)
7. Fishing during closed season	7.(a) MK 40,000,00 (b) Net will be confiscated and shall be given back after closed season if the gear used is legal. (c) Net to be confiscated and destroyed (burned) if illegal.
8. Cutting aquatic vegetation to create fishing grounds or scare fish into fishing nets.	8.(a) MK 40, 000.00 (b) Net and tools will be confiscated and destroyed (burned) (c) Failing to pay offender will be handed over to court.
9. Cultivating along the river banks (within a distance of 20 metres from the	9.(a) MK 40, 000.00 (b) Planted crops will be destroyed (slashed) and

river)	stopped to do farming along the river bank. (c) Failing to pay offender will be handed over to court.
10. Tolerating cultivation along river banks (within distance of 20 metres from the river) within areas of jurisdiction.	10.The Village headman, Group village head man and T/A shall be fined MK 20,000.00 each.
11. Constructing and staying on floating island.	11.(a) MK 40, 000.00 (b) All beers shall be confiscated (c) Failing to pay, offender will be handed over to court.
12. Fishing without a Government Licence or local fishing permit	12.(a) MK 20, 000.00 (b) Net/ gear will be confiscated until a Government License or Fishing Permit is paid
13. Bribes/Corruption (caught and witnessed)	13. ( a) 50% of the fine associated with the activity ( b) Removed from responsibility in the LFMA (c ) Civil Servants to be reported to Authorities
14. Using Children under <b>18 Years</b> in the fishing industry.	14.(a) MK 10,000.00 to Parents (b) Children will be brought back to their homes.
15. Fishing in designated protected areas, breeding sites and sanctuaries.	15.(a) MK 40,000.00 (b) Net will be confiscated and destroyed or burnt.

16. Local Fishing Permits	<p>16.(a) MK1,000.00 per month ( Resident fishers)</p> <p>(b) MK2,000.00 per month ( migratory fishers)</p>
---------------------------	---

#### MISCELANOUS

**63.** (1) Any person who fails to comply with any requirement of these Bylaws, any condition of any permit issued under these Regulations or any order, requisition, or direction lawfully issued by any fisheries protection officer under these bylaws shall be guilty of an offence.

(2) Any person who is guilty of an offence under these bylaws shall, where no other penalty is provided, be liable to a fine of K5, 000 and to imprisonment for one year.

**64.** (1) Subject to sub-bylaw (3), these bylaws shall not, unless specifically provided or the context so requires, apply to fishing for sport, subsistence or any other non-commercial reason.

(2) All non-commercial fishermen shall be subject to regulations 33, 34, 35, 36 and 37.

**65.** The fees prescribed in the Twenty-Second Schedule shall be payable in respect of the matters specified therein in relation to such fees.

FIRST SCHEDULE

ZOMBA DISTRICT COUNCIL

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION OF A  
LOCAL REGISTRABLE FISHING VESSEL

Bylaw 4(4)

To : The Director of Fisheries

1. I, .....  
(Full Name)

of .....  
(Business Address)

and .....  
(Residential Address)

the owner(s) of the vessel described below do hereby apply for  
registration/renewal of registration of that vessel in accordance with regulations  
..... of the Fisheries Conservation and Management  
Regulations, 2000.

2. Description of vessel—

(a) name of vessel:

.....

(b) location of vessel:

.....

(c) purpose of which it is intended to use vessel (e.g. large-scale  
commercial fishing, small-scale commercial fishing, etc.): .....

.....

(d) area in which it is intended to use  
vessel:.....

(e) registration number of the vessel, if application is for renewal of  
registration: .....

.....

3. Any other information: .....

Date: .....

.....

Signature/mark/thumb print  
of the owner

FOR OFFICIAL USE ONLY



Application received by:

.....

on .....

Fee paid MK ..... (in  
words)

Date: .....

.....

