

THE DEEP SEA FISHING AUTHORITY ACT
(CAP. 388)

REGULATIONS

(Made under section)

THE DEEP SEA FISHING (AMENDMENT) REGULATIONS, 2016

ARRANGEMENT OF REGULATIONS

Regulation

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Citation
GN No....

1. These Regulations may be cited as the Deep Sea Fishing (Amendment) Regulations, 2016 and shall be read as one with the Deep Sea Fishing Regulations, 2009 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 2

2. The principal Regulations are amended in regulation 2 by-

(a) deleting the definition of the term “enforcement officer” and substituting for it the following new definition:

“enforcement officer” means an officer appointed or employed for purposes of ensuring enforcement of these Regulations, including protection of fishery resources and marine environment against illegal, unreported and unregulated fishing in the Exclusive Economic Zone;

(b) adding in their appropriate alphabetical order, the following new definitions:

“Maritime Authorities” means the Surface and Marine Transport Regulatory Authority and the Zanzibar Maritime Authority;

“citizen” means a person who is a Tanzanian pursuant to the

Citizenship Act;

“non citizen” means a person who is not a Tanzanian pursuant to the Citizenship Act;

“landing” means bringing any fish or fish product to the port designated from within or outside the Exclusive Economic Zone of the United Republic of Tanzania;

“license period” means the period of time during which any license or authorization issued in accordance with these Regulations is valid;”

Amendment of regulation 8

3. The principal Regulations are amended by deleting regulation 8 and substituting for it the following new regulation:

“Duration of license

8. A fishing license issued under these Regulations shall, unless cancelled, expire in three months, six months or one year depending on the request of the applicant.”

Amendment of regulation 10

4. Regulation 10 of the principal Regulations is amended-

(a) in subregulation (1), by adding immediately after paragraph (g), the following new paragraphs:

(h) has employed Tanzanian crews at least ten (10) percent of total number of crews onboard;

(i) has a legal representative or agent acceptable to the Authority, who is a citizen of the United Republic of Tanzania and who shall be equally responsible for all actions of the fishing vessel.”

(b) by adding immediately after subregulation (1), the following new subregulations:

“(2) Subject to sub regulation (1) (c), the manner and

procedures for collecting and transporting by catch shall be determined by the Authority through guidelines.

(3) The Authority shall, in consultation with other relevant authorities mentioned in the guidelines, set out an incentive for landing by- catch at designated ports.”

(c) by renumbering subregulations (2), (3), (4) and (5) as subregulations (4), (5), (6) and (7) respectively;

(d) in subregulation (4) as renumbered, by deleting paragraph (a) and substituting for it the following new paragraph:

(a) allows on board two officers of the Authority who shall oversee compliance with national and international laws, and standard adopted and used by Regional Fisheries bodies all the time the vessel is in Economic Exclusive Zone of the United Republic;”

Addition of
regulation 10A and
10B

5. The principal Regulations are amended by adding immediately after regulation 10, the following new regulations:

“Performance bond

10A.-(1) The Director General shall require as a precondition of issuing a license to any fishing vessel, a performance bond be provided by the applicant in accordance with such procedures and in such forms as may be prescribed.

(2) Performance bonds prescribed under subsection (1) shall serve as financial assurance for the fulfillment of all obligations arising out of the license, the Act and these Regulations, including potential costs relating to rescue, recovery, of other costs and fines, penalties or

compensation for violations against the Act and these Regulations, and shall be drawn upon in such manner as may be prescribed.

(3) The amount of financial assurance provided under this regulation shall be determined by the Director General subject to section 18 of the Act.

(4) Where a license holder is obligated to provide a financial assurance under this regulation and fails to do so, the Director General shall:

(a) cause a notice of demand to be served on the license holder a notice of demand; and

(b) cause a note of the service of the notice to be registered in a Court.

(5) If by the end of the period specified in the notice of demand under subsection (4), the financial assurance required from the license holder under this regulation:

(a) has been provided, the notice shall thereupon cease to have effect, and the Director General shall cause the registry endorsement to be cancelled; or

(b) has not been provided, the applicable license shall be liable to cancellation by the Director General.

registered in Tanzania but does not undertake fishing activities within the Exclusive Economic Zone of Tanzania shall be required to seek and obtain a Certificate of Authorization to Fish from the Director General before commencing intended fishing activities.