Signature Director of Fisheries

## SECOND SCHEDULE

### ZOMBABYLAWS

#### Rule 4 (5)

#### APPLICATION FOR A LOCAL FISHING LICENCE/RENEWAL OF A LOCAL FISHING LICENCE

To: The Director of Fisheries

1. I, .....  
(Full Name)

of .....  
(Full Address)

\*(duly authorised in that behalf by the partnership or body corporate specified in paragraph (4) hereby apply (for and on behalf of the said society partnership/body corporate) for a local fishing licence/renewal of a local fishing licence.

2. State whether applicant is a resident of Malawi \*YES/NO.

3. Description of applicant's present fishing activities, if any:

.....  
.....

4. State business name, if any:

.....

5. Location of applicant's present or proposed fishing base:

.....

.....

6. State whether vessel intended for use under the authority of the licence is registered or based in Malawi: .....

.....

7. State the subcategory of local fishing licence required (that is, commercial fishing licence, sport fishing licence or subsistence fishing licence:

.....

.....

8. State capacity of engine or engines to power the fishing vessel, if any:

.....

.....

9. Brief but precise description of the fishing gear that applicant proposes to use (that is, indicate size and type of net, whether two or single boat operation, etc.): .....

.....

10. Location of base for the fishing gear listed under paragraph 9:

.....

11. Description of fishing waters in which applicant proposes to use the fishing gear listed under paragraph 9: .....

.....

12. List beaches or places it is proposed to land fish:

.....

.....

13. Indicate whether or not provisional arrangements have been made to market the fish that would be caught under the licence if granted: \*YES/NO.

14. If the answer to the question in paragraph 13 is yes, describe the arrangements: .....

.....

.....

.....

15. Has any previous application for a fishing licence been made by the applicant, any member of the applicant's family or any person having an interest in the application: \*YES/NO.

16. If the answer to the question in paragraph 15 is yes, please give full details: .....

.....

.....

.....

.....

17. Licence number, if application is for renewal of licence:

.....

18. Any other information:

.....

.....

.....

19. I hereby state that this application was translated for me by a fisheries officer in accordance with regulation 5 and I understand the effect of the information on the application and the interpretation:

.....

Signature of applicant who has requested and has been given assistance in completing this application

Date: .....

.....  
Signature/mark/thumb print  
of the owner

Where the application is made for and on behalf of a partnership or a body corporate, it must be signed by a partner or the secretary to the body corporate, as the case may be.

FOR OFFICIAL USE ONLY

Application received by:

.....

on: .....

Fee paid MK ..... (in  
words)

Date: .....

.....

Signature Director of Fisheries

THIRD SCHEDULE  
ZOMBA DISTRICT COUNCIL  
REGISTRATION CERTIFICATE IN RESPECT OF A LOCAL REGISTRABLE FISHING VESSEL  
BYLAW 11 (6)

I, ....., Director of Fisheries, hereby certify that the fishing vessel whose particulars are hereunder has been registered under the Fisheries Conservation and Management Act—

(1) Registration number of the vessel:

.....

(2) Name of vessel: .....

(3) Identification marks:

.....

(4) Port of registration:

.....

(5) Owner(s): .....

(6) Owner(s) office and address:

.....

(7) Boat size—

Overall length: .....

Breadth: .....

Draft: .....

Horse power: .....

(8) Gross tonnage: .....

(9) Fish held tonnage:

.....

Dated:.....

.....

Signature Director of Fisheries

FOURTH SCHEDULE

APPLICATION FOR CHANGE OF A NAME OF A REGISTERED FISHING  
VESSEL

BYLAW 12 (2)

To: The Director of Fisheries

1. I, .....  
(Full Name)

of .....  
(Business Address)

and .....  
(Residential Address)

the owner(s) of a registered fishing vessel described below do hereby  
apply for change of the name of the said vessel from its present name, namely:

.....  
to .....  
(proposed new name)

2. Registered number of the vessel:  
.....

3. Date of registration of the vessel:  
.....

4. Reason for the proposed change of name of the vessel:  
.....

.....  
5. Any other information: .....

.....  
.....

Date:.....

.....  
Signature of the owner  
FOR OFFICIAL USE ONLY

Application received by:  
.....

on: .....

Fee paid MK: ..... (in words)

Date: .....

.....

Signature Director of Fisheries

FIFTH SCHEDULE  
APPLICATION TO REPLACE A REGISTRATION CERTIFICATE  
BYLAW 16 (3)

To: The Director of Fisheries

1. I, .....  
(Full Name)  
of .....  
(Business Address)  
and .....  
(Residential Address)

the owner(s) of the vessel described below do hereby apply for  
replacement of the registration certificate described below—

2. Description of vessel—  
(a) name of the vessel:  
.....  
(b) registered number of the vessel:  
.....

3. Description of the registration certificate—  
(a) number of registration certificate:  
.....  
(b) date of issue of the registration certificate:  
.....

4. State why you need the registration certificate to be replaced:  
.....

5. Full account of how the registration certificate got lost, destroyed or so  
damaged as to make it illegible: .....

.....  
.....  
6. Any other information:  
.....

.....  
.....  
.....  
.....  
Date: .....



.....  
Signature/mark/thumb print  
of the owner

FOR OFFICIAL USE ONLY

Application received by:

.....  
on: .....  
Fee paid MK: ..... (in  
words)  
Date: .....

.....  
Signature Director of Fisheries

SIXTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
COMMERCIAL FISHING LICENCE

Bylaw 18 (2)

This is to certify that .....  
of ..... being owner  
of the fishing vessel described hereunder has been permitted the use of  
the said vessel for the purpose of fishing within the fishing waters from  
..... to ..... according to the following  
stipulations—

(1) Large-scale/small-scale/live fish collection commercial fishing licence:

(2) Method(s) of fishing:

.....

.....

(3) Fishing gear: .....

(4) Species of fish to be taken:

.....

(5) By-catches: .....

(6) Area to be fished:

.....

.....

(7) Period limitation:

.....

(8) Allowable catch:

.....

(9) Storage of gear when not in use:

.....

(10) Transfer, transshipment, landing and processing restriction:

.....

.....

(11) Restriction on entry to any port or place:

.....

(12) Vessel name: .....

(13) Registration number:

.....

(14) Port of registration:

.....

(15) Vessel marking: .....

(16) Engine capacity:

.....

(17) Entry, exit and reporting procedure:

.....

(18) Compliance with the Fisheries Conservation and Management Act:

.....

(19) Name of the family member to whom the licence should be transferred in the event of death of the licensee:

.....

(20) Special conditions detailed overleaf.

Date .....

.....

Signature Director of Fisheries

\*Delete the inapplicable

FOR OFFICIAL USE ONLY

Fees paid MK .....

(in words)

SEVENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
SPORT/SUBSISTENCE FISHING LICENCE

Bylaw 21 (8)

This is to certify that .....  
of .....  
has been permitted to fish within the fishing waters for sport or subsistence  
from ..... to .....  
according to the following stipulations—

(1) Controlled species of fish to be taken:

.....  
.....

(2) Controlled fishing gear to be used:

.....

(3) Method of fishing:

.....

(4) Area to be fished:

.....

(5) Allowable catch:

.....

(6) Where a vessel is to be used, particulars thereof:

.....  
.....

(7) Special conditions detailed overleaf.

Date: .....

.....  
Signature Director of Fisheries  
FOR OFFICIAL USE ONLY

Fees paid MK: ..... (in  
words)

## EIGHTH SCHEDULE

### ZOMBA DISTRICT COUNCIL

#### CONDITIONS TO ATTACH A SPORT LICENCE IN RESPECT OF TROUT FISHING BYLAW 22 (2)

1. A sport licence in respect of trout fishing (hereinafter called "a licence") shall entitle the person named therein to fish for trout in trout fishing waters only.
2. Trout fishing waters are—
  - (a) Shire River
3. A licence shall not authorise a person to fish for trout between the 1st May and the 31st August in any year.
4. Fishing under the licence is authorised only between the hours 0430 and 1930.
5. The maximum number of trout that may be killed shall be, irrespective of the length of validity of the licence—

(a)	one day	6
(b)	one week	24
(c)	one month	50
(d)	a season	100
6. The licence shall be carried when fishing and produced in accordance with the Act.
7. The method of fishing permitted under the licence is fly fishing for all the trout waters.
8. The minimum size of trout that may be caught and retained at any dam shall be 25 cm (10 in).
9. All trout caught and retained shall be entered in a trout fishing return endorsed on the licence.
10. The person named in the licence shall cease fishing when the daily, weekly, monthly or seasonal quota has been caught.
11. A licence shall be returned by prepaid post to the Director within fourteen days of expiry.

NINTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
APPLICATION FOR A FOREIGN FISHING LICENCE  
Bylaw 26 (1)

To: The Director of Fisheries

1. I, .....  
(Full Name)

of .....  
(Full Address)

\*(duly authorised in that behalf by the society, partnership or body corporate specified in paragraph (3) hereby apply (for and on behalf of the said partnership/body corporate) for a foreign fishing licence.

2. State the subcategory of the foreign fishing licence required (that is, large-scale or small-scale foreign fishing licence) .....

3. State business name, if any:  
.....

4. Description of the applicant's present fishing activities, if any:  
.....

.....  
.....

5. State location of applicant's present fishing base, if any:  
.....

.....

6. Name of the fishing vessel:  
.....

7. Identification marks:  
.....

8. Port of Registration:  
.....

9. Owner(s)/Charterer(s):  
.....

10. Fishing vessel size—  
(a) overall length:  
.....

(b) breadth:  
.....

(c) draft:

.....

11. Gross tonnage: .....  
tonnes

12. Fish hold tonnage:

.....

13. Number and nationality of crew:

.....

.....

14. Previous fishing history in the fishing waters:

Year

Total catch

15. Area within which fishing is now requested:

.....

.....

16. Specific period for which fishing is requested:

.....

.....

17. Species of fish to which licence is sought to apply:

.....

.....

18. Specific methods to be used—

(a) Pole and line—Number of poles:

.....

(b) Longlining—Number of hooks:

.....

(c) Purse seining—Length and depth of net (m):

.....

(d) Other methods (please specify):

.....

19. Intended disposal of catch—

(a) within Malawi—

(i) for processing

(ii) for local sales

(iii) for transshipment and export (unprocessed)

(b) transshipment within fishing waters ultimate destination:

.....

(c) transportation on board the fishing vessel out of fishing waters  
ultimate destination: .....

.....

(d) combination of (a)–(c) please specify:

.....

20. Intended use of ports and related facilities within Malawi—

(a) for disposal of catch, state port:

.....

(b) obtaining ice, fuel, fishing gear, provisions or recreation; state port:

.....

(c) repairs, outfitting or maintenance; state port:

.....

.....

21. Do you intend or would you be willing to train residents of Malawi in  
the methods of fishing employed by the fishing vessel: \*YES/NO.

I/We, owner(s)/charterer(s)/certified legal representatives of the fishing  
vessel, certify that the above information is true and accurate:

Dated: .....

.....

Signature

Where the application is made on behalf of a partnership or a body  
corporate it must be signed by the partner or secretary to the body corporate,  
as the case may be.

FOR OFFICIAL USE ONLY

Application received by:

.....

on: .....

Fee paid MK .....(in  
words)

Date: .....

.....

Signature Director of Fisheries



TENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
FOREIGN FISHING LICENCE  
Bylaw 24 (5)

This is to certify that .....  
of .....

being the owner of the fishing vessel described hereunder has been  
permitted the use of the said vessel for the purpose of fishing within the fishing  
water from ..... to ..... according to the following  
stipulations—

1. Large-scale/small-scale/live fish collection commercial fishing licence\*

2. Method(s) of fishing:

.....

.....

3. Fishing gear: .....

4. Species of fish to be taken:

.....

5. By-catches: .....

6. Area to be fished:

.....

7. Period limitation: .....

8. Allowance catch:

.....

.....

9. Stowage of gear when not in use:

.....

.....

10. Transfer, transhipment, landing and processing restriction:

.....

11. Restriction on entry to any port or place:

.....

.....

12. Vessel name: .....

13. Registration number:

.....

14. Port of registration:

.....

15. Vessel marking: .....

16. Engine capacity:

.....

17. Entry, exit and reporting procedure:

.....

18. Compliance with the Act.

19. Special conditions detailed overleaf.

Date: .....

.....

Signature Director of Fisheries

FOR OFFICIAL USE ONLY

Fee paid MK ..... (in  
words)

ELEVENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
RESTRICTIONS ON SIZES OF FISHING GEAR AND PROHIBITED FISHING PERIODS AND  
TIMES  
BYLAWS 33 AND 34, G.N. 8/2003

PART I  
OPEN WATER SEINE NETS

Fishing area	Minimum	cod end mesh size	Maximum head line length
2. Lake Chilwa(Matemba seine)		19 mm (.75 in)	300 m

PART 3  
GILL NETS

Fishing area	Minimum mesh size	Maximum net depth
Lake Chilwa	95 mm (3.75 in)	No Restriction

PART 4  
PROHIBITED FISHING PERIODS AND TIMES  
Lake Chilwa

- (1) The openwater seine nets numbered 2, 3 and 4 in Part 2 of this Schedule and permitted for use in Lake Chilwa shall not be used between the 1<sup>st</sup> December and 28<sup>th</sup> February or 29<sup>th</sup> February in a leap year (inclusive).

## PART 5 PROHIBITED FISHING GEARS

Areas	Fishing Gear
All waters	Chalira
Lake Chilwa—	Shallow waters- No trawling
Lake Chilwa—	Kambuzi beach seine net
Lake Chilwa -----	Kauni for Chambo
Lake Chilwa	Mosquito nets
Lake Chilwa	Dande and Gauze wires
Lake Chilwa -----	Nkacha nets

TWELFTH SCHEDULE

ZOMBA DISTRICT COUNCIL

APPLICATION FOR A PERMIT TO USE UNDERWATER BREATHING  
APPARATUS FOR FISHING

(Bylaw 35 (2))

1. Name of applicant: .....

2. Address: .....  
.....

3. State purpose for catching the fish (i.e. commercial or sport):  
.....

4. Brief but precise description of the underwater breathing apparatus  
that the applicant proposes to use:  
.....

5. Area of fishing waters within which the underwater breathing apparatus  
is to be used:

6. Fishing gear to be used:  
.....

Date: .....

.....  
Signature of Applicant

FOR OFFICIAL USE ONLY

Application received by:  
.....

on: .....

Fee paid MK ..... (in  
words)  
.....

Director of Fisheries

THIRTEENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
UNDERWATER BREATHING APPARATUS

Bylaw 35 (2)

.....  
(Name of permit holder)

of .....

(Address of permit holder)

is hereby permitted to use underwater breathing apparatus when fishing commercially or for sport purposes according to the following stipulations—

1. Type of underwater breathing apparatus:

.....

2. State fishing gear (e.g. spear, harpoon, etc.):

.....

3. Area to be fished:

.....

4. Period limitation: .....

5. Allowable catch:

.....

.....

6. Species of fish to be taken:

.....

7. Special conditions detailed overleaf.

Date: .....

.....

Signature, Director of Fisheries

FOR OFFICIAL USE ONLY

Fee paid MK ..... (in words)



FOURTEENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL

SIZE LIMITS OF FISH

Bylaw 36

**Species of Fish**

All species of Chambo  
All species of the genera Tilapia Oreochromis  
Kasawala

**Size limit**

150 mm (6 in)  
100 mm (4 in)  
100 mm (4 in)

FIFTEENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
APPLICATION FOR AQUACULTURE PERMIT

Bylaw 38 (3)

To: The Director of Fisheries

1. I, .....  
of .....  
hereby apply for an aquaculture permit.

2. Location of the proposed aquaculture establishment:

.....  
.....

3. Size of the proposed aquaculture establishment:

.....  
4. Purpose for which the fish is to be bred (e.g. export, commercial,  
subsistence, etc.): .....

.....  
5. Results of an environmental impact assessment: .....

.....  
.....

6. Any other information:

.....  
.....

Date: .....

.....  
Signature of Applicant

FOR OFFICIAL USE ONLY

Application received by: ..... on:

.....  
Fee paid MK ..... (in words)

Date:.....

.....  
Signature  
Director of Fisheries

SIXTEENTH SCHEDULE

ZOMBA DISTRICT COUNCIL

AQUACULTURE PERMIT

BYLAW 38 (3)

.....  
(Name of permit holder)  
of .....

(Address of permit holder)  
is hereby permitted to operate an aquaculture establishment at

.....  
.....  
according to the following stipulations—

1. Size of the establishment:

.....  
2. Purpose for which the fish is to be bred:

.....  
3. Compliance with the Fisheries Conservation and Management Act  
4. Special conditions detailed overleaf  
5. Valid until: .....  
Date: .....

.....  
Director of Fisheries  
FOR OFFICIAL USE ONLY

Fee paid MK ..... (in  
words)

SEVENTEENTH SCHEDULE

ZOMBA DISTRICT COUNCIL

BOND TO SECURE RELEASE OF A FISHING VESSEL FROM FORFEITURE

Bylaw 47

..... know all men by these presents that  
..... of ..... is/are held and firmly  
bound to the Republic of Malawi in the sum of K  
..... for the  
payment of which sum to the Republic the said  
..... does/do jointly and severally bind  
himself/themselves/itself executors and administrators/successors firmly by these presents.

WHEREAS ..... (hereinafter called the defendant), is the licensee named in Licence No. .... issued under the Fisheries Conservation and Management Act, 1997, \*in respect of the vessel referred to in the said licence/and is the owner of a vessel registered pursuant to the said Act under number: .....

AND WHEREAS an information/charge has been laid against the Defendant in the (Magistrate) Court at ..... under No. .... (specify number of information charge); or

NOW THE CONDITION OF THE ABOVE WRITTEN BOND is such that if:

(a) the Defendant is found not guilty of the information/charge; or  
(b) the Defendant on being convicted of the information/charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court and the amount of all costs due from him to the Republic under section ..... of the Act \*and the fishing vessel is within that time surrendered to the Republic for forfeiture,  
then the above written obligation shall be of no effect but that otherwise it shall remain in full force and effect.

Dated this ..... day of ....., 20 .....

Signed by the above named .....)

in the presence of .....)

(or as the case may require in the case of a body corporate)

EIGHTEENTH SCHEDULE  
ZOMBA DISTRICT COUNCIL  
NOTICE OF ALLEGED OFFENCE

Bylaw 48 (a)

Notice No. ....

IN THE MATTER of section 50 of the Fisheries Conservation and Management Act (Cap. 66:05)

To: .....

.....

.....

1. TAKE NOTICE that I have reasonable cause to believe that on the ..... day of ..... at ..... you committed/your fishing vessel was involved in an offence against (specify section or regulation applicable) in that you/your vessel (specify details of offence) being an offence relating to fishing within the fishing waters/within an area where a licence/permit to fish is required which I consider appropriate to be dealt with under section 46 of the Act.

2. The following is a summary of the facts on which this allegation is based (specify a sufficient summary to fully and fairly inform the recipient of the allegations against him: .....

3. I consider the following matters to be relevant to the imposition of a penalty in this case: .....

4. This notice is served on you pursuant to section 50 of the Fisheries Conservation and Management Act (Cap. 66:05). The provisions of the whole of that section are set out in full as indicated below.

Dated this ..... day of ..... 20 .....

.....

Director of Fisheries

Delete as applicable

50.—(1) Where the Director/LFMA has reasonable grounds to believe that—

- (a) an offence under this Act has been committed by any person;
- (b) the offence is of a minor nature; and

(c) having regard to the previous conduct of the person concerned and of the vessel, if a vessel is involved, it would be appropriate to impose a penalty under this section,  
he may cause a notice in writing, in accordance with subsection (2) to be served on that person.

(2) A notice under subsection (1) shall be in the prescribed form and shall specify—

(a) the nature of the offence and the date of its commission;  
(b) a summary of the facts upon which the allegation that an offence has been committed is based; and

(c) any other matter that the Director/LFMA considers relevant to the imposition of a penalty,  
and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) is served may, within thirty days after such service, by notice in writing to the Director/LFMA require that the proceedings in respect of the alleged offence be dealt with by the Court or admit the offence.

(4) Where pursuant to subsection (3) a person opts to have the alleged offence dealt with by a court—

(a) no further proceedings shall be taken under this section by the Director; and

(b) nothing in this section shall be construed to prevent proceedings in respect of the alleged offence to be dealt by the Court or the imposition by the Court of any penalty or forfeiture under this Act upon such conviction in such proceedings.

(5) Where pursuant to subsection (3), a person opts to admit the offence he may, by notice in writing to the Director/LFMA—

(a) admit the offence; and  
(b) make submissions to the Director as to the matters he wishes the Director to take into account in imposing any penalty under this section.

(6) Where a person on whom a notice under subsection (1) is served does not, within thirty days after the notice is served on him—

(a) require that proceedings in respect of the alleged offence be dealt with by the Court; or

(b) admit the offence,  
he shall, on the expiration of that period, be presumed to have admitted the offence.

(7) Where pursuant to this section a person admits or is presumed to have admitted an offence, the Director may, after taking into account any submissions by the person under subsection (5), impose a monetary penalty on the person in respect of the offence not exceeding one half of the maximum, penalty to which the person would be liable if he were convicted of the offence by the Court.

(8) Where the Director imposes a penalty on a person under this section in respect of an offence, the Director shall serve that person with a notice in writing in the prescribed form of the particulars of the penalty and place where the penalty should be paid.

(9) A person on whom a penalty is imposed under this section shall pay the penalty within thirty days after the notice of the penalty is served on him in accordance with subsection (8) and the penalty shall be paid into the Fund.

(10) Without prejudice to the requirement of subsection (9), a penalty imposed under this section shall be recoverable by the Government from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(11) Where an offence has been admitted or is presumed to have been admitted under this section no further charge may be laid in respect of the offence against the person who has admitted or is presumed to have admitted the offence.

(12) This section shall not apply—

- (a) in respect of any offence under section 11 or 12; or
- (b) to any offence or alleged offence in respect of which a charge has already been preferred.

NINETEENTH SCHEDULE

ZOMBA DISTRICT COUNCIL

NOTICE REQUIRING PROCEEDINGS TO BE DEALT WITH IN COURT

Bylaw 48 (b))

To: The Director of Fisheries

.....

.....

TAKE NOTICE that I require that any proceedings in respect of the alleged offence referred to in your notice number ..... served on me under section 48 (a) of the Fisheries Conservation and Management Act (Cap. 66:05), be dealt with before the Court.

Dated this ..... day of ....., .

.....

Signature and Name



TWENTIETH SCHEDULE  
ZOMBA DISTRICT COUNCIL

BYLAW 48 (2))

NOTICE OF IMPOSITION OF ADMINISTRATIVE PENALTIES

To: .....

.....

.....

1. TAKE NOTICE that I have on the ..... day of  
....., imposed on you a monetary penalty of MK .....  
in respect of the offence committed by you on the ..... day of  
....., against ..... (specify section or regulation applicable).

2. This penalty must be paid to the Government within 30 days after the  
notice is served on you.

3. Payment shall be made to the office of the Fisheries Officer at  
.....

Dated this ..... day of ..... 20 .....

.....

Director of Fisheries

## ANNUAL BASIC FEES IN RESPECT OF FISHING GEAR

<b>Gear</b>	<b>Basic Fee</b>	<b>Qualification</b>
Gillnets	K3000	per 100 m
Matemba seines	K25000.00	per 50 m
Aquarist licence	K150,000.00	per enterprise
Fish farm licence	K100.00	farm pond > 2 ha