(2) The Director General shall, upon receipt application under sub regulation (1), issue a Certificate of Authorization to fish upon payment prescribed fee by applicant.

(3) A person who is granted Certificate under this regulation and who undertakes fishing activities beyond Exclusive Economic Zone of the United Republic of Tanzania shall be bound by conditions of license prescribed under regulation 10 (1) and (2).”

Amendment of
regulation 11

6. Regulation 11 of the principal Regulations is amended-

(a) by deleting paragraph (b) of subregulation (2) and substituting for it the following new paragraph:

(b) avail the vessel intended to be used for fishing for inspection either at Zanzibar port, Dar-es-Salaam port or any other port nominated by the applicant.”

(c) by adding immediately after subregulation (3) the following new subregulations:

“(4) Where the applicant has nominated a port other than Zanzibar or Dar es Salaam port, the applicant shall bear all costs for inspection of the vessel in the nominated port.

(5) The costs referred to under sub regulation (4) have to

conform to the rates approved by Authority.”

Amendment of
regulation 20

7. Regulation 20 of the principal Regulations is amended by deleting subregulation (2) and substituting for it the following new subregulation:

“(2) Where, during fishing activities, licensed fishing vessel has captured a tagged fish, such vessel shall-

(a) retain the tags onboard; and

(b) report to the Director General together with data on vessel name, catch position, date of capture, length and weight of individual tagged fish and name of person reporting the capture.

Amendment of
regulation 22

8. The principal Regulations are amended in regulation 22 by-

(a) designating the contents of regulation 22 as subregulation (1); and

(b) adding immediately after sub-regulation (1) the following new sub-regulation:

“(2) Without prejudice to sub-regulation (1), the Authority may, after consultation with the Minister, prescribe procedures and modalities for undertaking surface and mid trawling fishing methods in the Exclusive Economic Zone.”

Amendment of
regulation 34

9. The principal regulations are amended in regulation 34 by adding immediately after subregulation (3) the following new subregulations:

(4) A Captain of a licensed fishing vessel shall:

(a) cause an observer to be taken onboard at the Tanga, Zanzibar, Dar es Salaam, Mtwara port or any other designated port outside the United Republic of Tanzania;

(b) provide the observer with appropriate working space, access to all spaces and communication

equipment; and

- (c) ensure that accommodation, meals and treatment of observer is at the same standard as officers on board the vessel.

(5) Where a Captain of licensed fishing vessel contravenes the provisions of sub regulation (4), such contravention may result into immediate revocation of the license and other relevant legal action.

(6) Costs arising from the carrying out of duties by the observer under this regulation shall be borne by the Authority.

(7) In the course of implementing the provisions of this regulation, the Observer shall consider and give due regard to standard adopted and used by Regional Fisheries bodies and International Fisheries Instruments.

Amendment of
regulation 36

10. The principal Regulations are amended in regulation 36 by-

- (a) designating the contents of regulation 36 as subregulation (1); and
- (b) adding immediately after sub regulation (1) as designated the following new sub regulation:

“(2) In the course of implementing provisions of sub regulation (1), the inspector shall consider and give due regard to standards adopted and used by National, Regional fishery bodies and International Fisheries Instruments.”

Amendment of
regulation 37

11. The principal Regulations are amended in regulation 37 by-

- (a) designating the contents of regulation 37 as subregulation (1); and
- (b) adding immediately after sub regulation (1) as designated the following new sub regulation:

“(2) In the course of implementing provisions of sub regulation (1), the inspector shall consider and give due regard to standards adopted and used by National, Regional fishery bodies and International Fisheries Instruments.”

Amendment of
regulation 38

12. The principal Regulations are amended in regulation 38 by-

- (a) designating the contents of regulation 36 as sub-regulation (1); and
- (b) adding immediately after sub regulation (1) as designated the following new sub regulation:

“(2) In the course of implementing provisions of sub regulation (1), the inspector shall consider and give due regard to standards adopted and used by National, Regional fishery bodies and International Fisheries Instruments.”

Amendment of the
Second Schedule

13. The principal Regulations are amended by revoking the Second Schedule and replacing it with the following new Schedule: